

1989

CHAPTER 50

An Act to amend The Parks Act

(Assented to August 25, 1989)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title1 This Act may be cited as The Parks Amendment Act, 1989.

S.S. 1986, c.P-1.1 amended

2 The Parks Act is amended in the manner set forth in this Act.

Section 2 amended3 Subsection 2(1) is amended by adding the following clause after clause (i):

"vehicle"(j) 'vehicle' means any motorized conveyance, other than a water vessel, that is drawn, propelled or driven by any mechanical means".

Section 15 amended4(1) Clause 15(2)(c) is repealed and the following clause substituted:

"(c) subject to the approval of the Lieutenant Governor in Council, enter into agreements to lease any park land or to grant an easement or other authorization with respect to park land where:

(i) the term of an agreement is more than 21 years;

(ii) expenditures required to be made by the Crown pursuant to an agreement are more than \$50,000; or

(iii) the invested capital pursuant to an agreement is more than \$250,000".

(2) Subsection 15(3) is repealed.

Section 19 amended

5 Section 19 is amended by adding the following clause after clause (a):

"(a.1) on the expiration of the thirtieth day following the day on which notice is served on the holder of the disposition pursuant to clause (a), the disposition ceases".

New sections 19.1 and 19.2

6 The following sections are added after section 19:

Summary proceedings for possession

"19.1(1) In this section:

"court"(a) 'court' means Her Majesty's Court of Queen's Bench for Saskatchewan;

"respondent"(b) 'respondent' means a person against whom an order for possession is sought or made pursuant to this section.

"(2) Where:

(a) a person:

(i) is, in the opinion of the minister, wrongfully or without lawful authority using, possessing or occupying park land; or

(ii) remains on park land which is the subject matter of his or her disposition, after the:

(A) expiration;

#

(B) termination; or
 (C) cancellation;

of that disposition; and

(b) the person mentioned in clause (a) refuses or neglects, upon service of a demand made in writing, to go out of possession of the park land; the minister or any person authorized by the minister for that purpose, may apply to the court sitting at the judicial centre nearest to where the land, or any portion of the land, is situated for an order for possession.

"(3) Where a court hearing an application made pursuant to subsection (2) is satisfied on the evidence that:

(a) the respondent:

(i) wrongfully or without lawful authority used, possessed or occupied park land; or
 (ii) remained on park land which is the subject matter of his or her disposition, after the:

(A) expiration;
 (B) termination; or
 (C) cancellation;

of that disposition;

(b) written demand for possession was served on the respondent pursuant to subsection (2); and

(c) the respondent refused to go out of possession of the park land after being served with a demand for possession pursuant to subsection (2); the court may issue an order for possession and make any order as to costs that the court sees fit.

"(4) An order for possession made pursuant to this section shall:

(a) direct the respondent to deliver up possession of the park land; and
 (b) direct the sheriff, deputy sheriff or sheriff's bailiff to remove:

(i) the respondent; and
 (ii) any goods and chattels of the respondent;

from the park land.

"(5) Where the sheriff, deputy sheriff or sheriff's bailiff exercises any of the powers mentioned in subsection (4):

(a) the respondent is responsible:

(i) for the sheriff's fees and poundage; and
 (ii) for any storage costs;

incurred as a result of the exercise of those powers; and

(b) the minister may sell any or all of the goods and chattels of the respondent removed pursuant to that subsection.

"(6) Where an order for possession is made pursuant to this section, all buildings and other improvements on the park land that is the subject of the order, whether affixed to the land or not:

(a) are deemed to be the property of the Crown; and
 (b) may be disposed of in any manner the minister considers appropriate.

"(7) Nothing in this section is to prejudice or affect any other:

(a) right;
 (b) right of action; or

(c) remedy;
available at law to the minister.

Service"19.2 Any notice or demand required to be served pursuant to section 19 or 19.1
may be served by prepaid first class certified mail to the last
known address of the respondent".

Section 27 amended7 Subsection 27(1) is amended by repealing clause (o) and
substituting the following clauses:

"(o) prescribing fees:
(i) for the issuance of permits, licences, leases or authorizations for the use and
occupation of park land and park land reserve;
(ii) requiring the payment of those fees; and
(iii) delegating to the minister the power to determine the amount of those fees;
(p) respecting the disposition of park land".

New section 288 Section 28 is repealed and the following section substituted:

Enforcement officers

"28 The minister may appoint:

(a) any employees or categories of employees of the department; and
(b) any persons or categories of persons;

as enforcement officers for the purpose of enforcing all or any provisions of this Act
and the regulations with respect to all or any area of park
land".

Section 30 amended

9 Subsection 30(3) is amended by striking out "under his hand authorizing the person
named in the warrant".

New section 30.110 The following section is added after section 30:

Stopping vehicle or water vessel

"30.1(1) An enforcement officer who:

(a) is readily identifiable as an enforcement officer;
(b) is in the lawful execution of his or her duties and responsibilities; and
(c) has reasonable and probable grounds to believe that a person in a vehicle or water
vessel has committed or is committing an offence against
this Act or the regulations;

may require the person in charge of or operating a vehicle or water vessel to stop the
vehicle or water vessel.

"(2) A person in charge of or operating a vehicle or water vessel shall, when signaled
or requested to stop by an enforcement officer pursuant to
subsection (1), immediately bring the vehicle or water vessel
to a safe stop".

Schedule 1 amended

11(1) Part A of Schedule 1 is amended by repealing clause (d) in the description of
Last Mountain House Provincial Park.

- (2) Part B of Schedule 1 is amended by repealing the land description of Candle Lake Provincial Park and substituting the following land description:
- "Candle Lake Provincial Park
- "All those lands lying west of the Second Meridian, described as follows:
- (a) those portions of Sections or projected Sections 23 to 27 inclusive, in Township 55, in Range 22, not covered by Candle Lake and lying west of the western limit of a surveyed roadway as shown on Plan No. 70 PA 12752 in the Land Titles Office for the Prince Albert Land Registration District, except out of Section 23, the south-west quarter, and out of Sections 25 and 26:
- (i) the surveyed roadway as shown on Plan No. 85 PA 23089 in that office;
- (ii) the Minowukaw Beach Subdivision as shown on Plan No. 60 PA 04290 and Parcel "A" on Plan No. 72 PA 04826, both plans in that office; and
- (iii) Parcels "B" and "C" on Plan No. 72 PA 04826 in that office;
- (b) all those portions of the southern half and north-east quarter of Section 26, in Township 55, in Range 23, not covered by Candle Lake and lying south and south-east of the surveyed subdivision as shown on Plan No. 72 PA 06478 except the surveyed roadway as shown on Plan No. 85 PA 12767 both plans in that office;
- (c) the eastern half of Section 27, in Township 55, in Range 23;
- (d) the north-east quarter of Section 33, the north-west quarter of Section 34, all those portions of the east half of Section 34 and the south half and north-west quarter of Section 35, in Township 55, in Range 23, not covered by Candle Lake, except:
- (i) the surveyed roadway as shown on Plan No. 73 PA 09796 in that office; and
- (ii) Roadway Parcel "B" in the south-west quarter of Section 35 as shown on Plan No. 73 PA 09796 in that office;
- (e) that portion of the south-west quarter of Section 2 and of Legal Subdivision 1 of Section 3, in Township 56, in Range 23, not covered by Candle Lake, except that portion of Legal Subdivision 1 taken for Onechassa Subdivision according to Plan No. 66 PA 06606 in that office;
- (f) all that portion of the south half of Section 3, and the south-east quarter of Section 4, in Township 56, in Range 23, lying south-west of the surveyed roadway as shown on Plan No. 85 PA 23088, in that office".
- (3) Part C of Schedule 1 is amended:
- (a) by striking out "Registered Plan No. 80 SC 08864" in the description of Cypress Hills Provincial Park and substituting "Registered Plan No. 80 SC 08664";
- (b) in the description of Lac La Ronge Provincial Park:

(i) by repealing subclause (a)(xxxi) and substituting the following:

"(xxxi) thence west and north along a line 30 metres inland from the bank of Lac La Ronge to the south boundary of the Northern Village of Air Ronge, thence east along the south boundary of the Northern Village of Air Ronge to the bank of Lac La Ronge, thence north and west along the bank of Lac La Ronge to the east boundary of Highway No. 102 as shown on Plan No. CX 2272 in the Land Titles Office for the Prince Albert Land Registration District";

(ii) by repealing subclause (b)(i) and substituting the following:

"(i) those lands leased pursuant to instruments filed in the Resource Lands Branch of the Department of Parks, Recreation and Culture at Prince Albert and numbered 300014, 300022, 300029, 300036, 300040, 300044, 300055, 300057, 300084, 300101, 300241, 300276, 300304, 300469, 300486, 300490, 300491, 301030, 301296, 301657, 301859 and 302065"; and

(iii) by repealing subclause (b)(iii) and substituting the following:

"(iii) Lot 2 of Block 6 as shown on Plan No. 69
PA 07890, Lots 1 and 3 of Block 7 as shown on Plan No. 73 PA 00567, Lot 1 of Block 2
and Lot 7 of
Block 1 as shown on Plan No. CZ 1083, all plans in that office";

(c) by repealing subclause (a)(ix) in the description of Makwa Lake Provincial Park;
and

(d) in the description of Nipawin Provincial Park:

(i) by repealing subclauses (f)(i) and (ii) and substituting the following:

"(i) Sections 5 and 6;

"(ii) those portions of Sections 3, 4, 7, 8, 9, 17, 18, 19 and 30 lying west of
McDougal Creek"; and

(ii) by adding the following after clause (1):

"Note: All Townships and Ranges are projected".

Coming into force¹² This Act comes into force on the day of assent.