

BILL

No. 74

An Act to amend *The Cities Act*

(Assented to)

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

Short title

1 This Act may be cited as *The Cities Amendment Act, 2012*.

S.S. 2002, c.C-11.1 amended

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

Section 8 amended

3(1) Clause 8(3)(c) is amended:

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

“(i) subject to subsection (4), establishing fees for the purpose of raising revenues to pay for the costs of administering, regulating and enforcing the system of licences, inspections, permits or approvals”; **and**

(b) by adding the following subclause after subclause (viii):

“(ix) establishing or adopting an intermunicipal system of licences, inspections, permits or approvals with another municipality, including a municipal government in another province or territory, and recognizing a licence, inspection, permit or approval issued by another municipality in whole or in part or subject to any terms or conditions that the city making the bylaw considers appropriate”.

(2) Subsection 8(4) is repealed and the following substituted:

“(4) Any fee that may be established pursuant to subclause (3)(c)(i) for a licence, inspection, permit or approval must not exceed the cost to the city of:

(a) administering and regulating the activity for which the licence, inspection, permit or approval is required; and

(b) enforcing payment of the licence, inspection, permit or approval fee”.

Section 24 amended

4(1) Subsection 24(1) is amended by adding “or a tenant” after “owner”.

(2) Clause 24(2)(c) is amended by adding “subject to section 333,” before “may”.

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Section 43 amended

5(1) Subsection 43(3) is repealed and the following substituted:

“(3) If an objection is filed in accordance with clause (2)(b) by a person mentioned in subclause (1)(b)(i), the council shall call a public meeting by:

- (a) publishing a notice in the manner described in clause (1)(a); and
- (b) personally delivering, or sending by ordinary mail, the notice to the persons mentioned in clause (1)(b)”.

(2) Subsections 43(7) and (8) are repealed.**(3) Subsections 43(10) to (12) are repealed.**

New section 43.1

6 The following section is added after section 43:**“Application for alteration, amalgamation or restructuring**

43.1(1) A council may apply for the alteration of a city’s boundaries or for amalgamation or restructuring with other municipalities in the form established by the minister.

(2) The council shall submit:

- (a) an application for the alteration of boundaries to:
 - (i) the minister, if the councils of all other municipalities affected by the application provide the council with certified resolutions in support of the application; or
 - (ii) the Saskatchewan Municipal Board for review pursuant to subsection 18(1) of *The Municipal Board Act*, if the councils of all other municipalities affected by the application do not provide the council with certified resolutions in support of the application; and
- (b) an application for amalgamation or restructuring to the minister.

(3) An application mentioned in subsection (2) must be accompanied by:

- (a) a map showing in detail the proposed alteration of boundaries, amalgamation or restructuring and a brief explanation of the reasons for the proposal;
- (b) a certified resolution of the council applying for the proposed alteration, amalgamation or restructuring;
- (c) in the case of an application for the alteration of boundaries, certified resolutions of the councils of any municipalities affected by the application in support of or in opposition to the application, and the councils’ reasons for their positions;
- (d) in the case of an application for amalgamation or restructuring, a certified resolution of the council of every other municipality affected by the application;

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(e) a written summary of any public meeting held as required by subsection 43(3) and a copy of each written submission respecting the proposed alteration, amalgamation or restructuring received by the council; and

(f) copies of reports or records with respect to any attempt at prior mediation in relation to the application.

(4) Before an application mentioned in subclause (2)(a)(ii) is submitted to the Saskatchewan Municipal Board for review pursuant to subsection 18(1) of *The Municipal Board Act*, the Saskatchewan Municipal Board shall appoint a mediator to assist the city and the other municipalities affected by the application in resolving the matter in dispute unless there has been an attempt at mediation within the previous year.

(5) All costs of any mediation mentioned in subsection (4) must be borne by the city and the other municipalities affected by the application.

(6) If mediation conducted pursuant to subsection (4) fails to resolve the dispute, the application shall be submitted to the Saskatchewan Municipal Board for review pursuant to subclause (2)(a)(ii).

(7) The minister may request further information or clarification with respect to any aspect of an application made pursuant to this section.

(8) The minister may refer any application made pursuant to subclause (2)(a)(i) or clause (2)(b) to the Saskatchewan Municipal Board for review pursuant to subsection 18(2) of *The Municipal Board Act*.

(9) In the case of an application submitted to the Saskatchewan Municipal Board pursuant to subclause (2)(a)(ii) or a referral to the Saskatchewan Municipal Board pursuant to subsection (8), the applicant shall include with the application:

(a) a statement of the matter in dispute; and

(b) either:

(i) a statement that the parties have discussed the matter in dispute, specifying the date and outcome of that discussion, including the details of any facts or issues agreed to or not agreed to by the parties; or

(ii) if the parties have not discussed the matter in dispute, a statement to that effect specifying why no discussion was held.

(10) For the purposes of this section, a matter is considered to be a matter in dispute between the city and other municipalities affected by the application if:

(a) the council of a city requests another municipality to provide a resolution mentioned in clause (3)(c); and

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(b) within 30 days after a request mentioned in clause (a) is made, the municipality to which the request was made:

- (i) has responded to the request with a certified resolution in opposition to the application;
- (ii) has not responded to the request with a certified resolution in support of the application; or
- (iii) has not provided a written indication of when its council will consider a resolution in support of or in opposition to the application.

(11) The minister may:

- (a) approve an application made pursuant to this section, subject to any terms and conditions that the minister considers appropriate;
- (b) approve parts of the application made pursuant to this section and reject other parts, subject to any terms and conditions that the minister considers appropriate; or
- (c) reject an application made pursuant to this section.

(12) If the minister rejects, in whole or in part, an application made pursuant to this section:

- (a) the minister shall cause a notice of the rejection to be published in the area that would have been affected; and
- (b) no subsequent application that is, in the opinion of the minister, substantially similar to an application or part of the application that has been rejected may be made until at least one year after the rejection.

(13) If the Saskatchewan Municipal Board approves, in whole or in part, an application submitted to it pursuant to subclause (2)(a)(ii) or that the minister has referred to the board for review pursuant to subsection (8), the minister shall make an order pursuant to subsection 44(1) that implements the Saskatchewan Municipal Board's decision.

(14) If the Saskatchewan Municipal Board rejects, in whole or in part, an application submitted to it pursuant to subclause (2)(a)(ii) or that the minister has referred to the board for review pursuant to subsection (8), the minister shall cause notice of the rejection to be published in the areas that would have been affected.

(15) No subsequent application pursuant to this section that is, in the opinion of the Saskatchewan Municipal Board, substantially similar to an application or part of the application that has been rejected may be made until at least one year after the rejection.

(16) An application submitted pursuant to subclause (2)(a)(ii) may be amended or withdrawn by the applicant at any time before the Saskatchewan Municipal Board has completed its review.

(17) Once a review has been completed, the application submitted pursuant to subclause (2)(a)(ii) may not be amended or withdrawn and the decision of the Saskatchewan Municipal Board applies”.

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Section 44 amended

7(1) Subsection 44(1) is amended:

- (a) by striking out “subclause 43(8)(a)(i)” and substituting “subclause 43.1(2)(a)(i)”;** and
- (b) by striking out “section 43” and substituting “section 43.1”.**

(2) Subsection 44(3) is repealed.

Section 45 amended

8 Subsection 45(1) is amended by striking out “clause 43(8)(b)” and substituting “clause 43.1(2)(b)”.

Section 46 amended

9(1) Subsection 46(2) is amended by striking out “section 43” and substituting “section 43.1”.**(2) Subsection 46(5) is amended:**

- (a) by striking out “section 43” and substituting “section 43.1”; and**
- (b) by striking out “subsection 43(8)” and substituting “subsection 43.1(3)”.**

Section 52 amended

10 The following subsection is added after subsection 52(1):

“(1.1) For the purposes of this Act, when a city is wholly or in part described as comprising certain townships, parts of townships or sections, the boundary lines of the city, except as varied by the description contained in the minister’s order constituting or incorporating the city, are the road allowances of the south and west sides along the boundary of the city”.

Section 72 amended

11(1) Subsection 72(2) is amended by striking out “or permitted”.**(2) Subsection 72(4) is repealed and the following substituted:**

“(4) The clerk shall ensure that each abstention is recorded in the minutes of the meeting”.

Section 89 amended

12(1) Subsection 89(1) is amended:

- (a) in clause (a) by adding “at which the minutes are approved” after “at the meeting”; and**
- (b) in clause (b) by adding “, whichever was present at the meeting at which the minutes are approved” after “the clerk’s designate”.**

(2) Subsection 89(2) is amended:

- (a) in clause (a) by adding “at which the minutes are approved” after “at the meeting”; and**
- (b) in clause (b) by adding “, whichever was present at the meeting at which the minutes are approved” after “the clerk’s designate”.**

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Section 124 amended

13 Subsection 124(2) is amended in the portion preceding clause (a) by adding “in addition to costs awarded to the person by the judge,” after “Part,”.

Section 154 amended

14(1) Subsection 154(2) is amended by striking out “A city” and substituting “Subject to subsection (2.1), a city”.

(2) The following subsection is added after subsection 154(2):

“(2.1) The council shall ensure that its purchasing policy and all purchases made by the city are consistent with any provincial, national or international trade agreements related to municipal procurement in Saskatchewan”.

Section 160 amended

15 The following subsection is added after subsection 160(2):

“(2.1) The auditor shall provide a copy of any report made pursuant to subsection (2) to the minister”.

New section 163.1

16 The following section is added after section 163:

“Quality assurance standards reports

163.1(1) An assessor shall provide to the agency in the form and at the times required by the agency any information that the agency considers necessary for the purposes of reviewing the city’s compliance with the quality assurance standards mentioned in subclause 163(f.1)(iv).

(2) The agency shall post on its website notification of compliance with the standards pursuant to subclause 163(f.1)(iv) for each city in which compliance has been achieved”.

Section 166 amended

17 Clause 166(2)(c) is amended by striking out “classified according to the use to which the land or improvements or land and improvements are put”.

Section 171 amended

18(1) Subsection 171(8) is amended by striking out the portion preceding clause (a) and substituting the following:

“On or before September 1 in each year, every owner or operator of a petroleum oil or gas well shall furnish the assessor with a certified statement showing the following information as of July 1 in the current year:”.

(2) The following subsection is added after subsection 171(8):

“(8.1) On or before September 1 in each year, every owner or operator of a battery or gas handling site shall furnish the assessor with a certified statement showing the following information as of July 1 in the current year:

(a) a list of the surface locations of battery and gas handling sites mentioned in clause 169(2)(b) that are situated within the city; and

(b) any change in the information mentioned in clause (a) that has occurred since the last information was furnished to the assessor”.

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Section 185 amended

19(1) Subsection 185(1.1) is amended by striking out “or amended assessment notice”.

(2) The following subsection is added after subsection 185(1.1):

“(1.2) Subsection (1.1) does not apply to an amended assessment notice or a notice of supplementary assessment”.

Section 189 amended

20 Subsection 189(1) is amended:

(a) by striking out “or” after clause (c); and

(b) by adding the following after clause (d):

“(e) subdivision of the property; or

“(f) issuance of titles pursuant to a condominium plan that is approved by the Controller of Surveys”.

Section 197 amended

21(1) Subsection 197(5) is amended by striking out “give” and substituting “file”.

(2) Subsection 197(6) is amended:

(a) by adding the following clauses after clause (a):

“(a.1) set out the name of the appellant and the name of the agent who will represent the appellant, if the appellant has named an agent;

“(a.2) explain how the appellant has an interest in the property”;

(b) in clause (d):

(i) in the portion preceding subclause (i) by striking out “a statement that”; and

(ii) in subclause (i) by adding “a statement that” before “the appellant”; and

(c) by repealing clause (e) and substituting the following:

“(e) include the mailing address and facsimile number of the appellant and the mailing address and facsimile number of the appellant’s agent, if the appellant has named an agent”.

(3) The following subsection is added after subsection 197(6):

“(6.1) Regardless of whether or not the appellant has named an agent in the notice of appeal pursuant to subsection (6), the appellant retains the right to name an agent, change an agent or use additional agents at any time during the appeal process”.

Section 198 amended

22 Subsection 198(2) is amended by striking out “give” and substituting “file”.

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Section 199 amended

23 Subsection 199(3) is repealed and the following substituted:

“(3) The secretary of the board of revision may serve notice pursuant to this section by personal service, by registered mail, by ordinary mail or by facsimile on the appellant:

- (a) at the mailing address or facsimile number included in the notice of appeal; or
- (b) if no mailing address or facsimile number is included in the notice of appeal, at the address entered on the assessment roll”.

Section 210 amended

24 Subsection 210(5) is repealed and the following substituted:

“(5) After a decision is made pursuant to subsection (1), the secretary of the board of revision shall send by registered mail or personally deliver to each party:

- (a) a copy of the decision together with written reasons for the decision; and
- (b) a statement informing the party of the rights of appeal available pursuant to section 216 and the procedure to be followed on appeal”.

Section 214 amended

25 Clause 214(1)(a) is repealed and the following substituted:

“(a) the person has an interest in the assessed properties”.

Section 217 amended

26(1) Subsection 217(4) is amended by striking out “file” and substituting “serve”.**(2) Subsection 217(5) is repealed and the following substituted:**

“(5) Subject to subsections (5.1) and (6), if an appellant does not serve a notice of appeal in accordance with this section, the appeal is deemed to be dismissed”.

Section 223 amended

27 Clause 223(1)(b) is amended by striking out “make a decision” and substituting “hear or decide an appeal”.

Section 226 amended

28 Subsection 226(1) is amended:

- (a) by striking out “or” after clause (a); and
- (b) by repealing clause (b) and substituting the following:
 - “(b) modify the decision of the board of revision to ensure that:
 - (i) errors in and omissions from the assessment roll are corrected; and
 - (ii) an accurate, fair and equitable assessment for the property is placed on the assessment roll; or

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“(c) set aside the assessment and remit the matter to the assessor to ensure that:

- (i) errors in and omissions from the assessment roll are corrected; and
- (ii) an accurate, fair and equitable assessment for the property is placed on the assessment roll”.

Section 229 repealed

29 Section 229 is repealed.

Section 249 amended

30(1) The following subsection is added after subsection 249(2):

“(2.1) A city shall apply the same penalties that it has provided for by bylaw pursuant to subsection (1) to any taxes that the city levies on behalf of any other taxing authority and that remain unpaid after the date shown on the tax notice”.

(2) The following subsection is added after subsection 249(3):

“(4) Nothing in this section affects any arrangement between a city and a board of education pursuant to section 291 of *The Education Act, 1995*”.

Section 250 amended

31(1) The following subsection is added after subsection 250(2):

“(2.1) A city shall apply the same penalties that it has provided for by bylaw pursuant to subsection (1) to any taxes that the city levies on behalf of any other taxing authority and that remain unpaid after December 31 of the year in which the tax is imposed”.

(2) The following subsection is added after subsection 250(3):

“(4) Nothing in this section affects any arrangement between a city and a board of education pursuant to section 291 of *The Education Act, 1995*”.

Section 265 amended

32 The following subsection is added after subsection 265(1):

“(1.1) Subsection (1) does not apply to property mentioned in clause 262(1)(o) that continues to be used for city purposes but is otherwise occupied or leased under agreement with the city, unless the agreement provides for a change in taxable status”.

Section 269 amended

33 The following subsection is added after subsection 269(3):

“(4) If land is assessed in any year and is later in the year subdivided, or titles for it are issued pursuant to a condominium plan that is approved by the Controller of Surveys, the amount levied on the assessment in that year is to be adjusted to correspond with that portion of the year that elapsed before the subdivision or issuance of titles”.

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Section 270 amended

34 Subsection 270(2) is amended in the portion preceding clause (a) by striking out “has” and substituting “had”.

New Division 8.1 of Part XI

35 The following Division is added after Division 8 of Part XI:

“DIVISION 8.1

Permit Fees as Alternative to Taxation for Trailers and Mobile Homes

“Trailers and mobile homes

270.1(1) A council may, by bylaw, authorize and require the operators and every owner or occupant of property who permits two or more trailers or mobile homes that are used as living quarters, or one or more trailers or mobile homes that are divided into multiple units that are used as living quarters, to be located on the property:

- (a) to register the owners of the trailers or mobile homes on forms provided by the city;
- (b) to collect from the owners of the trailers or mobile homes any permit fees that are imposed by bylaw; and
- (c) to pay to the city the permit fees collected.

(2) In the bylaw mentioned in subsection (1), the council may make any rules concerning the registration, collection and payment that the council may consider expedient.

(3) Notwithstanding clause 8(3)(c), the permit fees imposed by bylaw pursuant to subsection (1):

- (a) may, if levied in lieu of assessing and taxing the trailer or mobile home as an improvement, exceed the cost to the city for the administration and regulation of, and be in the nature of a tax for, the activity for which the permit is required; and
- (b) are subject to any regulations made by the minister”.

New section 274

36 Section 274 is repealed and the following substituted:

“Education property tax return

274(1) On or before the tenth day of each month, every city shall provide a monthly education property tax return to the end of the preceding month in the manner and containing the information directed by the minister to:

- (a) the minister; and
- (b) every school division that is wholly or partly within the city.

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(2) On or before September 15 of each year, every city shall provide an interim education property tax return as of August 31 of that year in the manner and containing the information directed by the minister to:

- (a) the minister; and
- (b) every school division that is wholly or partly within the city.

(3) On or before January 15 of each year, every city shall provide an annual education property tax return as of December 31 of the preceding year in the manner and containing the information directed by the minister to:

- (a) the minister;
- (b) the minister responsible for the administration of *The Education Act, 1995*; and
- (c) every school division that is wholly or partly within the city”.

Section 317 amended

37 The following subsection is added after subsection 317(2):

- “(3) A city may pay:
- (a) the cost of defending an action or proceeding against a member of council, a person appointed as a youth member pursuant to section 56.1 or a member of a committee or other body established pursuant to clause 55(a) that claims liability on the part of that person for acts or omissions done or made by the person in good faith in the course of his or her duties; or
 - (b) any sum required to settle the action or proceeding mentioned in clause (a)”.

Section 333 amended

38(1) Subsection 333(1) is amended:

(a) in clause (a) by striking out “by the owner of the parcel of land” and substituting “with respect to the parcel”; and

(b) by repealing clause (b) and substituting the following:

“(b) unpaid charges for a utility service provided to the parcel by a public utility that are owing with respect to the parcel, whether the service was supplied to the owner or a tenant of the land or building, if the city has:

- (i) provided prior notice to each of the owner and tenant that the charges for the utility service to the parcel are in arrears;
- (ii) sent a registered letter to each of the owner and tenant respecting the unpaid charges and the consequences of the unpaid charges at least 30 days before the amounts are to be added to the tax roll;

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(iii) in the case of any deposit provided to the public utility with respect to the parcel:

(A) by the owner, applied the owner's deposit to the unpaid charges; or

(B) by the tenant, applied the tenant's deposit to the unpaid charges; and

(iv) discontinued the utility service to the parcel if it is possible and reasonable, in the opinion of the city, to do so".

(2) The following subsection is added after subsection 333(1):

"(1.1) Clause (1)(b) does not apply to a public utility that purchases power in bulk from SaskPower pursuant to section 34 of *The Power Corporation Act*".

Section 347 amended

39 Subsection 347(8) is repealed and the following substituted:

"(8) Notwithstanding subsections (2) and (6), if a notice, order or other document deals with an appeal, any dispute resolution or the collection of tax arrears and the notice, order or other document is given or served by registered or ordinary mail, the notice, order or other document is deemed to have been given or served on the fifth business day after the date of its mailing, unless:

(a) the person to whom the notice, order or other document was sent establishes that, through no fault of his or her own, the person did not receive the notice, order or other document or received it at a later date; or

(b) the city or other person who served the notice, order or document by registered mail received a signed post office receipt card and:

(i) the delivery date shown on the signed post office receipt card is a date earlier than the fifth business day after the date of its mailing, in which case the notice, order or document is deemed to have been served on the delivery date; or

(ii) the delivery date is not shown on the signed post office receipt card but the signed post office receipt card is returned to the city or other person on a date earlier than the fifth business day after the date of its mailing, in which case the notice, order or document is deemed to have been served on the day on which the signed post office receipt card is received by the city or other person".

Section 349 amended

40 Subsection 349(1) is amended by striking out "or subclause 43(8)(a)(ii)".

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Section 352 amended

41 Subsection 352(4) is amended:

- (a) by striking out “and” after clause (b);
- (b) by adding “and” after clause (c); and
- (c) by adding the following clause after clause (c):
 - “(d) the public by:
 - (i) publishing the report in a newspaper circulating in the city; or
 - (ii) publishing a synopsis of the report in a newspaper circulating in the city and publishing the report on the city’s website”.

Section 359 amended

42 Clause 359(3)(a) is repealed and the following substituted:

- “(a) respecting forms for the purposes of this Act, including:
 - (i) prescribing the manner in which forms are prepared and completed;
 - (ii) prescribing the circumstances in which the forms may be used;
 - (iii) prescribing different forms to be used in different circumstances;
 - and
 - (iv) prescribing the contents of the forms”.

Section 360 amended

43 Subclause 360(1)(a)(ii) is repealed and the following substituted:

- “(ii) a city employee, other than with respect to the preparation and delivery of education property tax returns pursuant to section 274”.

Coming into force

- 44(1) Subject to subsections (2) and (3), this Act comes into force on assent.
- (2) Sections 4, 25 and 38 come into force on January 1, 2014.
- (3) Sections 30, 31, 36 and 43 come into force on assent but are retroactive and are deemed to have been in force on and from January 1, 2013.

