

# *The Residential Services Act*

*being*

Chapter R-21.2\* of the *Statutes of Saskatchewan, 1984-85-86* (effective June 19, 1985) as amended by the *Statutes of Saskatchewan*, 1986, c.5; 1989-90, c.8; 1996, c.28; [1997, c.47](#); [2000, c.50](#); and [2002, c.R-8.2](#).

**\*NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

## **NOTE:**

**This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.**

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## CHAPTER R-21.2

### An Act respecting Facilities that Provide Certain Residential Services

#### TITLE AND INTERPRETATION

##### Short title

1 This Act may be cited as *The Residential Services Act*.

##### Interpretation

2 In this Act:

- (a) **“certificate of approval”** means a certificate issued pursuant to section 6;
- (b) **“department”** means the department over which the minister presides;
- (c) **“licence”** means a licence issued pursuant to section 6;
- (d) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (e) **“private-service home”** means an unincorporated facility that provides lodging, supervision, personal care or individual programming to residents in need of such services;
- (f) **“program”** means a plan of individual intervention or provision of safe shelter and appropriate counselling to residents in need;
- (g) **“resident”** means a person who resides in a residential-service facility or in a private-service home;
- (h) **“residential-service facility”** means a facility incorporated pursuant to *The Non-profit Corporations Act*, *The Co-operatives Act* or a private Act of the Legislature that provides lodging, supervision, personal care or individual programming for persons who:
  - (i) by reason of need, age or disability or for any other reason are unable to care fully for themselves;
  - (ii) require safe shelter and counselling appropriate to their circumstances; or
  - (iii) where a corporation, other than a co-operative, conducts or operates the facility, are not members of the management of the facility;

but does not include day-care centres, approved homes as defined in *The Mental Health Act*, facilities designated as special-care homes pursuant to *The Regional Health Services Act*, or other homes or facilities under the jurisdiction of any other department or agency of the Government of Saskatchewan.

## LICENSING

**Licence, certificate required**

3(1) No person shall conduct or operate or hold himself out as conducting or operating a residential-service facility for the care and accommodation of three or more persons unless he holds a valid and subsisting licence.

(2) No person shall conduct or operate or hold himself out as conducting or operating an approved private-service home for the care or accommodation of or individual programming for five or less persons unless he holds a valid and subsisting certificate of approval.

1984-85-86, c.R-21.2, s.3; 1989-90, c.8, s.2.

**Prohibition**

4 No person other than a person who holds a valid and subsisting licence or certificate of approval shall hold himself out as conducting or operating a residential-service facility or an approved private-service home.

1984-85-86, c.R-21.2, s.4.

**Form of application**

5 Every application for a licence or a certificate of approval is to be made to the minister on a form provided by the department.

1984-85-86, c.R-21.2, s.5.

**Issuance of licence, certificate**

6(1) On receipt of an application for a licence or a certificate of approval, the minister may issue a licence or certificate of approval if he is satisfied that:

- (a) there is a need for the operation of a residential-service facility or private-service home of the kind mentioned in the application;
- (b) the residential-service facility or private-service home will be of benefit to persons who may be resident in that facility;
- (c) the operation of that residential-service facility or private-service home is in the public interest; and
- (d) the applicant for a licence or a certificate of approval and the residential-service facility or private-service home in respect of which the application is made meet all the requirements of the regulations in respect of the licence or certificate of approval applied for.

(2) A licence or certificate of approval may be issued for a period of up to one year.

1984-85-86, c.R-21.2, s.6.

**Conditional licence, certificate**

7(1) Subject to subsection (2), the minister may issue a conditional licence or a conditional certificate of approval to any residential-service facility or private-service home that does not comply with any provision of this Act or the regulations for a period not exceeding six months to allow that facility or home time to comply with that provision.

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(2) No conditional licence or conditional certificate of approval is to be issued pursuant to subsection (1) where the immediate health and safety of the residents of the residential-service facility or private-service home are at risk because of the non-compliance with this Act or the regulations.

1984-85, c.R-21.2, s.7.

**Fee**

**8** The fee payable for a licence or certificate of approval is the amount prescribed in the regulations.

1984-85-86, c.R-21.2, s.8.

**Display of licence, certificate**

**9** Every person who holds a licence or certificate of approval shall display that licence or certificate, to the satisfaction of the minister, in a conspicuous place on the premises in respect of which the licence or certificate is issued.

1984-85-86, c.R-21.2, s.9.

**Revocation or suspension**

**10** The minister may revoke or suspend a licence or certificate of approval where:

- (a) the licensee of the residential-service facility or the proprietor of the private-service home or any employee or agent of the licensee or proprietor contravenes any provision of this Act or the regulations; or
- (b) in the opinion of the minister, the premises in respect of which the licence or certificate of approval is issued have become unsuitable for use as a residential-service facility or private-service home.

1984-85-86, c.R-21.2, s.10.

## ENFORCEMENT

**Inspection**

**11** Every residential-service facility or private-service home in respect of which a licence or certificate of approval is issued is to be open at all reasonable times to visitation and inspection by any person authorized in writing by the minister and that person may:

- (a) examine any part of the premises;
- (b) call for and examine all records relating to the operation of the facility or home; and
- (c) make any inquiry with respect to any matter pertaining to the facility or home that he considers necessary or advisable.

1984-85-86, c.R-21.2, s.11.

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**Officers**

**12** The minister may appoint members of the staff of the department to be officers for the purpose of enforcing this Act and the regulations.

1984-85-86, c.R-21.2, s.12.

## TAXATION

**Exemption from taxation**

**13** Where a residential-service facility is operated in accordance with this Act and is operated by a municipal, church or charitable organization or a non-profit corporation, the real property and buildings in respect of that residential-service facility are exempt from taxation, except local improvement taxes and special charges.

1984-85-86, c.R-21.2, s.13.

## OFFENCES AND PENALTY

**Obstruction**

**14** No person shall prevent or obstruct or attempt to prevent or obstruct entry and inspection by any person authorized under this Act.

1984-85-86, c.R-21.2, s.14.

**Provision of information**

**15** No person shall refuse to furnish information required to be furnished under this Act or furnish any false information respecting the purpose for which any premises are used.

1984-85-86, c.R-21.2, s.15.

**Operator's prohibition**

**16** No person who operates a residential-service facility or an approved private-service home or has an interest in the operation of a residential-service facility or an approved private-service home shall, without the consent of the minister, bring an indigent person, or cause an indigent person to be brought, into Saskatchewan or encourage, by advertisement or otherwise, the entry of any indigent person into Saskatchewan.

1984-85-86, c.R-21.2, s.16.

**Penalty**

**17** Every person who contravenes any provision of this Act or the regulations is guilty of an offence and liable on summary conviction to a fine of not more than \$200.

1984-85-86, c.R-21.2, s.17.

**Injunction, etc.**

**18** Where the minister reasonably believes that a person is acting or is about to act in contravention of section 3 or 4, that act may, in addition to any other penalty provided for, be restrained by action in Her Majesty's Court of Queen's Bench for Saskatchewan at the instance of the minister, and the court may grant an injunction, interim injunction or any other relief that it considers just.

1984-85-86, c.R-21.2, s.18.

**GENERAL****Exemption**

**19** The minister may, where he considers it to be in the public interest, exempt any residential-service facility or private-service home, in whole or in part, from the operation of any provision of this Act or the regulations.

1984-85-86, c.R-21.2, s.19.

**Powers of minister**

**20(1)** The minister may:

- (a) subject to subsection (2), make grants to any person, corporation, organization or other body for the purpose of assisting in the purchase, construction or maintenance of any residential-service facility; and
  - (b) enter into agreements with any person, agency, organization, association, institution or body inside or outside Saskatchewan for the provision of any services or facilities with respect to persons who by reason of need, age, disability or otherwise are unable to care for themselves fully or who require safe shelter and counselling services, including agreements by which the minister is obligated to make payments.
- (2) The minister shall obtain the approval of the Lieutenant Governor in Council before making any grant pursuant to clause (1)(a) that is in excess of \$50,000.
- (3) The minister may:
- (a) plan, develop, supervise or operate any residential-service facility; and
  - (b) require any residential-service facility or approved private-service home to enter into an agreement with him respecting, subject to any regulations:
    - (i) the services and programs to be provided by the facility or home;
    - (ii) the maximum number of residents of the facility or home;
    - (iii) the use of grant money or fees paid by or on behalf of residents who receive financial assistance from the department; and
    - (iv) the manner in which the facility or home will be accountable for the terms of the agreement.

1984-85-86, c.R-21.2, s.20; 1996, c.28, s.16;  
1997, c.47, s.2.

**21 Repealed.** 2000, c.50, s.23.**Appropriation**

**22** Sums required for the purposes of this Act are to be paid out of moneys appropriated by the Legislature for the purpose.

1984-85-86, c.R-21.2, s.22.

**Regulations**

**23** For the purpose of carrying out this Act according to its intent, the Lieutenant Governor in Council may make regulations:

- (a) governing the conditions under which grants may be made under this Act, the amount of those grants and the manner of making application for those grants;
- (b) governing the construction, operation and maintenance of residential-service facilities or private-service homes;
- (c) governing the licensing and inspection of residential-service facilities and the standards and rules of admittance to them;
- (d) governing the approval and inspection of private-service homes and the standards and rules of admittance to them;
- (e) defining the types of services that are to be available to residents and prescribing the maximum number of residents that may be accommodated or cared for in each type of service;
- (f) respecting charges to be made by any person for accommodation or care provided to residents;
- (g) governing the type of program that is to be offered in the residential-service facilities or approved private-service homes;
- (h) prescribing the standards with respect to:
  - (i) buildings to be used as residential-service facilities or approved private-service homes;
  - (ii) the safeguarding of the health of residents; and
  - (iii) the general care of residents;
- (i) prescribing the conditions that every person seeking admission to a residential-service facility or an approved private-service home is to comply with;
- (j) prescribing the books and records to be kept and the reports to be submitted by every person who holds a licence or certificate of approval;

(k) providing for any other matter or thing required or authorized by this Act to be prescribed in the regulations.

1984-85-86, c.R-21.2, s.23; 1986, c.5, s.12.

**Transitional; continuance of certain licences and certificates**

**24(1)** A licence issued pursuant to *The Housing and Special-care Homes Act* or a certificate of approval issued pursuant to *The Mental Health Act* continues to be valid from December 31, 1985 for a period not exceeding 12 months to enable the facilities or homes affected by this Act to qualify for licensing or approval pursuant to this Act.

(2) Notwithstanding clause 2(h), where a licence was issued pursuant to *The Housing and Special-care Homes Act* prior to January 1, 1982 and since that date to individuals operating a privately-owned home, the home does not have to meet the requirement of being incorporated unless there is a change in ownership of that home after the date the regulations made pursuant to this Act come into force.

1984-85-86, c.R-21.2, s.24.

**25** **Dispensed.** This section makes consequential amendments to another Act. The amendments have been incorporated into the corresponding Act.

