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## PART II/PARTIE II

### REVISED REGULATIONS OF SASKATCHEWAN/ RÈGLEMENTS RÉVISÉS DE LA SASKATCHEWAN

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**CHAPTER C-7.3 REG 2***The Child Care Act*

## Section 27

Order in Council 495/2001, dated July 4, 2001

(Filed July 5, 2001)

**PART I  
Preliminary Matters****Title****1** These regulations may be cited as *The Child Care Regulations, 2001*.**Interpretation****2** In these regulations

- (a) “**Act**” means *The Child Care Act*;
- (b) “**adult-to-child ratio**” means the number of child care workers and volunteers who are present in relation to the number of children who are present, expressed as a ratio;
- (c) “**alternate**” means an individual who provides child care services in the absence of the licensee of a home;
- (d) “**assistant**” means an individual employed to assist the licensee of a group family child care home in the provision of child care services;
- (e) “**category I or category II communicable disease**” means a category I or category II communicable disease as defined in *The Public Health Act, 1994*;
- (f) “**centre**” means a child care centre;
- (g) “**centre director**” means an individual who is appointed by the licensee of a centre to be responsible for the day-to-day operation of the centre;
- (h) “**child care space**” means, with respect to a centre or a home, a unit of capacity representing one child to whom child care services may be provided in the centre or the home at one time;
- (i) “**child care worker**” means an individual who is employed to provide child care services in a centre or supervise persons providing child care services in a centre;
- (j) “**child with diverse needs**” means a child who is assessed by an individual with the appropriate qualifications as having one or more cognitive, physical, social, emotional, behavioural or language needs that require significant additional support;
- (k) “**child with exceptionally high diverse needs**” means a child who is assessed by an individual with the appropriate qualifications as having a combination of cognitive, physical, social, emotional, behavioural or language needs that require an exceptional amount of additional support;
- (l) “**designated public health officer**”, in relation to a facility or a proposed facility, means the designated public health officer, as defined in *The Public Health Act, 1994*, in whose jurisdictional area the facility or proposed facility, is situated;

- (m) **“Director”** means the individual appointed by the minister to administer these regulations, other than Part VIII, and includes an assistant Director;
- (n) **“early childhood educator I”** means a person who has successfully completed:
- (i) a 120-hour introductory course in early childhood education from a university, technical institute, regional college or similar post-secondary educational facility; or
  - (ii) education or training that, in the opinion of the Director, is equivalent to the course described in subclause (i);
- (o) **“early childhood educator II”** means a person who:
- (i) has obtained a one-year certificate in early childhood education from a university, technical institute, regional college or similar post-secondary educational facility; or
  - (ii) has successfully completed education or training that, in the opinion of the Director, is equivalent to the certificate mentioned in subclause (i);
- (p) **“early childhood educator III”** means a person who:
- (i) has obtained a two-year certificate in early childhood education from a university, technical institute, regional college or similar post-secondary educational facility; or
  - (ii) has successfully completed education or training that, in the opinion of the Director, is equivalent to the certificate mentioned in subclause (i);
- (q) **“employee”** includes an individual who is employed in a centre to provide services other than child care services;
- (r) **“extended hours centre”** means an extended hours centre established pursuant to section 4;
- (s) **“flexible child care space”** means a licensed child care space that:
- (i) in the case of a centre, is allocated to the provision of child care services to children in any of the following categories:
    - (A) toddlers;
    - (B) preschool children;
    - (C) school-age children; and
  - (ii) in the case of a home, is allocated to the provision of child care services to children in any of the following categories:
    - (A) infants;
    - (B) toddlers;
    - (C) preschool children;
    - (D) school-age children;
- (t) **“former regulations”** means *The Child Care Regulations*;

- (u) **“full-time centre”** means a full-time centre established pursuant to section 4;
- (v) **“group”** means a number of children in attendance at a centre:
  - (i) who are assigned to the care of a child care worker or a team of child care workers; and
  - (ii) in the case of children being cared for indoors at the centre, who occupy an individual room or a well-defined space within a larger room;
- (w) **“health services number”** means a unique number assigned to an individual who is registered as a beneficiary to receive insured services within the meaning of *The Saskatchewan Medical Care Insurance Act*;
- (x) **“home”** means a family child care home, a group family child care home or a teen student support family child care home;
- (y) **“infant”** means a child who is six weeks of age or more but less than 18 months of age, and includes a child who is less than six weeks of age if, in the opinion of the Director, the child or the parent of the child has special needs;
- (z) **“infant child care space”** means a licensed child care space that is allocated to the provision of child care services to infants;
- (aa) **“licensed child care space”**:
  - (i) with respect to a centre, means a child care space that is authorized by a licence issued with respect to the centre; and
  - (ii) with respect to a home, means a child care space that is authorized by a licence issued with respect to the home that is allocated to the provision of child care services to children other than resident children;
- (bb) **“non-profit centre”** means a centre operated by a licensee that is:
  - (i) a corporation that is incorporated, registered or continued pursuant to *The Non-profit Corporations Act, 1995*;
  - (ii) a co-operative that is incorporated, registered or continued pursuant to *The Co-operatives Act, 1996*; or
  - (iii) a municipality;
- (cc) **“parent”** means the person who has lawful care or custody of a child;
- (dd) **“preschool child”** means a child who is 30 months of age or more and who does not attend school, but includes a child who attends kindergarten;
- (ee) **“preschool child care space”** means a licensed child care space that is allocated to the provision of child care services to preschool children;
- (ff) **“private centre”** means a centre operated by a licensee that is:
  - (i) a corporation that is incorporated, registered or continued pursuant to *The Business Corporations Act*;
  - (ii) a partnership; or
  - (iii) an individual;
- (gg) **“program consultant”** means a person appointed by the minister pursuant to subsection 18(1) of the Act, and includes the Director;

(hh) **“program manager”** means the individual appointed by the minister to administer Part VIII of these regulations, and includes an assistant program manager;

(ii) **“resident child”**:

(i) with respect to a home that is the principal residence of the family child care provider or group family child care provider, means a child who resides in the home; and

(ii) with respect to a home that is not the principal residence of the family child care provider or group family child care provider, means a child of the family child care provider or group family child care provider, as the case may be, who is receiving care and supervision in the home;

(jj) **“resident child care space”** means a child care space in a home that is allocated to a resident child and is not a licensed child care space;

(kk) **“Saskatchewan Health Services card”** means a valid Saskatchewan Health Services card issued for the purposes of *The Saskatchewan Hospitalization Act* or *The Saskatchewan Medical Care Insurance Act*;

(ll) **“school”** means a school as defined in *The Education Act, 1995* or an independent school as defined in that Act;

(mm) **“school-age child”** means a child who attends school and is enrolled in grade 1 or a higher grade, and includes a child who has completed kindergarten but has not yet commenced grade 1;

(nn) **“school-age child care space”** means a licensed child care space that is allocated to the provision of child care services to school-age children;

(oo) **“staff-to-child ratio”** means the number of child care workers who are present in relation to the number of children who are present, expressed as a ratio;

(pp) **“subsidized child care space”** means a licensed child care space with respect to which a subsidy may be provided pursuant to Part VIII;

(qq) **“supervisor”** means an individual who is appointed by a licensee to act in the absence of a centre director;

(rr) **“teen student support centre”** means a teen student support centre established pursuant to section 4;

(ss) **“teen student support child care space”** means a licensed child care space of a teen student support family child care home that is allocated to the provision of child care services to infants or toddlers of parents described in subsection 4(5);

(tt) **“teen student support family child care home”** means a teen student support family child care home established pursuant to section 4;

(uu) **“toddler”** means a child who is 18 months of age or more but less than 30 months of age;

(vv) **“toddler child care space”** means a licensed child care space that is allocated to the provision of child care services to toddlers;

(ww) **“volunteer”** means an individual who assists in the provision of child care services in a facility without remuneration.

**Certain services excluded**

3 For the purposes of clause 3(c) of the Act, the following are services to which the Act does not apply:

- (a) services provided in a facility licensed pursuant to *The Residential Services Act*;
- (b) services provided for preschool children where the primary purpose of the service is the education of children and where no one child attends for more than three hours per day or for more than three days per week;
- (c) services provided on a casual basis to children where the children's parents are on the premises and are immediately accessible to attend to the needs of their children at all times;
- (d) services provided by an operator of a children's camp conducted on a seasonal basis or during holiday periods;
- (e) services provided during a children's recreation program that has the promotion of recreation, sport or fitness as its primary purpose;
- (f) casual and irregular services where the services are provided in the child's residence or the residence of the person providing the services;
- (g) foster care services as defined in *The Child and Family Services Act*;
- (h) services provided on a reserve as defined in the *Indian Act* (Canada);
- (i) services provided exclusively to school-age children on school premises.

**Categories of facilities established**

4(1) The following categories of facilities are established:

- (a) extended hours centre;
- (b) full-time centre;
- (c) teen student support centre;
- (d) teen student support family child care home.

(2) An extended hours centre is a centre in which child care services are provided for 80 hours or more per week.

(3) A full-time centre is a centre in which care is provided for five or more continuous hours per day and three or more days per week.

(4) A teen student support centre is a centre located in or near a high school in which child care services are provided for more than five continuous hours per day and three or more days per week primarily to infants and toddlers of parents who:

- (a) are less than 22 years of age; and
- (b) are attending a high school or a high school equivalency program.

(5) A teen student support family child care home is a family child care home that is formally associated with a high school and in which child care services are provided to children of parents who attend the high school.

**Application of regulations**

5(1) Parts I, II, III, VII, VIII and IX of these regulations apply to all facilities.

(2) In addition to the Parts mentioned in subsection (1), Part IV applies to centres.

- (3) In addition to the Parts mentioned in subsection (1), Part V applies to homes that are licensed or required to be licensed.
- (4) In addition to the Parts mentioned in subsection (1), Part VI applies to teen student support facilities, and:
  - (a) Part IV applies to teen student support centres; and
  - (b) Part V applies to teen student support family child care homes.
- (5) Section 6 applies to all homes, whether or not they are licensed or required to be licensed.

**Restrictions on numbers of children - licensed and unlicensed homes**

- 6(1)** In this section, “**attending children**” means children to whom child care services are being provided in a home at any one time, including resident children.
- (2) Subject to subsection (3), for the purposes of subsection 3.3(5) of the Act, a person who provides child care services in an unlicensed family child care home or a licensed family child care home must ensure that either:
  - (a) not more than five of the attending children are infants, toddlers or preschool children and, of those five, only two are infants or toddlers; or
  - (b) not more than three of the attending children are infants or toddlers and, where three of the attending children are infants or toddlers, there are no attending children who are preschool children.
- (3) For the purposes of subsection 3.3(5) of the Act:
  - (a) no person shall provide child care services in a licensed teen student support family child care home to more than six children at any one time; and
  - (b) a person who provides child care services in a licensed teen student support family child care home must ensure that either:
    - (i) not more than four of the attending children are infants, toddlers or preschool children; or
    - (ii) not more than three of the attending children are infants or toddlers and, where three of the attending children are infants or toddlers, there are no attending children who are preschool children.
- (4) For the purposes of subsection 3.3(5) of the Act, a person who provides child care services in a group family child care home must ensure that either:
  - (a) not more than 10 of the attending children are infants, toddlers or preschool children and, of those 10, only five are infants or toddlers, of whom not more than three are infants; or
  - (b) not more than six of the attending children are infants or toddlers and, where six of the attending children are infants or toddlers, there are no attending children who are preschool children.



Note: In addition to the restrictions set out in section 6, subsections 3.3(1), (2) and (3) of *The Child Care Act* state:

**3.3(1)** No person shall provide child care services to more than eight children at any one time without a licence for a child care centre or a group family child care home.

(2) No person shall provide child care services to more than eight children at any one time in a group family child care home unless the person is assisted in the provision of child care services by an individual who is at least 18 years of age.

(3) No person shall provide child care services to more than 12 children at any one time in a group family child care home.

## Part II Licensing

### Duration of licences

**7** Unless it is suspended or cancelled pursuant to section 15 of the Act, a licence is valid:

- (a) for the period specified in the licence; or
- (b) if no period is specified in the licence, for a period of one year from the day on which the licence was issued.

### Application for licence, renewal - centre

**8(1)** An applicant for a licence to operate a centre must submit an application to the department on a form supplied by the department, together with:

- (a) a report from the designated public health officer respecting the sanitation, lighting, ventilation and general health and safety standards of the premises in which the centre will be operated;
- (b) a report from the Fire Commissioner's local assistant respecting the fire safety standards of the premises in which the centre will be operated;
- (c) a report from a person acceptable to the Director respecting the heating system in the premises in which the centre will be operated;
- (d) where the applicant is a corporation or a co-operative, its certificate of incorporation or registration;
- (e) where the applicant is a corporation that is incorporated, registered or continued pursuant to *The Business Corporations Act*, a list of the names and addresses of the shareholders of the corporation;
- (f) where the applicant is a partnership, a list of the names and addresses of the partners;
- (g) where the applicant is an individual, the applicant's health services number, if requested by the Director; and
- (h) any other information that the Director may request.

- (2) An applicant for the renewal of a licence to operate a centre must submit:
- (a) the reports described in clauses (1)(a) to (c); and
  - (b) any other information that the Director may request.

**Application for licence, renewal - home**

**9(1)** An applicant for a licence to operate a home must submit an application to the department on a form supplied by the department, together with:

- (a) the results of a recent tuberculin test performed on the applicant;
  - (b) a report from the Fire Commissioner's local assistant respecting the fire safety standards of the premises in which the home will be operated;
  - (c) a report from a person acceptable to the Director respecting the heating system in the premises in which the home will be operated;
  - (d) a family assessment questionnaire, completed by the applicant on a form supplied by the department, with respect to the fitness of the applicant to care for, or be in regular contact with, children and with respect to each person who resides in the premises in which the home will be operated;
  - (e) the results of a criminal records search with respect to the applicant and each adult who resides in the premises in which the home will be operated;
  - (f) the consent of each person mentioned in clause (e) to the disclosure of any relevant information contained in the results of a criminal records search with respect to that person to parents of children who are receiving child care services in the home or to parents who are considering enrolling a child in the home;
  - (g) the names and addresses of at least four persons who may be consulted with respect to the character of the applicant;
  - (h) the applicant's health services number, if requested by the Director; and
  - (i) any other information that the Director may request.
- (2) An applicant for the renewal of a licence to operate a home must submit any information that the Director may request.

**Child care spaces - centres**

**10(1)** A licence for a centre must specify:

- (a) the maximum number of child care spaces that the licensee is authorized to provide in the centre as licensed child care spaces; and
  - (b) the number of licensed child care spaces that are approved as subsidized child care spaces.
- (2) The maximum number of licensed child care spaces that may be authorized for one centre is 90.
- (3) A licence for a centre must specify the maximum numbers of licensed child care spaces that are allocated as:
- (a) infant child care spaces;
  - (b) toddler child care spaces;
  - (c) preschool child care spaces;

- (d) school-age child care spaces; and
  - (e) flexible child care spaces.
- (4) Where a centre provides child care services to infants, the maximum number of licensed child care spaces that may be allocated as infant child care spaces is 12.

**Age groupings - centres**

**11** A licence for a centre must specify whether the centre is authorized to provide child care services only to children in groups of single age categories or whether the centre is authorized to provide child care services to children in groups of mixed age categories.

**Child care spaces - homes**

**12(1)** A licence for a home must specify the maximum number of child care spaces that the licensee is authorized to provide in the home as licensed child care spaces.

(2) A licence for a teen student support family child care home must specify the maximum number of licensed child care spaces that may be allocated as teen student support child care spaces.

**PART III  
Standards for Facilities**

**DIVISION 1  
Policies and Procedures**

**Philosophy and program**

**13** A licensee of a facility must:

- (a) develop a written statement of philosophy for the facility; and
- (b) plan and implement a daily program of activities that:
  - (i) is consistent with the statement of philosophy; and
  - (ii) is developmentally appropriate for the ages of the children attending the facility and for each child.

**Child management**

**14(1)** The following practices are not permitted methods of child management with respect to a child receiving child care services in a facility:

- (a) corporal punishment;
  - (b) physical, emotional or verbal abuse;
  - (c) denial of necessities;
  - (d) isolation;
  - (e) inappropriate physical or mechanical restraint.
- (2) A licensee of a facility must:
- (a) develop a written policy with respect to child management that is consistent with subsection (1); and
  - (b) ensure that all employees and volunteers who provide child care services comply with the policy required by clause (a).

**Operational policies, procedures**

**15** A licensee of a facility must develop written policies and procedures with respect to the operation of the facility.

**Agreement for services**

**16** A licensee of a facility must enter into a written agreement with the parent of a child attending the facility respecting the provision of child care services to the child.

**Fee schedule**

**17** A licensee of a facility must:

- (a) establish a written schedule of fees;
- (b) give advance notice in writing to parents of any changes in the schedule of fees; and
- (c) ensure that all parents are charged the same fees with respect to the same services.

**DIVISION 2****Physical Environment, Facilities and Equipment****Furnishings**

**18** A licensee of a facility must provide, for each child attending the facility, developmentally appropriate equipment and furnishings for resting, eating, diapering, toileting and the storage of personal effects.

**Equipment and materials**

**19(1)** A licensee of a facility must provide equipment and materials for indoor and outdoor activities in sufficient quantities for:

- (a) the number of licensed child care spaces, in the case of a centre; and
  - (b) the total of the licensed child care spaces and resident child care spaces, in the case of a home.
- (2) The equipment and materials required by subsection (1) must be:
- (a) appropriate for the developmental capabilities of the children attending the facility; and
  - (b) adequate in quality, non-toxic, washable, sturdy and safe.

**Hygiene**

**20** A licensee of a facility must ensure that:

- (a) the facility and its equipment and furnishings are maintained in a sanitary condition; and
- (b) hygienic procedures are followed by all persons in the facility.

**Washroom facilities**

**21(1)** The licensee of a facility must provide adequate washroom facilities and diapering facilities for the children attending the facility.

- (2) In the case of a centre, the licensee must ensure that the washroom facilities and diapering facilities are in convenient locations.

**Maintenance**

**22** No licensee of a facility shall carry out or cause to be carried out any maintenance of, or repair to, any area of the facility other than necessary cleaning while child care services are being provided in the area.

**DIVISION 3  
Health and Safety****Nutrition**

**23(1)** Subject to subsection (3), a licensee of a facility must provide meals and snacks for children attending the facility who are six months of age or older.

(2) A licensee of a facility must ensure that:

- (a) subject to subsection (3), the meals and snacks provided meet the nutritional needs of the children attending the facility; and
- (b) the manner in which children are fed is appropriate to their ages and levels of development.

(3) Subject to subsection (4), a licensee of a facility is not required to provide:

- (a) infant formula or baby food; or
- (b) meals and snacks for a child who requires a special diet or whose parent requests a special diet.

(4) A licensee of a teen student support centre or a teen student support family child care home must provide any foods, other than infant formula, required by an infant under the age of six months.

**Food services**

**24** A licensee of a facility must ensure that adequate and safe procedures are followed in the facility for:

- (a) handling, preparation, serving and storing food; and
- (b) cleansing utensils used for eating and drinking.

**Child with communicable disease**

**25** If a licensee of a facility has reason to suspect that a child attending the facility has a category I or category II communicable disease, the licensee must:

- (a) immediately notify the designated public health officer; and
- (b) ensure that any recommendations or instructions of the designated public health officer with respect to that communicable disease that may affect the health or well-being of a child attending the facility are carried out.

**Medications**

**26(1)** A licensee of a facility who agrees to administer a medication to a child must:

- (a) subject to subsection (2), obtain written authorization, on a form supplied by the department, from the parent of the child before the medication is administered to the child;
- (b) ensure that a written record of each dose of medication administered to the child is made on a form supplied by the department and maintained in accordance with section 35; and

- (c) ensure that all medications are stored in a locked enclosure.
- (2) In exceptional circumstances, a licensee of a facility may administer a non-prescription medication to a child on the oral authorization of the parent of the child, but the licensee must obtain a written confirmation of the authorization as soon as possible in the circumstances.

**Hazardous items**

**27** A licensee of a facility must:

- (a) store unsafe items in a place that is inaccessible to children;
- (b) store poisonous substances in a locked enclosure;
- (c) cover radiators and hot pipes with non-combustible materials; and
- (d) where infants, toddlers or preschool children attend the facility, cap electrical outlets accessible to children when the outlets are not in use.

**Telephone, emergency numbers**

**28** Except where a facility is located where there is no telephone service, a licensee of a facility must have the facility equipped with a telephone in working order, with emergency telephone numbers posted in a convenient location.

**Emergency evacuation**

**29** A licensee of a facility must develop an emergency evacuation procedure and carry out an emergency evacuation practice monthly.

**First aid supplies**

**30** A licensee of a facility must keep appropriate and sufficient first aid supplies at the facility in a place that is inaccessible to children.

**Portable emergency information**

**31** A licensee of a facility must maintain a portable record of emergency information for each child attending the facility.

**Taking certain supplies, information on excursions**

**32** Where children attending a facility are taken on an excursion from the facility, the licensee must take the portable record of emergency information for each child on the excursion and appropriate and sufficient first aid supplies.

**Injuries, unusual occurrences**

**33** Where a child attending a facility sustains an injury requiring medical treatment or is involved in an unusual or unexpected occurrence, the licensee must:

- (a) immediately notify the parent of the child or, where the parent is not immediately available, any person designated by the parent as a person to contact in case of emergency;
- (b) within 24 hours after the occurrence, notify a program consultant; and
- (c) within seven days after the occurrence, complete a report on a form supplied by the department, setting out full particulars of the injury or occurrence and submit the report to the department.

**Volunteers**

**34(1)** A licensee of a centre must ensure that a child care worker is present at all times when a volunteer is in attendance with the children.

- (2) A licensee of a home must ensure that the licensee, the alternate or, in the case of a group family child care home, the assistant is present at all times when a volunteer is in attendance with the children.

#### DIVISION 4 Administration

##### Children's records

**35(1)** A licensee of a facility must keep a record with respect to each child attending the facility and retain the record for a period of six years after the child ceases to attend the facility.

- (2) A record required by subsection (1) must include:
- (a) the child's name and date of birth;
  - (b) the names, addresses and telephone numbers of:
    - (i) the child's parents;
    - (ii) any person designated by a parent as a person to be contacted in an emergency if the parent is unavailable; and
    - (iii) the child's medical practitioner;
  - (c) any allergy, illness or other medical condition disclosed by the child's parent or medical practitioner;
  - (d) the child's immunization status;
  - (e) any medication authorization provided by the child's parent and any record of medication administered required by section 26;
  - (f) any authorization provided by the child's parent for:
    - (i) an excursion not involving transportation of the child; or
    - (ii) an excursion involving transportation of the child;
  - (g) any report required by section 33 of an injury or an unusual or unexpected occurrence involving the child;
  - (h) the agreement for services entered into by the licensee and the child's parent.

##### Attendance records

**36** A licensee of a facility must:

- (a) keep complete and accurate monthly child attendance records on a form supplied by the department;
- (b) obtain, on the records mentioned in clause (a), the signature of the parent of a child attending the facility to verify, on a monthly basis:
  - (i) the hours and days of the child's attendance; and
  - (ii) the fees charged with respect to the child's attendance; and

- (c) forward the records mentioned in clause (a) to the department each month.

**Insurance**

**37** A licensee of a facility must obtain, and maintain in force, an insurance policy with respect to the facility that includes:

- (a) comprehensive general liability coverage and personal injury coverage; and
- (b) liability coverage with respect to the transportation of children in a motor vehicle.

**Materials to be made available**

**38** A licensee of a facility must make available to parents of children attending the facility a copy of:

- (a) the Act;
- (b) these regulations;
- (c) the statement of philosophy and the daily program of activities required by section 13;
- (d) the policy with respect to child management required by section 14;
- (e) the policies and procedures with respect to the operation of the facility required by section 15;
- (f) the schedule of fees required by section 17; and
- (g) any other materials that the Director may require.

**Confidentiality**

**39(1)** Every licensee, alternate, assistant, employee of a licensee and every other person who is employed in or assists with the operation of a facility:

- (a) shall preserve confidentiality with respect to:
  - (i) personal information, the release of which would likely have an adverse effect on or cause hardship to a child attending a facility; and
  - (ii) any file, document, paper or other record dealing with the personal history or record of a child or a child's parent that has come into existence through anything done pursuant to the Act or these regulations, with the exception of financial records pertaining to the payment of fees by parents; and
- (b) shall not disclose or communicate any information mentioned in clause (a) with respect to a child without the permission of the child's parent to any person except:
  - (i) as required for the health or safety of that child or any other child; or
  - (ii) as required by law.

(2) This section does not apply to:

- (a) the minister;
- (b) an employee of the department; or
- (c) the parent of a child to whom the information pertains.



PART IV  
**Standards for Centres**

DIVISION 1  
**Staff**

**Centre director and supervisor**

**40(1)** A licensee of a centre must appoint:

- (a) a centre director to be responsible for the day-to-day operations of the centre; and
  - (b) a supervisor to act in place of the centre director in the centre director's absence.
- (2) A licensee of a centre must ensure that an individual who is appointed as a centre director:
- (a) is at least 18 years of age;
  - (b) subject to clause (c), meets or exceeds the qualifications for a supervisor set out in subsection 36(3) of the former regulations or the qualifications of an early childhood educator II; and
  - (c) in the case of a centre director appointed on or after the coming into force of these regulations, meets or exceeds the qualifications of an early childhood educator III.
- (3) A licensee of a centre must ensure that an individual who is appointed as a supervisor:
- (a) is at least 18 years of age; and
  - (b) meets or exceeds the qualifications of an early childhood educator I.

**Child care workers**

**41(1)** A licensee of a centre must ensure that all child care workers employed in the centre are at least 16 years of age.

(2) Subject to subsections (3) to (6), a licensee of a centre must ensure that all persons employed in the centre as child care workers for 65 hours or more per month meet or exceed the qualifications for a child care worker set out in subsection 36(2) of the former regulations.

(3) On and after January 1, 2002, a licensee of a centre must ensure that all persons employed in the centre as child care workers for 65 hours or more per month meet or exceed the qualifications of an early childhood educator I.

(4) On and after January 1, 2005, a licensee of a centre must ensure that 30% of the persons employed in the centre as child care workers for 65 hours or more per month meet or exceed the qualifications of an early childhood educator II.

(5) On and after January 1, 2007, a licensee of a centre must ensure that, in addition to the persons mentioned in subsection (4), a further 20% of the persons employed in the centre as child care workers for 65 hours or more per month meet or exceed the qualifications of an early childhood educator III.

(6) In calculating the percentages mentioned in subsections (4) and (5), the centre director and any supervisors are to be included.

**Exemption**

**42(1)** Where a licensee is unable to hire a centre director or supervisor whose qualifications meet the requirements of section 40 or child care workers whose qualifications meet the requirements of section 41, the licensee may apply to the Director for an exemption from those requirements and an authorization to hire individuals with any qualifications that the Director may specify in the authorization.

(2) An application pursuant to subsection (1) must be accompanied by an education plan indicating how the licensee intends to meet the requirements of section 40 or 41 through further education of the individuals to be hired.

(3) The Director may grant an exemption and authorization pursuant to subsection (1) where the Director is satisfied that:

(a) the licensee is unable to hire a centre director or supervisor whose qualifications meet the requirements of section 40 or child care workers whose qualifications meet the requirements of section 41; and

(b) the education plan submitted by the licensee will, within a reasonable period of time, remedy the deficiencies in the qualifications of the persons hired.

**First aid and CPR training**

**43(1)** A licensee of a centre must ensure that at least one individual who has completed a first aid course is on the premises during the hours of operation of the centre.

(2) On and after January 1, 2003, a licensee of a centre must ensure that each individual employed in the centre for 65 hours or more per month as a centre director, supervisor or child care worker:

(a) has completed:

(i) a first aid course that is satisfactory to the Director; and

(ii) a course in cardiopulmonary resuscitation that is appropriate to the ages of the children attending the centre; and

(b) when required to do so by the Director, retakes a course described in clause (a) for the purpose of updating his or her qualifications.

**Criminal record searches**

**44(1)** Before an individual is hired as an employee in a centre, the licensee must obtain from the individual the results of a criminal record search with respect to that individual.

(2) A licensee of a centre must:

(a) establish written policies with respect to criminal record searches of employees and potential employees; and

(b) make those policies known to the employees and potential employees.

**Health of employees**

**45(1)** Before an individual is hired as an employee in a centre, the licensee must obtain from the individual the results of a recent tuberculin test performed on the individual.

(2) Where a licensee or the Director has reason to believe that the physical or mental health of an employee in a centre may not be appropriate for work with children or in proximity to children, the licensee must request the employee to submit to the licensee or the Director, as the case may be, a recent report that:

(a) is completed by an individual who, in the opinion of the Director, is an appropriate person to prepare the report, having regard to the aspects of the physical or mental health of the employee that are of concern to the licensee or the Director;

(b) assesses the physical or mental health of the employee in relation to the employee's appropriateness for work with children or in proximity to children.

(3) Where a report completed pursuant to subsection (2) indicates that the employee's physical or mental health is not appropriate for work with children or in proximity to children, the licensee must not permit the employee to be present at the centre until it is established the employee's physical or mental health is appropriate for work with children or in proximity to children.

(4) If a licensee of a centre has reason to suspect that an employee of the centre has a category I or category II communicable disease, the licensee must:

(a) immediately notify the designated public health officer; and

(b) ensure that any recommendations or instructions of the designated public health officer with respect to that communicable disease that may affect the health or well-being of a child attending the centre are carried out.

#### **Employee records**

**46** A licensee must maintain accurate and up-to-date records with respect to each employee that include the following:

(a) in the case of a child care worker, a copy of the employee's certificates of qualification in early childhood education;

(b) in the case of an employee mentioned in section 43, a copy of the employee's proof of training in first aid and cardiopulmonary resuscitation;

(c) the results of the employee's criminal record search;

(d) the results of the employee's tuberculin test;

(e) a copy of all medical reports received with respect to the employee;

(f) any emergency medical information with respect to the employee.

#### **Volunteers**

**47** Where the services of a volunteer are used by a centre to meet any of the requirements of these regulations, the licensee must ensure that the volunteer is 16 years of age or older.

## **DIVISION 2 Supervision**

#### **Duty to supervise**

**48** The licensee of a centre must ensure that children attending the centre are adequately supervised by a child care worker at all times.

**Groups**

**49** The licensee of a centre must ensure that children attending the facility are cared for in groups of children within a single age category unless the licence specifies that children attending the facility may be cared for in groups of mixed age categories.

**Maximum group size**

**50(1)** Subject to subsection (4), the licensee of a centre must ensure that the number of children cared for in a group while they are indoors in a centre does not exceed the maximum group size set out in subsection (2) or (3).

(2) Where the children in a group are all within a single age category, the maximum group size is:

- (a) six in the case of infants;
- (b) 10 in the case of toddlers;
- (c) 20 in the case of preschool children; and
- (d) 30 in the case of school-age children.

(3) Where the licence authorizes a centre to provide care to children in groups containing more than one age category during the majority of the centre's operating hours, the maximum group size is the maximum number of children that can be cared for by two child care workers, applying the staff-to-child ratio determined in accordance with subsection 51(5).

(4) The maximum group size does not apply:

- (a) before 9:00 a.m.;
- (b) during the last hour of operation in a day;
- (c) during meal times;
- (d) during nap times for children who are resting; or
- (e) during special activities such as parties or concerts.

**Supervision at centre**

**51(1)** Subject to subsection (2), the licensee of a centre must ensure that there are at least two persons present at the centre at all times while children are in attendance, of whom one is a child care worker who meets the requirements of subsection 41(2) or (3) and the other is an individual who is at least 16 years of age.

(2) Where there are fewer than nine children in attendance at a centre, and not more than three of those children are infants or toddlers, there may be only one child care worker present at the centre if:

- (a) the staff-to-child ratio does not exceed the ratio set out in subsection (5); and
- (b) the licensee has made arrangements for the provision of an additional individual in the event of an emergency.

(3) The licensee of a centre must ensure that, while children are in attendance, the number of child care workers present at the centre is not less than the number required by the applicable staff-to-child ratio set out in subsection (4) or (5).

(4) The staff-to-child ratio that applies with respect to a group of children in a single age category while they are indoors in a centre or in a play area adjacent to a centre is not less than:

- (a) 1:3 in the case of infants;
- (b) 1:5 in the case of toddlers;
- (c) 1:10 in the case of preschool children; and
- (d) 1:15 in the case of school-age children.

(5) The staff-to-child ratio that applies with respect to a group of children containing more than one age category is 1:15, where the number of children is determined in accordance with the following:

- (a) one infant is deemed to be equivalent to five children;
- (b) one toddler is deemed to be equivalent to three children;
- (c) one preschool child is deemed to be equivalent to 1.5 children; and
- (d) one school-age child counts as one child.

**Supervision on neighbourhood walks**

**52(1)** The licensee of a centre must ensure that there is at least one child care worker present to care for a group of children while they are on a walk in the neighbourhood of the centre.

(2) The licensee of a centre must ensure that, while children are on a walk in the neighbourhood of the centre, the number of child care workers who are present to care for the children meets the staff-to-child ratio set out in subsection (3) or (4).

(3) The staff-to-child ratio that applies with respect to a group of children in a single age category while they are on a walk in the neighbourhood of the centre is:

- (a) 1:2 in the case of infants;
- (b) 1:3 in the case of toddlers;
- (c) 1:6 in the case of preschool children; and
- (d) 1:10 in the case of school-age children.

(4) Subject to subsection (5), the staff-to-child ratio that applies with respect to a group of children containing more than one age category while they are on a walk in the neighbourhood is 1:10, where the number of children is determined in accordance with the following:

- (a) one infant is deemed to be equivalent to five children;
- (b) one toddler is deemed to be equivalent to three children;
- (c) one preschool child is deemed to be equivalent to 1.5 children; and
- (d) one school-age child counts as one child.

(5) Where three toddlers are being taken on a walk in the neighbourhood by one child care worker, no other children may participate in the walk.

**Supervision on excursions**

**53(1)** In this section, “**excursion**” does not include a walk in the neighbourhood of a centre.

- (2) The licensee of a centre must ensure that, where a group of children are on an excursion away from the centre, at least one child care worker and one adult or two child care workers are present to care for the group of children on the excursion.
- (3) The licensee of a centre must ensure that while children are on an excursion away from the centre:
- (a) the number of child care workers who are present to care for the children meets the staff-to-child ratio set out in subsection (4) or (6); or
  - (b) the number of child care workers and adults who are present to care for the children meets the adult-to-child ratio set out in subsection (5) or (7).
- (4) The staff-to-child ratio that applies with respect to a group of children in a single age category while they are on an excursion away from the centre is:
- (a) 1:3 in the case of infants;
  - (b) 1:5 in the case of toddlers;
  - (c) 1:10 in the case of preschool children; and
  - (d) 1:15 in the case of school-age children.
- (5) The adult-to-child ratio that applies with respect to a group of children in a single age category while they are on an excursion away from the centre is:
- (a) 2:3 in the case of infants;
  - (b) 2:5 in the case of toddlers;
  - (c) 2:10 in the case of preschool children; and
  - (d) 2:15 in the case of school-age children.
- (6) The staff-to-child ratio that applies with respect to a group of children containing more than one age category while they are on an excursion away from the centre is 1:15, where the number of children is determined in accordance with the following:
- (a) one infant is deemed to be equivalent to five children;
  - (b) one toddler is deemed to be equivalent to three children;
  - (c) one preschool child is deemed to be equivalent to 1.5 children; and
  - (d) one school-age child counts as one child.
- (7) The adult-to-child ratio that applies with respect to a group of children containing more than one age category while they are on an excursion away from the centre is 2:15, where the number of children is determined in accordance with clauses (6)(a) to (d).
- (8) With respect to an excursion away from a centre, a licensee must:
- (a) consider the location and activities involved in the excursion and assess the possible risks to the children associated with that location and those activities; and
  - (b) where the risk appears to be greater than usual, supply additional staff or volunteers to accompany the children on that excursion.

DIVISION 3  
**Physical Environment, Facilities and Equipment**

**Usable floor area**

- 54(1)** In this section, “**usable floor area**” does not include space used for offices, hallways, entryways, washrooms, kitchens, closets, locker areas, furnace and boiler rooms and large or fixed equipment.
- (2) Subject to subsection (3), a licensee of a centre must provide:
- (a) a minimum of 3.7 square metres of usable floor area for each licensed child care space; and
  - (b) a sleeping area of at least 2.3 square metres that is separate and apart from the usable floor area mentioned in clause (a) for each infant child care space.
- (3) In the case of a centre for which the licensee holds a valid licence on the coming into force of these regulations, the licensee must provide:
- (a) a minimum of 3.7 square metres of usable floor area for each infant child care space;
  - (b) a minimum of 3.25 square metres of usable floor area for each toddler, preschool and school-age child care space; and
  - (c) a sleeping area of at least 1.4 square metres that is separate and apart from the usable floor areas mentioned in clauses (a) and (b) for each infant child care space.
- (4) Where a centre to which subsection (3) applies relocates to new premises or increases its number of child care spaces, the requirements of subsection (2) apply to the centre.
- (5) The licensee of a centre must ensure that the usable floor areas and sleeping areas required by this section are used exclusively by the centre during its hours of operation.

**Natural lighting**

- 55(1)** The licensee of a centre must provide:
- (a) natural lighting in at least 50% of the areas used for children’s play space; and
  - (b) window area equivalent to 10% of the usable floor area in areas mentioned in clause (a).
- (2) The licensee of a centre must ensure that the areas provided with natural lighting in accordance with clause (1)(a) are made available to each child attending the centre for at least 50% of the day.

**Kitchen and dining facilities**

- 56** The licensee of a centre must ensure that the centre has access to sufficient kitchen and dining facilities to provide food for children attending the centre.

**Outdoor play area**

- 57(1)** The licensee of a centre must provide a safe outdoor play area of seven square metres per licensed child care space.

(2) Unless otherwise provided in the licence, at least half of the outdoor play area required by subsection (1) must be adjacent to the centre and the remainder must be within walking distance of the centre, determined in relation to the youngest age category for which the centre is licensed.

## PART V Standards for Homes

### Hours of care

**58(1)** In this section, “**hour of care**” means one hour of child care services provided to one child.

(2) No licensee of a family child care home shall provide more than 100 hours of care in one 24-hour period.

(3) No licensee of a group family child care home shall provide more than 150 hours of care in one 24-hour period.

(4) No licensee of a teen student support family child care home shall provide more than 75 hours of care in one 24-hour period.

(5) For the purposes of this section, a resident child is deemed to have been provided with 10 hours of care in one 24-hour period.

### Qualifications - licensees

**59(1)** A licensee of a home must have successfully completed a first aid course that is satisfactory to the Director.

(2) If the first aid course completed by a licensee did not include training in cardiopulmonary resuscitation, the licensee must, within six months after being granted a licence to operate a home, successfully complete training in cardiopulmonary resuscitation that is appropriate to the ages of the children attending the home.

(3) When required to do so by the Director, a licensee of a home must retake a course described in subsection (1) or (2) for the purpose of updating his or her qualifications.

(4) In the case of a person who becomes a licensee after these regulations come into force, within one year after being granted a licence to operate a home, a licensee must successfully complete:

(a) a 40-hour introductory course in early childhood education; or

(b) education or training that, in the opinion of the Director, is equivalent to the course described in clause (a).

(5) Within three years after being granted a licence to operate a group family child care home, a licensee must meet or exceed the qualifications of an early childhood educator I.

(6) A licensee of a home must participate in a minimum of six hours per year of continuing education that is acceptable to a program consultant.

### Alternates

**60(1)** A licensee of a home must ensure that, in the absence of the licensee, child care services by an alternate who is at least 18 years of age are available.



- (2) A licensee of a home must ensure that:
- (a) the routine and occasional use of alternates to provide child care services does not exceed 10% of the hours of operation of the home in any one month; and
  - (b) the use of alternates to provide child care services for vacation periods does not exceed four weeks in a calendar year.

**Assistants**

**61(1)** Before an individual is hired as an assistant in a group family child care home, the licensee must obtain from the individual the results of a criminal record search with respect to the individual.

(2) A licensee of a group family child care home must ensure that each person employed as an assistant in the home:

- (a) is provided with adequate orientation to the home and its philosophy, program and policies;
- (b) successfully completes a first aid course within six months after commencing employment in the home;
- (c) if the first aid course mentioned in clause (b) does not include training in cardiopulmonary resuscitation, within six months after commencing employment successfully completes training in cardiopulmonary resuscitation that is appropriate to the ages of the children attending the home; and
- (d) participates in a minimum of six hours per year of continuing education that is acceptable to a program consultant.

(3) When required to do so by the Director, a licensee of a home must ensure that a person employed as an assistant in the home retakes a course described in clause (2)(b) or (c) for the purpose of updating his or her qualifications.

**Assistant records**

**62** A licensee of a group family child care home must maintain accurate and up-to-date records with respect to each assistant that include the following:

- (a) a copy of the assistant's proof of training in first aid and cardiopulmonary resuscitation;
- (b) the results of the assistant's criminal record search;
- (c) the results of the assistant's tuberculin test;
- (d) any emergency medical information with respect to the employee;
- (e) a copy of the assistant's proof of participation in continuing education.

**Health of licensee, alternate, assistant**

**63(1)** Before a licence will be granted to an applicant, the applicant must provide the Director with the results of a recent tuberculin test performed on the applicant.

(2) Before an individual is hired as an assistant, the licensee must obtain from the individual the results of a recent tuberculin test performed on the individual.

(3) Where the Director has reason to believe that the physical or mental health of a licensee or an applicant for a licence may not be appropriate for work with children, the licensee or applicant must, on the request of the licensee or the Director, submit to the Director a recent report that:

(a) is completed by an individual who, in the opinion of the Director, is an appropriate person to prepare the report, having regard to the aspects of the physical or mental health of the licensee or applicant that are of concern to the Director;

(b) assesses the physical or mental health of the licensee or applicant in relation to the appropriateness of the licensee or applicant for work with children.

(4) Where a licensee or the Director has reason to believe that the physical or mental health of an assistant or an alternate may not be appropriate for work with children, the assistant or alternate must, on the request of the licensee or the Director, submit to the licensee or the Director, as the case may be, a recent report that:

(a) is completed by an individual who, in the opinion of the Director, is an appropriate person to prepare the report, having regard to the aspects of the physical or mental health of the assistant or alternate that are of concern to the licensee or the Director;

(b) assesses the physical or mental health of the assistant or alternate in relation to the appropriateness of the assistant or alternate for work with children.

(5) Where a report completed pursuant to subsection (3) or (4) indicates that an individual's physical or mental health is not appropriate for work with children:

(a) in the case of a licensee, the minister may revoke or suspend the licence;

(b) in the case of an applicant for a licence, the minister may refuse to issue a licence; and

(c) in the case of an assistant or alternate, the licensee shall not permit the assistant or alternate to be present in the home until it is established that the physical or mental health of the assistant or alternate is appropriate for work with children.

(6) If a licensee of a home or a person residing in a home has a category I or category II communicable disease, or has reason to suspect that he or she has a category I or category II communicable disease, the licensee must:

(a) immediately notify the designated public health officer; and

(b) ensure that any recommendations or instructions of the designated public health officer with respect to that communicable disease that may affect the health or well-being of a child attending the home are carried out.

(7) If a licensee of a home has reason to suspect that an assistant or alternate has a category I or category II communicable disease, the licensee must:

(a) immediately notify the designated public health officer; and

(b) ensure that any recommendations or instructions of the designated public health officer with respect to that communicable disease that may affect the health or well-being of a child attending the home are carried out.

**Usable floor area**

**64(1)** In this section, “usable floor area” includes the floor areas of all rooms within the home to which the children attending the home regularly have access, but does not include:

- (a) bathrooms;
- (b) closets;
- (c) hallways;
- (d) floor space occupied by furniture or shelving if the furniture or shelving are not used for children’s activities; or
- (e) areas used by children only for napping.

(2) Subject to subsection (3), a licensee of a home must provide a minimum of 3.7 square metres of usable floor space for each licensed child care space and each resident child care space.

(3) In the case of a home for which the licensee holds a valid licence on the coming into force of these regulations, the licensee must provide a minimum of 3.25 square metres of usable floor area for each licensed child care space and each resident child care space.

**Outdoor play area**

**65** A licensee of a home must provide a safe outdoor play area that is sufficient for the number of licensed child care spaces and resident child care spaces and that is:

- (a) adjacent to the home; or
- (b) where there is insufficient outdoor play area adjacent to the home, within walking distance of the home, determined in relation to the youngest child attending the home.

**Supervision**

**66** A licensee of a home must ensure that the children attending the home are adequately supervised at all times.

**Conducting other business prohibited**

**67** No person shall, during the hours of operation of a licensed home, conduct any business or other activity within or from the home that might:

- (a) interfere with the supervision of the children to whom child care services are being provided or the space used for the provision of child care services; or
- (b) pose a threat to the health or safety of a child to whom child care services are being provided.

**Social environment**

**68** A licensee of a home must ensure that the social environment in the home promotes the safety and well-being of the children to whom child care services are provided.

## PART VI Teen Student Support Facilities

**Governance of teen student support centres**

**69** Teen student support centres are exempt from the provisions of section 7 of the Act.

**Parental involvement - teen student support centres**

**70** A licensee of a teen student support centre must:

- (a) establish a written plan for involving the parents of children attending the centre in establishing policies for the centre; and
- (b) make known to the parents of the children attending the centre the plan required by clause (a).

**Support services - teen student support facilities**

**71(1)** A licensee of a teen student support centre must establish a written plan for developing the parenting skills of the parents of children attending the centre and providing the parents with assistance in promoting the growth and development of the children.

(2) A licensee of a teen student support family child care home must:

- (a) provide opportunities for parents of children attending the home to develop parenting skills; and
- (b) make available to parents of children attending the home information about services and resources in the community that are available with respect to parenting, the growth and development of children and other health and social needs of the parents and children.

**Networking requirement - teen student support family child care homes**

**72** A licensee of a teen student support family child care home must, in consultation with a program consultant, develop and implement a plan to enhance the program content and services provided by the home through involvement with other providers of services in the community.

**PART VII  
Grants**

**DIVISION 1  
General**

**Authority to make grants**

**73(1)** The minister may make grants to eligible licensees in accordance with this Part.

(2) In determining whether a grant should be made to a licensee pursuant to this Part and in determining the amount of any grant to be made, the minister may, in addition to any requirements set out in this Part, consider any criteria that the minister considers relevant to the purpose for which the grant is authorized or the well-being of the children attending the facility and that are not inconsistent with this Part.

**On-going grants**

**74(1)** Subject to subsection (2), where the amount of a grant made pursuant to this Part is expressed as an amount per month, the grant terminates if the grant is revoked or the licence is amended, suspended or cancelled.

(2) A grant described in subsection (1) that is made to a teen student support facility terminates at the end of the last month of the school year unless the grant is revoked or the licence is amended, suspended or cancelled before the end of that period.

DIVISION 2  
**Grants for Regular Operations and Programs**

**Start-up grants - centres**

**75(1)** The minister may make a one-time grant to a licensee of a non-profit centre for the purpose of developing child care spaces.

(2) The maximum grant that may be made pursuant to subsection (1) is:

- (a) \$600 per infant child care space;
- (b) \$600 per toddler child care space;
- (c) \$600 per preschool child care space; and
- (d) \$300 per school-age child care space.

**Start-up grants - homes**

**76(1)** The minister may make a one-time grant to a licensee of a home described in this section with respect to the commencement of operation of the home.

(2) The maximum grant that may be made pursuant to subsection (1) to the licensee of a family child care home or a teen student support family child care home is:

- (a) \$600 with respect to a home located within the Northern Saskatchewan Administration District; and
- (b) \$400 with respect to a home located outside the Northern Saskatchewan Administration District.

(3) The maximum grant that may be made pursuant to subsection (1) to the licensee of a group family child care home is:

- (a) \$900 with respect to a home located within the Northern Saskatchewan Administration District; and
- (b) \$600 with respect to a home located outside the Northern Saskatchewan Administration District.

**Early childhood services grants - centres**

**77(1)** The minister may make a grant to an eligible licensee of a non-profit centre described in this section with respect to the on-going operating and staffing costs to provide child care services.

(2) The maximum grant that may be made pursuant to subsection (1) to the licensee of a full-time centre or a teen student support centre is:

- (a) \$226.67 per month per infant child care space;
- (b) \$136 per month per toddler child care space;
- (c) \$68 per month per preschool child care space; and
- (d) \$45.33 per month per school-age child care space.

(3) The maximum grant that may be made pursuant to subsection (1) to the licensee of an extended hours centre that operates less than 120 hours per week is:

- (a) \$283.34 per month per infant child care space;
- (b) \$170 per month per toddler child care space;

- (c) \$85 per month per preschool child care space; and
- (d) \$56.66 per month per school-age child care space.

(4) The maximum grant that may be made pursuant to subsection (1) to the licensee of an extended hours centre that operates for 120 hours per week or more is:

- (a) \$340 per month per infant child care space;
- (b) \$204 per month per toddler child care space;
- (c) \$102 per month per preschool child care space; and
- (d) \$68 per month per school-age child care space.

**Support services grants - teen student support centres**

**78(1)** The minister may make a grant to a licensee of a non-profit teen student support centre with respect to the on-going costs of the centre associated with the provision of services and programs described in section 71.

- (2) The maximum grant that may be made pursuant to subsection (1) is:
- (a) \$325 per month per infant child care space; and
  - (b) \$290 per month per toddler child care space.

**Transitional grants - certain teen student support centres**

**79** The minister may make a grant to the licensee of a non-profit teen student support centre that was in operation on June 30, 1991 in an amount that does not exceed \$76,860 per year.

**Support services grants - teen student support family child care homes**

**80(1)** The minister may make a grant to a licensee of a teen student support family child care home with respect to the on-going costs of the home associated with the provision of services and programs described in sections 71 and 72.

- (2) The maximum grant that may be made pursuant to subsection (1) is \$350 per month per teen student support child care space.

**Northern transportation grants - centres**

**81(1)** The minister may make a grant to a licensee of a non-profit centre that is located within the Northern Saskatchewan Administration District with respect to the transportation of children attending the centre.

- (2) The maximum grant that may be made pursuant to subsection (1) is \$20 per month per child being provided with transportation to the centre.

**Northern equipment grants - centres**

**82(1)** The minister may make a grant to a licensee of a non-profit centre that is located within the Northern Saskatchewan Administration District with respect to the replacement of equipment and supplies.

- (2) The maximum grant that may be made pursuant to subsection (1) is \$100 per year per licensed child care space.

**Northern training grants**

**83** The minister may make a grant to a licensee of a non-profit centre that is located within the Northern Saskatchewan Administration District with respect to the provision of training programs for child care workers including, where applicable, the salaries of relief staff.

**Equipment and program grants - homes**

**84(1)** The minister may make a grant to a licensee of a family child care home, a group family child care home or a teen student support family child care home with respect to the provision of developmentally appropriate programming, equipment and supplies.

(2) The maximum grant that may be made pursuant to subsection (1) is \$100 per year per licensed child care space.

**Employer-sponsored services grants**

**85(1)** The minister may make a one-time grant to a licensee of a non-profit centre that provides child care services to children of the employees of an employer where the employer contributes funding, facilities, equipment or services to the licensee for the purpose of assisting the licensee in developing child care spaces or operating the centre.

(2) The amount of a grant pursuant to subsection (1) must not exceed the lesser of:

- (a) an amount equal to the employer's contribution; and
- (b) \$10,000.

**Tuition reimbursement grants**

**86(1)** The minister may make a grant to a licensee of a facility for the reimbursement of tuition fees paid with respect to classes in early childhood education that are successfully completed by a person mentioned in subsection (2), (3) or (4):

- (a) for the purpose of meeting the requirements of these regulations; or
- (b) where the person met the requirements of the former regulations, for the purpose of upgrading his or her qualifications to the level of a person in a similar category who must meet the requirements of these regulations.

(2) The maximum grant that may be made pursuant to subsection (1) with respect to a person employed in the facility as a supervisor or a child care worker is:

- (a) in the case of a course of instruction leading to qualification as an early childhood educator I, the greater of:
  - (i) \$70 per individual class taken by the person as part of the course of instruction; and
  - (ii) \$200 for the course of instruction taken as a whole by the person;
- (b) in the case of classes leading to qualification as an early childhood educator II or III, \$70 per individual class taken by the person;

(3) The maximum grant that may be made pursuant to subsection (1) with respect to a licensee of a home who is required to complete the course described in clause 59(4)(a) is \$70 for that course.

(4) With respect to a licensee of a group family child care home who, for the purposes of subsection 59(5), is taking a course of instruction leading to qualification as an early childhood educator I, the maximum grant that may be made pursuant to subsection (1) is the greater of:

- (a) \$70 per individual class taken by the licensee as part of the course of instruction; and
- (b) \$200 for the course of instruction taken as a whole by the licensee.

(5) Where the tuition fees with respect to which a grant pursuant to subsection (1) is made were paid by an employee and not the licensee, the licensee shall pay the amount of the grant to the employee who paid the fees.

### DIVISION 3 Inclusion Grants

#### **Inclusion grants**

**87** The minister may, in accordance with this Division, make grants to licensees with respect to the additional costs associated with the provision of services for children with diverse needs and children with exceptionally high diverse needs.

#### **Individual inclusion grants**

**88(1)** The minister may make a grant to a licensee of a facility in accordance with subsection (2) with respect to a child, where the Director is satisfied that the child is a child with diverse needs.

(2) The maximum amount of a grant pursuant to subsection (1) that may be paid with respect to a child is:

- (a) \$300 per month to assist with the additional costs of supervising the child, for a period not exceeding one year;
- (b) \$600 per year or where, in the opinion of the Director, there are exceptional circumstances, \$1,200 per year, for the purchase of adapted equipment required to meet the needs of the child;
- (c) \$100 with respect to the training of employees and the provision of resources other than resources for which an amount is provided pursuant to clause (a) or (b).

#### **Enhanced accessibility grants**

**89(1)** Subject to subsection (4), the minister may make a grant to a licensee of a facility in accordance with subsection (3) with respect to a child where the Director is satisfied that:

- (a) the child is a child with exceptionally high diverse needs; and
- (b) the parents of the child are:
  - (i) employed;
  - (ii) engaged in a business; or
  - (iii) engaged in a formal program of education or training.

(2) The minister may make a grant to a licensee of a facility in accordance with subsection (3) with respect to a child described in clause (1)(a) where the Director is satisfied that the parents of the child are actively seeking employment and, in the opinion of the Director, are likely to become employed if a grant is provided.

(3) The maximum amount of a grant pursuant to subsection (1) or (2) that may be paid with respect to a child is:

- (a) \$1,500 per month to assist with the additional costs of supervising the child, for a period not exceeding one year;
- (b) \$600 per year or where, in the opinion of the Director, there are exceptional circumstances, \$1,200 per year, for the purchase of adapted equipment required to meet the needs of the child; and



- (c) \$200 with respect to the training of employees and the provision of resources other than resources for which an amount is provided pursuant to clause (a) or (b).
- (4) A licensee who receives a grant pursuant to this section is not entitled to receive a grant pursuant to section 88 with respect to the same child.

## PART VIII Subsidies

### Interpretation of Part

#### 90 In this Part:

- (a) **“applicant”** means an applicant for a subsidy pursuant to this Part;
- (b) **“dependent minor”** means an individual under the age of 18 years who is in the lawful care or custody of an applicant or an applicant’s spouse;
- (c) **“eligible child”** means a child who is attending a facility;
- (d) **“family unit”** means, in relation to an applicant for a subsidy, the applicant, the applicant’s spouse and their dependent minors;
- (e) **“spouse”** means, in relation to an applicant for a subsidy:
  - (i) the legal spouse of the applicant where they are not living separate and apart from each other; or
  - (ii) where an applicant does not have a legal spouse or is living separate and apart from his or her legal spouse, an individual who resides in the same household, has resided in the same household for a period of not less than three months and:
    - (A) shares financial resources and household financial responsibilities with the applicant;
    - (B) represents himself or herself as a spouse of the applicant or as being married to the applicant; or
    - (C) for any reason, identifies the applicant or a child of the applicant as a dependant of the individual.

### Authority to pay subsidies

**91(1)** The minister may pay subsidies to or on behalf of eligible applicants in accordance with this Part.

(2) Subject to sections 93 to 96, in determining whether a subsidy should be paid to or on behalf of an eligible applicant and in determining the amount of any subsidy to be paid, the minister may consider any criteria that the minister considers relevant.

### Eligible applicant

**92(1)** Subject to subsections (2) and (3), to be an eligible applicant, a person must be ordinarily resident in Saskatchewan and must be the parent of an eligible child, and either:

- (a) the person and the person's spouse are:
    - (i) employed;
    - (ii) actively seeking employment;
    - (iii) engaged in a business;
    - (iv) engaged in a formal program of education or training; or
    - (v) receiving medical treatment or rehabilitation services for a condition that prevents the person or the person's spouse from participating in the activities described in subclauses (i) to (iv) and from caring for the eligible child; or
  - (b) the eligible child requires child care services as a result of the mental, physical, social, emotional, developmental or language needs of the child, the person or the person's spouse.
- (2) A student who is temporarily resident in Saskatchewan and who otherwise meets the requirements of subsection (1) is an eligible applicant.
- (3) A member of the Royal Canadian Mounted Police or the Canadian Forces who is stationed in Saskatchewan is an eligible applicant.
- (4) An applicant for a subsidy and the spouse of an applicant must provide to the program manager any information the program manager requests for the purposes of:
- (a) determining whether the applicant is eligible for a subsidy; and
  - (b) if the applicant is eligible, determining the amount of the subsidy.
- (5) Without limiting the generality of subsection (4), an applicant for a subsidy must:
- (a) provide the health services numbers of the applicant and the applicant's spouse; or
  - (b) within 30 days, apply to the Department of Health for a Saskatchewan Health Services card for the applicant and the applicant's spouse.
- (6) Subsection (5) does not apply to an individual mentioned in subsection (2) or (3).

**Income of family unit**

- 93(1)** Without limiting the generality of subsection 91(2), the minister may consider:
- (a) the income of an applicant's family unit during any period before the application is made; and
  - (b) the anticipated income of an applicant's family unit during any period after the application is made.
- (2) For the purposes of subsection (1), the income of a family unit includes:
- (a) income from employment, business or property;
  - (b) proceeds from the disposition of property other than the principal residence of the family unit;
  - (c) dividends, interest or other investment income;

- (d) income from pension or superannuation plans, annuities, registered retirement savings plans and registered retirement income funds;
  - (e) Old Age Security, Guaranteed Income Supplement, Spouse's Allowance, Canada Pension Plan and War Veteran's Allowance and Pension payments,
  - (f) Employment Insurance payments;
  - (g) Worker's Compensation payments;
  - (h) training allowances, scholarships or fellowships;
  - (i) alimony, maintenance or child support payments;
  - (j) strike pay;
  - (k) gifts, inheritances and gambling or lottery winnings in excess of \$1,500 per member of the family unit;
  - (l) compensation for illness or injury in excess of \$1,500 per member of the family unit;
  - (m) subject to subsection (3), income from any other source.
- (3) For the purposes of subsection (1), the income of a family unit does not include:
- (a) income from employment of dependent minors;
  - (b) income tax refunds;
  - (c) the Canada Child Tax Benefit;
  - (d) the Saskatchewan Child Benefit;
  - (e) assistance payments pursuant to The Saskatchewan Assistance Regulations, being Saskatchewan Regulations 78/66, or similar payments from another province or territory, the Department of Indian Affairs and Northern Development (Canada) or an Indian band;
  - (f) payments pursuant to *The Saskatchewan Income Plan Act*;
  - (g) payments pursuant to *The Benefit Adjustment Regulations*;
  - (h) payments pursuant to *The Employment Supplement Regulations*;
  - (i) rebates of the goods and services tax and the provincial sales tax;
  - (j) amounts of principal withdrawn from a registered retirement savings plan;
  - (k) refunds of contributions to a pension or superannuation plan that are not locked in;
  - (l) student loans;
  - (m) payments received with respect to foster children in the care of the applicant or the applicant's spouse;
  - (n) the value of rent-free housing or the value of a housing subsidy received from a government program;
  - (o) any other amount that, in the opinion of the program manager, should be excluded.

**Income received as lump sum**

**94** Income in the form of a lump sum payment with respect to an obligation in arrears is included in the calculation of income in the month in which it is received

**Maximum subsidy**

**95(1)** Subject to subsections (4) to (7), the maximum subsidy that may be paid with respect to an eligible child attending a full-time centre or an extended hours centre is:

- (a) \$325 per month if the eligible child is an infant;
- (b) \$285 per month if the eligible child is a toddler;
- (c) \$235 per month if the eligible child is a preschool child; and
- (d) if the eligible child is a school-age child:
  - (i) \$200 per month for any month other than July or August; and
  - (ii) \$235 per month for the months of July and August.

(2) Subject to subsections (4) to (7), the maximum subsidy that may be paid with respect to an eligible child attending a teen student support centre is:

- (a) \$250 per month if the eligible child is an infant;
- (b) \$210 per month if the eligible child is a toddler; and
- (c) \$210 per month if the eligible child is a preschool child.

(3) Subject to subsections (4) to (7), the maximum subsidy that may be paid with respect to an eligible child attending a licensed family child care home, a group family child care home or a teen student support family child care home is:

- (a) \$265 per month if the eligible child is an infant;
- (b) \$265 per month if the eligible child is a toddler;
- (c) \$235 per month if the eligible child is a preschool child; and
- (d) if the eligible child is a school-age child:
  - (i) \$200 per month for any month other than July or August; and
  - (ii) \$235 per month for the months of July and August.

(4) Where an eligible child who occupies an infant child care space in a facility attains the age of 19 months, the maximum subsidy that may be paid with respect to the month in which the child attains that age is the maximum subsidy that may be paid with respect to an infant in that facility.

(5) Where an eligible child who occupies a toddler child care space in a facility attains the age of 30 months, the maximum subsidy that may be paid with respect to the month in which the child attains that age is the maximum subsidy that may be paid with respect to a toddler in that facility.

(6) Where an applicant is otherwise eligible for a subsidy, and the applicant and the applicant's eligible child meet the criteria set out in subsection (7), the maximum subsidy that may be paid pursuant to subsection (1) is the amount of the fee that the facility would charge to the parents of the child.

- (7) Subsection (6) applies where the program manager is satisfied that:
- (a) the eligible child is a child with diverse needs or a child with exceptionally high diverse needs;
  - (b) either:
    - (i) the eligible child is an infant, a toddler or a preschool child; or
    - (ii) in the case of a subsidy to be paid with respect to the months of July and August, the eligible child is a school-age child; and
  - (c) the parents of the child:
    - (i) are receiving assistance pursuant to The Saskatchewan Assistance Regulations, being Saskatchewan Regulations 78/66; and
    - (ii) are not:
      - (A) employed;
      - (B) actively seeking employment;
      - (C) engaged in a business;
      - (D) engaged in a formal program of education or training; or
      - (E) receiving medical treatment or rehabilitation services for a condition that prevents the parent from participating in the activities described in paragraphs (A) to (D); and
  - (d) the assistance mentioned in subclause (c)(i) does not include an amount with respect to a fee for child care services to be provided to the child.

**Recovery of overpayments**

**96** An overpayment of a subsidy to a person is a debt due to the Crown and, in addition to any other manner in which it may be recovered, may be recovered by deducting the amount of overpayment from any future payment of a subsidy to or on behalf of that person.

**PART IX**

**Repeal, Transitional and Coming into Force**

**R.R.S. c.C-7.3 Reg 1 repealed**

**97** *The Child Care Regulations* are repealed.

**Transitional**

**98(1)** Notwithstanding the repeal of *The Child Care Regulations*, a licence issued pursuant to the former regulations that is valid immediately before the coming into force of these regulations is continued for the period set out in the licence unless the licence is amended, suspended or cancelled pursuant to section 15 of the Act.

(2) A grant pursuant to the former regulations that, immediately before the coming into force of these regulations, is being paid on a monthly basis is continued for the period set out in the licence of the licensee to whom the grant is being paid unless the grant is revoked or the licence is amended, suspended or cancelled before the end of that period.

(3) A subsidy paid pursuant to the former regulations that, immediately before the coming into force of these regulations, is being paid on a monthly basis is continued while the parent and child on whose behalf it is being paid remain eligible for a subsidy unless the subsidy is revoked or the licence of the licensee of the facility attended by the child is suspended or cancelled.

**Coming into force**

**99(1)** Subject to subsection (2), these regulations come into force on July 1, 2001.

(2) If these regulations are filed with the Registrar of Regulations after July 1, 2001, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

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**CHAPTER L-5.1 REG 1**

*The Land Titles Act, 2000*

Section 187

Order in Council 497/2001, dated July 4, 2001

(Filed July 5, 2001)

**PART I**  
**Preliminary Matters**

**Title**

**1** These regulations may be cited as *The Land Titles Regulations, 2001*.

**Interpretation**

**2** In these regulations:

- (a) **“Act”** means *The Land Titles Act, 2000*;
- (b) **“address”** means, except in Part VI, address for service;
- (c) **“applicant”** means, except in Part VI, an applicant for registration;
- (d) **“arm’s length transaction”** means a transaction in which a change of ownership of property occurs for cash or cash equivalents in an open market, allowing for reasonable exposure to the market, between a willing, unrestricted, unrelated, knowledgeable seller and buyer who are both seeking to maximize their position;
- (e) **“authorization”** means an authorization made in accordance with Division 2 of Part II;
- (f) **“corporation number”** means the number assigned to a body corporate by the Corporations Branch of the Department of Justice;
- (g) **“customer service centre”** means a customer service centre maintained for the purposes of the land registry and the land surveys directory;
- (h) **“land registry”** means the land titles registry, the abstract directory and the writ registry;
- (i) **“packet”** means one or more applications submitted together to the Registrar for registration in a particular order;

- (j) **“parcel number”** means the number assigned to a parcel by the Controller of Surveys;
- (k) **“value”** with respect to a title, means:
- (i) where a person acquires a title in an arm’s length transaction, the value of the cash and the fair market value of cash equivalents, excluding any amount paid in taxes, given in exchange for the title or a grant of the land, free of any trust and unencumbered by any interests, except interests implied pursuant to the Act; or
  - (ii) where a person acquires a title in a transaction that is not an arm’s length transaction, the value of the cash and the fair market value of the cash equivalents that would have been given in an arm’s length transaction in exchange for the title or a grant of the land, free of any trust and unencumbered by any interest, except interests implied pursuant to the Act.

#### **Application of regulations**

3(1) Subject to subsection (2), in accordance with section 3 of the Act, these regulations apply to transactions and any other matters regulated by the Act and these regulations that have effect or that may have effect in an area of Saskatchewan that the Lieutenant Governor in Council has designated pursuant to section 191 of the Act as an area to which the Act applies.

(2) Part I, Divisions 1, 4 and 5 of Part VI, Part XI and Part XII of these regulations apply to every area of Saskatchewan insofar as a writ or maintenance order has effect or may have effect in that area.

#### **Hours of operation**

4(1) The Registrar’s office and every customer service centre is to be open to the public from 8:00 a.m. to 4:30 p.m. on all days except:

- (a) Saturdays and Sundays; and
- (b) New Year’s Day, Good Friday, Victoria Day, Canada Day, Saskatchewan Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day or any day authorized by the chairperson of the Public Service Commission to be observed as a holiday respecting any of those days.

(2) The electronic land registry is to be open to the public from 8:00 a.m. to 4:30 p.m. on all days except:

- (a) Saturdays and Sundays; and
- (b) New Year’s Day, Good Friday, Victoria Day, Canada Day, Saskatchewan Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day or any day authorized by the chairperson of the Public Service Commission to be observed as a holiday respecting any of those days.

(3) Notwithstanding subsections (1) and (2), the Registrar may alter the hours of operation of the Registrar’s office, a customer service centre, the electronic land registry, or all of them, where the Registrar considers it necessary:

- (a) to meet the public interest;
- (b) to recognize Saskatchewan public service holidays; or
- (c) to meet emergency or unforeseen circumstances.

**Forms to be used**

5(1) Subject to section 98 and unless otherwise permitted by the Registrar, where the use of an application or other form is required by these regulations, the application or other form must be in the form provided by the Registrar, whether in printed or electronic format.

(2) The Registrar may refuse to accept an application or any other form if it is not completed to the satisfaction of the Registrar.

**Identification numbers**

6 For identification purposes, the Registrar shall assign:

- (a) a title number to every title issued by the land titles registry;
- (b) an interest register number to every interest registered in the land titles registry or filed in the abstract directory;
- (c) an interest number to every interest contained in an interest register;
- (d) a client number:
  - (i) to every registered owner and interest holder;
  - (ii) to every person who applies to the Registrar for a client number;
  - (iii) to a body corporate on registration with the Corporations Branch of the Department of Justice;
  - (iv) to a property guardian or liquidator on application to be registered as an alternate authority for a registered owner or interest holder; and
  - (v) to a trustee in bankruptcy or personal representative on the transmission of a title or an assignment of an interest to the trustee in bankruptcy or personal representative;
- (e) a packet number to every packet submitted to the Registrar; and
- (f) a share number for each fractional share of a title or interest.

**Designated interest holders**

7 For the purposes of clause 33(d) of the Act, the following are designated as entities that are eligible to be interest holders:

- (a) any organization, association, body, group or other entity recognized by any other Act or any Act of the Parliament of Canada as being eligible to hold an interest in land;
- (b) any organization, association, body, group or other entity authorized by any other Act or any Act of the Parliament of Canada to hold an interest in land;
- (c) any organization, association, body, group or other entity recognized by a court of competent jurisdiction as being eligible to hold an interest in land;
- (d) any organization, association, body, group or other entity authorized by a court of competent jurisdiction to hold an interest in land.



PART II  
**Registration Procedures**

DIVISION 1  
**Application**

**Application for registration**

8(1) Subject to subsection (2), a person who wishes to effect a registration in the land titles registry or the abstract directory must apply to the Registrar:

- (a) in the form provided; and
- (b) in accordance with this Part.

(2) Where an applicant submits two or more applications to the Registrar in a packet, the applicant shall specify the order in which the applications are to be registered.

(3) An application to register a transfer may not be accompanied by a second application to register a transfer with respect to the same parcel.

(4) No other application may be submitted with an application pursuant to section 17 of the Act to certify an uncertified mineral title.

(5) Changes or corrections of names or addresses in the land titles registry or the abstract directory must be made in accordance with Division 4 of Part VIII.

(6) No other application may be submitted with an application mentioned in subsection (5).

**Electronic submission**

9(1) Any person may submit an application to the Registrar in electronic format.

(2) A person who submits an application to the Registrar in electronic format must:

- (a) use an electronic format that is acceptable to the Registrar;
- (b) use the form provided; and
- (c) provide all the information required by the Act or these regulations for registration of the application.

**Individual as applicant**

10(1) Where an applicant is an individual, the name of that individual must be specified on the application in the following order:

- (a) the applicant's family name;
- (b) the applicant's given name;
- (c) the applicant's middle name, if any.

(2) Where the name of an applicant mentioned in subsection (1) does not consist of both a given name and a family name, the applicant's name is to be specified on the application as the applicant's family name.

(3) Where an applicant mentioned in subsection (1) has a family name, given name or middle name that consists solely of an initial, the applicant must submit to the Registrar a copy of a certificate from the Director of Vital Statistics, or from an equivalent official in another jurisdiction, as proof that the initial is the family name, given name or middle name of the applicant.

**Crown or a body corporate as applicant**

**11(1)** The Crown in right of Canada or Saskatchewan or a body corporate must have been assigned a corporation number by the Corporations Branch of the Department of Justice before the Crown or body corporate, as the case may be, may apply to the Registrar:

- (a) to be a registered owner; or
- (b) to deal with a title as the registered owner.

(2) Where a transferor or transferee is a body corporate, an application to register a transfer must include the body corporate's name and client number.

(3) Where an interest holder or assignee is a body corporate, an application to register an interest must include:

- (a) the body corporate's name; and
- (b) the body corporate's address or client number.

(4) Where the name of a body corporate on an application to register a transfer does not correspond with the name associated with that body corporate as registered with the Corporations Branch of the Department of Justice, the Registrar may refuse to register the application.

**Designated entities as applicant**

**12** Where an applicant is an entity designated pursuant to section 7, the application must include:

- (a) the name of the entity; and
- (b) the entity's address or client number.

## DIVISION 2 Authorizations

**Authorizations**

**13(1)** Subject to subsections (2) and (5), every application must be accompanied by an authorization that has been completed by the registered owner or interest holder whose title or interest is being dealt with in the application.

(2) Subject to subsection (3), no authorization is required with an application to register an interest.

(3) An authorization must accompany an application to register an assignment, amendment or discharge of an interest.

(4) An authorization must include:

- (a) the names of the transferee and transferor, or interest holder and assignee, as the case may be;

- (b) subject to subsections (5) and (6), the signature of the registered owner or interest holder; and
  - (c) the registration number of the title or interest being dealt with in the application.
- (5) Where a person other than the registered owner or interest holder authorizes an application, the authorization must include evidence, satisfactory to the Registrar, to prove that person's legal authority to authorize the application.
- (6) In the case of a body corporate, an authorization must be executed:
- (a) subject to subsection (7), by an officer of the body corporate under the seal of the body corporate; or
  - (b) subject to subsection (8), by an officer of the body corporate who is authorized by the body corporate to execute documents on behalf of the body corporate without affixing the corporate seal.
- (7) Where an authorization is executed in the manner mentioned in clause (6)(a) under an embossed seal, a certificate of a lawyer must be attached to the authorization certifying that the authorization was duly executed under seal of the body corporate.
- (8) Where the authorization is executed in the manner mentioned in clause (6)(b), the officer of the body corporate shall swear or affirm in writing that the officer:
- (a) is an officer of the body corporate; and
  - (b) is authorized by the body corporate to execute the authorization without affixing the corporate seal.

**Registration by power of attorney**

**14** Where a power of attorney is in a form acceptable to the Registrar, the Registrar may accept the power of attorney as authorization for registration of any application pursuant to the Act or these regulations.

**Requirements for power of attorney**

**15(1)** A copy of the power of attorney must accompany every application for which the power of attorney is used as authorization for the registration.

(2) Where a power of attorney is used as authorization for an application, the power of attorney must contain:

- (a) the name of the donee of the power of attorney;
  - (b) the name of the donor of the power of attorney;
  - (c) a statement as to the power of the donee:
    - (i) to deal with real property of the donor where titles or interests of the donor or instruments are not specifically described but are referred to in general terms;
    - (ii) to deal with any title registered in the name of the donor or any interest held by the donor; or
    - (iii) to perform any dealings on behalf of the donor pursuant to the Act;
- and

- (d) subject to subsections 13(6) to (8), the donor's signature attested by a witness with affidavit of execution annexed to it or, in the case of a body corporate, executed by an officer of the body corporate under corporate seal.
- (3) Subject to section 30, where the names of the registered owner or interest holder and that of the donor are not an exact match, the Registrar may refuse to accept the power of attorney as authorization to deal with that title or interest.
- (4) The Registrar may refuse to accept a power of attorney as authorization for a transaction where:
  - (a) the exercise of the power of attorney, or any portion of it, is made conditional on the happening of any occurrence or event;
  - (b) the exercise of the power of attorney, or any portion of it, requires the consent of a third party;
  - (c) there has been registered an interest based on a notice of revocation of that power of attorney;
  - (d) the power of attorney contains an expiry date and that date has passed;
  - (e) the power of attorney appointing more than one donee to act on behalf of the donor does not identify whether the donees act:
    - (i) jointly;
    - (ii) severally; or
    - (iii) both jointly and severally; or
  - (f) the donor of the power of attorney acting in the capacity of a personal representative purports to grant to the donee authority to act as authorization for the transaction.

**Restrictions on transfers to attorney**

**16** Pursuant to section 46 and subsection 52(1) of the Act, the Registrar shall not accept a power of attorney as authorization for a transfer of title or assignment of interest where the transferee or assignee is the donee of the power of attorney, unless express words permitting the transfer or assignment to the donee are contained in the power of attorney document.

**Revocation of powers of attorney**

**17(1)** Pursuant to section 52 of the Act, a donor may apply to the Registrar to register an interest based on a revocation of the power of attorney.

- (2) An application pursuant to subsection (1) must:
  - (a) specify:
    - (i) that any power granted to the donee is revoked; and
    - (ii) the date of the revocation; and
  - (b) include an affidavit of execution.

**Transfers pursuant to the *Expropriation Act* (Canada)**

**18** Where a transfer of title is authorized pursuant to sections 14 and 15 of the *Expropriation Act* (Canada) and the Attorney General of Canada applies to transfer a title against which a notice of intention to expropriate has been registered pursuant to that Act, the application must include:

- (a) an application to register a transfer that results in:
  - (i) the issuance of a title; or
  - (ii) the creation of an abstract record; and
- (b) a copy of a notice of confirmation of expropriation in accordance with the *Expropriation Act* (Canada).

**Notification to act as authorization**

**19(1)** Where a road allowance, surveyed road or trail vested in the Crown is to be closed and transferred, the application by the Minister of Highways and Transportation to surrender the road allowance, surveyed road or trail must include a notification to the Registrar to that effect.

(2) The notification mentioned in subsection (1) is sufficient authorization for the Registrar to register a surrender of title to the road allowance, surveyed road or trail, as the case may be.

(3) Where ownership of a parcel on a plan of a road, drain or water right is held by the Crown but title has not been issued, and where the Crown has abandoned ownership, the application by the Minister of Highways and Transportation to surrender the road, drain or water right must include a notification to the Registrar to that effect.

(4) The notification mentioned in subsection (3) is sufficient authorization for the Registrar to register a surrender of title to the road, drain or water right.

**Other conditions precedent**

**20** Where an application is based on a transaction that requires the consent or authorization of a party pursuant to an Act or an Act of the Parliament of Canada, or where registration is subject to any other condition of an Act or an Act of the Parliament of Canada being satisfied that is not a condition stipulated by this Act or these regulations, the Registrar may require the applicant to:

- (a) attach to the application a declaration of the applicant, transferor or transferee that the party's consent has been obtained;
- (b) submit other evidence satisfactory to the Registrar to prove that the party's consent has been obtained; or
- (c) submit evidence satisfactory to the Registrar to prove that all other conditions precedent have been satisfied.

**Conditional registration**

**21** An applicant may specify on an application that the Registrar is only to complete the registration if:

- (a) the title and any interests registered against that title appear as they did in the land titles registry or the abstract directory, as the case may be, as at a specified time; or
- (b) the title is free and clear of any registered interests.

DIVISION 3  
**Verification of Registration**

**Verification of registration**

**22(1)** In this section:

- (a) **“to file an interest”** includes filing a renewal, amendment, assignment, postponement or discharge of an interest in the abstract directory;
  - (b) **“to register an interest”** includes registering a renewal, amendment, assignment, postponement or discharge of an interest in the land titles registry.
- (2) Where an application to register a transfer is registered in the land titles registry, the Registrar shall send:
- (a) a verification statement to the applicant to verify the registration; and
  - (b) a notification statement to provide notice of the registration to:
    - (i) the former registered owner;
    - (ii) the new registered owner; and
    - (iii) each interest holder of every interest carried forward onto the new registered owner’s title.
- (3) Where an application to register an interest is registered in the land titles registry, the Registrar shall send:
- (a) a verification statement to the applicant to verify the registration; and
  - (b) a notification statement to provide notice of the registration to:
    - (i) each interest holder of the interest registered pursuant to the application; and
    - (ii) the registered owner.
- (4) Where an application to file an interest is filed in the abstract directory, the Registrar may send:
- (a) a verification statement to the applicant to verify the registration; and
  - (b) a notification statement to provide notice of the registration to:
    - (i) each interest holder of the interest filed pursuant to the application; and
    - (ii) the Crown in right of Canada or Saskatchewan, as the case may be.
- (5) Where an application to register an interest against another interest is registered in the land titles registry, the Registrar shall send:
- (a) a verification statement to the applicant to verify the registration; and
  - (b) a notification statement to provide notice of the registration to:
    - (i) each interest holder of the interest registered pursuant to the application; and
    - (ii) each interest holder of the interest against which the interest mentioned in subclause (i) is registered.

(6) Subject to subsection (7), the Registrar shall send the verification statements and notification statements required by this section by one of the following methods, as selected by the recipient:

- (a) ordinary mail;
- (b) facsimile transmission;
- (c) electronic mail.

(7) Where an application to discharge an interest is registered pursuant to section 67 of the Act, the Registrar shall send the notification statements required by this section by ordinary mail.

**Special cases**

**23** Where the Registrar discharges the registration of an interest in accordance with these regulations, in addition to the notice required pursuant to subsection 22(3), the Registrar shall provide notice to:

- (a) in the case of a non-mutual restrictive covenant:
  - (i) each registered owner of title that is a dominant tenement of the interest; and
  - (ii) all holders of interests subsequently registered on any title held by a registered owner that is a dominant tenement of the interest; and
- (b) in the case of a mutual restrictive covenant, all holders of interests subsequently registered on any title against which the interest is registered.

**DIVISION 4**  
**Attestation and Affidavits**

**Attestation and affidavits of execution**

**24(1)** Where an authorization is required with an application, except where the authorization is executed by a body corporate under corporate seal, the authorization must be witnessed by one person.

- (2) A person who acts as a witness pursuant to subsection (1) shall:
  - (a) sign his or her name to the authorization as the witness; and
  - (b) swear or affirm an affidavit of execution in accordance with this section.
- (3) The affidavit of execution mentioned in subsection (2), if sworn or affirmed within Saskatchewan, must be sworn or affirmed before:
  - (a) the Registrar;
  - (b) a deputy registrar;
  - (c) a judge of a court of record in Saskatchewan;
  - (d) a presiding or non-presiding justice of the peace in and for Saskatchewan;
  - (e) a commissioner for oaths in and for Saskatchewan; or
  - (f) a notary public in and for Saskatchewan.

(4) The affidavit of execution mentioned in subsection (2), if sworn or affirmed in any jurisdiction in Canada other than in Saskatchewan, must be sworn or affirmed before:

- (a) a judge of a court of record for that jurisdiction;
- (b) a commissioner for oaths authorized to take affidavits in that jurisdiction for use in any court of record in Saskatchewan; or
- (c) a notary public under official seal.

(5) The affidavit of execution mentioned in subsection (2), if sworn or affirmed in any country other than in Canada, must be sworn or affirmed before:

- (a) a judge of a court of record for that country;
- (b) the mayor of a city or incorporated town under the common seal of the city or town;
- (c) a commissioner of oaths authorized to take affidavits in that country for use in any court of record in Saskatchewan; or
- (d) a notary public under official seal.

(6) The affidavit of execution mentioned in subsection (2) must state that the person executing the application:

- (a) is personally known to the witness, or that the witness is satisfied that the person is who he or she purports to be;
- (b) is the person named in the application and whose name is subscribed to the application;
- (c) was in the presence of the witness when the person duly signed and executed the application; and
- (d) is 18 years of age or more.

**Documents signed on behalf of the Provincial Mediation Board**

**25(1)** Notwithstanding section 24, an application purporting to be executed on behalf of the Provincial Mediation Board or by any member of that board and required to be registered in the land titles registry must be witnessed by one person who shall sign his or her name as a witness.

(2) Subject to subsection (1), no further or other formality is required respecting the execution of an application by the Provincial Mediation Board.

**Documents signed on behalf of the Government of Saskatchewan**

**26(1)** Notwithstanding section 24, where an application purports to be executed by a person mentioned in subsection (2), the application need not be:

- (a) witnessed or accompanied by an affidavit of execution; or
- (b) executed under seal.

(2) Subsection (1) applies where the application purports to be executed by:

- (a) a minister, deputy minister or other signing officer of a department of the Government of Saskatchewan; or
- (b) a signing officer of an agency of the Government of Saskatchewan.



**Documents witnessed by a lawyer**

**27** Notwithstanding section 24, where an application is witnessed by a lawyer who is licensed to practise in Saskatchewan pursuant to *The Legal Profession Act, 1990*, an affidavit of execution is not required if:

- (a) the person executing the application:
  - (i) is personally known to the lawyer, or if the lawyer is satisfied that the person is who he or she purports to be;
  - (ii) is the person named in the application and whose name is subscribed to the application;
  - (iii) was in the presence of the lawyer when the person duly signed and executed the application; and
  - (iv) is 18 years of age or more; and
- (b) under the lawyer's signature, the lawyer clearly identifies his or her:
  - (i) name; and
  - (ii) status as a lawyer in Saskatchewan.

**Documents signed by a member of the Canadian Armed Forces**

**28** Notwithstanding section 24, the Registrar may register any application purporting to be executed by a member of the Canadian Armed Forces if:

- (a) the affidavit of execution purports to be sworn before a commissioned officer holding the rank of:
  - (i) lieutenant in the naval forces;
  - (ii) captain in the land or the air forces; or
  - (iii) a higher rank in any of those forces; and
- (b) under the officer's signature, the officer has stated:
  - (i) his or her rank; and
  - (ii) the company, battalion, regiment, corps or other unit to which the officer is attached.

**Documents signed on behalf of a person with disability**

**29(1)** Where a person executes an application on behalf of another person who, because of a disability, is unable to execute the application, in addition to the requirements set out in section 24, the affidavit of execution must state that:

- (a) the person who executed the application did so on behalf of a person who, because of a disability, was unable to execute the application;
- (b) the person who executed the application read the application to the person with the disability and that person appeared to understand the application;
- (c) the person with the disability directed the person who executed the application to execute the application on his or her behalf; and
- (d) both the person with the disability and the person who executed the application are personally known to the witness.

(2) An affidavit of execution made in accordance with subsection (1) constitutes evidence satisfactory to the Registrar for the purposes of subsection 13(5).

**Affidavits of identity**

**30(1)** Where the name of a registered owner or interest holder in an application does not match the name of the registered owner or interest holder on record in the land titles registry or the abstract directory, as the case may be, and where the two persons named are the same person, the Registrar may accept an affidavit of identity in support of the application that is sworn or affirmed by the registered owner or interest holder.

(2) The person swearing or affirming the affidavit of identity mentioned in subsection (1) must:

- (a) state that the person named as the registered owner or interest holder in the application is the same person as the person named as the registered owner or interest holder on record in the land titles registry or the abstract directory, as the case may be; and
- (b) state the person's correct name.

**PART III  
Transfers of Titles**

**Application to register a transfer**

**31(1)** Subject to Division 2 and Division 3 of Part VIII, an application to register a transfer must specify:

- (a) the title number of the title being transferred;
- (b) where the transferee is an individual:
  - (i) the transferee's name, as set out in section 10; and
  - (ii) the transferee's:
    - (A) client number; or
    - (B) address and telephone number;
- (c) where the transferee is a body corporate, the transferee's name and client number, as set out in subsection 11(2);
- (d) where there is more than one transferee, the fractional share of each title to be issued for the parcel; and
- (e) the value of the title being issued.

(2) Where transferees are to hold title as joint tenants with no survivorship, the applicant shall specify on the application for registration of the transfer that title is to issue to the registered owners as joint tenants with no survivorship.

(3) For the purposes of section 26 and subsection 27(1) of the Act, the time assigned to the registration of a transfer in the land titles registry is the time that the transfer is registered in the land titles registry.

**Expropriations**

**32** Where a title has been lawfully expropriated, the Registrar shall treat the expropriation as a full transfer of the title pursuant to subsection 12(7) of the Act.

**PART IV**  
**Parcel Changes**

**Application for title respecting new parcel**

**33(1)** For the purposes of section 44 of the Act, a person who wishes to obtain a title respecting a new parcel must apply to the Registrar in the form provided.

(2) An application pursuant to subsection (1) must include:

- (a) an application to surrender all titles to the former parcel; and
- (b) an application to issue titles to all new parcels shown on a plan approved by the Controller of Surveys pursuant to section 37 of *The Land Surveys Act, 2000*.

**Application for title respecting new condominium unit**

**34(1)** Subject to subsection (3), a person who wishes to obtain a title respecting a new condominium unit must apply to the Registrar in the form provided.

(2) An application pursuant to subsection (1) must include:

- (a) an application to surrender all titles to the former parcel or condominium unit; and
- (b) an application to issue titles to all new condominium units shown on a plan approved by the Controller of Surveys pursuant to section 37 of *The Land Surveys Act, 2000*.

(3) The Registrar may accept an authorization from the condominium corporation as sufficient authorization to surrender all existing titles to every affected condominium unit and issue new titles where the issuance of titles is with respect to:

- (a) a replacement plan in a phased condominium development;
- (b) an amendment of a plan;
- (c) an amalgamation of two or more condominium corporations; or
- (d) a termination of a condominium corporation.

**Interpretation of “vesting certificate”**

**35** For the purposes of subsection 43(1) of the Act, “**vesting certificate**” includes the communication by the Controller of Surveys to the Registrar of any information required on a vesting certificate, whether or not the communication is in the form of a printed certificate.

PART V  
**Interests**

DIVISION 1  
**Registration of Interests**

**Designated registrable interests**

**36** For the purposes of clause 50(1)(c) of the Act, any right or interest in land based on an agreement in writing between Canada and Saskatchewan is designated as a registrable interest.

**Application to register an interest**

**37(1)** Subject to subsection (2), an application to register an interest must specify:

- (a) where the interest is to be registered against a fractional share of an interest, the share number of each fractional share of the interest against which the interest is to be registered; and
  - (b) the fractional share of each holder of the interest to be registered.
- (2) Where the interest to be registered is based on a writ or maintenance order, subsection (1) does not apply.
- (3) Where a number has not been assigned by the Registrar to the title, interest register, interest or interest share against which an interest is sought to be registered, the application to register the interest must specify the application in the packet that will, on registration, create the title, interest register, interest or interest share against which the interest is sought to be registered.
- (4) For the purposes of section 26 and subsection 27(1) of the Act, the time assigned to the registration of an interest in the land titles registry is the time that the interest is registered in the land titles registry.

**Additional application information**

**38(1)** Where the interest to be registered is registrable pursuant to another Act or any Act of the Parliament of Canada, the application must be accompanied by the form, if any, prescribed by that Act or that Act of the Parliament of Canada.

(2) Where the interest to be registered is a registrable interest other than a registrable interest mentioned in subsection (1), the application must:

- (a) include a brief description of the interest claimed, with sufficient detail to identify the interest; or
  - (b) be accompanied by:
    - (i) a summary of the interest claimed; or
    - (ii) a copy of the instrument or agreement establishing the interest.
- (3) Where any of the following interests are to be registered, the application must specify the value of the interest being registered:
- (a) an interest based on a mortgage;
  - (b) an interest based on a security pursuant to the *Bank Act* (Canada);
  - (c) an interest based on a builder's lien;

- (d) an interest based on arbitration costs pursuant to *The Condominium Property Act, 1993*;
  - (e) an interest based on a lien for arrears pursuant to *The Condominium Property Act, 1993*;
  - (f) an interest created pursuant to *The Provincial Lands Act*;
  - (g) an interest based on a public trustee's lien.
- (4) Where any of the following interests are to be registered against a dominant tenement and a servient tenement, the application must specify the parcel number assigned to the dominant tenement and the servient tenement:
- (a) an interest based on an easement, if there is a dominant tenement;
  - (b) an interest based on a party-wall agreement;
  - (c) an interest based on a restrictive covenant.

**Duration of interest registration**

**39(1)** In accordance with subsection 55(1) of the Act and subject to section 101, on an application for registration of an interest, the applicant may specify the date on which the registration is to expire.

(2) Where an expiry date is specified pursuant to subsection (1), unless the registration is renewed in accordance with the Act and these regulations, registration of the interest is not effective after the expiry date.

**Renewal of interest registration**

**40** Pursuant to section 56 of the Act, an application to renew the registration of an interest must:

- (a) specify the new expiry date for the registration, if any; and
- (b) include the authorization of each holder of the registered interest being renewed.

## DIVISION 2 Dealing with Interests

**Amendments to interest registration**

**41** An application to amend the registration of an interest must:

- (a) specify the nature of the amendment;
- (b) include an authorization for each holder of the registered interest being amended.

**Assignment of interest**

**42** An application to register an assignment of a registered interest must:

- (a) specify, where applicable:
  - (i) the proposed fractional shares in the interest being assigned; and
  - (ii) the interest within an interest register being assigned; and
- (b) include an authorization for each holder of the interest being assigned.

**Discharge of interest**

**43(1)** An application to effect a partial or complete discharge of the registration of an interest must include an authorization for each interest holder of the registered interest being partially or completely discharged.

(2) A written authorization executed by the Director of Maintenance Enforcement must be submitted to the Registrar to discharge an interest registered in the land titles registry based on a maintenance order.

(3) Where the interest to be discharged is a mutual easement, party wall agreement or non-mutual easement, the application to discharge the registration of that interest must be accompanied by the written consent of:

- (a) the holder of any interest registered subsequent in time against the same title; and
- (b) the holder of any interest registered subsequent in time against any interest registered against the same title.

**Summary discharge of writs and maintenance orders from land titles registry**

**44(1)** An application for summary discharge of an interest based on a writ pursuant to section 175 of the Act or a maintenance order pursuant to section 181 of the Act that is registered against a title or other interest must include, as authorization to the Registrar to discharge the interest, an affidavit of the registered owner or holder of the interest against which the interest based on a writ or maintenance order is registered, stating:

- (a) the deponent's full name;
- (b) the title number, interest register number, interest number or share number against which the interest based on a writ or maintenance order is registered;
- (c) that the deponent is a registered owner of the title or holder of the interest against which the interest based on a writ or maintenance order is registered;
- (d) that the name of the debtor named in the writ or maintenance order is similar to the deponent's name; and
- (e) that the deponent is not the debtor named in the writ or maintenance order.

(2) Where the applicant pursuant to subsection (1) is a body corporate, the affidavit required by that subsection must be sworn or affirmed by an officer of the body corporate authorized to execute documents on behalf of the body corporate.

**Postponement**

**45(1)** Pursuant to subsection 62(3) of the Act, an application to register a postponement of an interest must include:

- (a) a document summarizing the postponement agreement; or
- (b) a copy of the instrument or agreement establishing the postponement.

(2) A written authorization executed by the Director of Maintenance Enforcement must be submitted to the Registrar to postpone an interest registered in the land titles registry based on a maintenance order.

**Lapsing**

**46(1)** Subject to section 47, a registered owner or interest holder may seek to lapse an interest registered against his or her title or interest, as the case may be.

(2) A registered owner or interest holder seeking to lapse an interest pursuant to subsection (1) must:

(a) in accordance with section 109, notify the holder of the interest to be lapsed that the interest will lapse after the expiration of 30 days after the date of personal service or the mailing of the notice, unless before that time expires the holder of the interest to be lapsed registers an interest based on a court order against the interest intended to be lapsed that provides that the interest is to continue beyond the 30 days; and

(b) apply to the Registrar to register an interest based on a notice of a lapse against the interest intended to be lapsed.

(3) An application to the Registrar to discharge the interest intended to be lapsed pursuant to subsection (1) must include, as authorization to the Registrar to discharge the registration of the interest, an affidavit of the registered owner or the interest holder, as the case may be, stating that:

(a) in accordance with clause (2)(a), the deponent notified the holder of the interest to be lapsed that the interest will lapse after the expiration of 30 days after the date of personal service or the mailing of the notice; and

(b) to the deponent's knowledge, no order has been made extending the registration of the interest beyond the 30-day notice period.

(4) On receipt of an application and affidavit in accordance with this section, the Registrar shall register a discharge of a lapsed interest where no court order extending the registration of the interest beyond the 30-day notice period has been registered.

(5) If an interest based on a court order has been registered extending the registration of an interest, unless an interest based on a further court order is registered further extending the registration of the interest, after the expiration of the extended period named in the court order, the Registrar shall register a discharge of the lapsed interest where:

(a) an affidavit meeting the requirements of subsection (3) is provided to the Registrar; and

(b) an interest based on a further court order extending the registration of the interest beyond the period specified in the original court order mentioned in clause (2)(a) has not been registered.

**Exceptions to the lapsing process**

**47** Notwithstanding section 46, registration of the following interests may not be lapsed:

(a) an interest based on a mortgage;

(b) an interest based on a lease;

(c) an interest based on a common law easement;

(d) an interest based on a party wall agreement;

- (e) an interest based on a restrictive covenant;
- (f) an interest based on a court order;
- (g) an interest based on an Act or an Act of the Parliament of Canada, unless that Act or Act of the Parliament of Canada specifically provides for the lapsing of that interest;
- (h) an interest based on a writ or maintenance order;
- (i) an interest based on a notice of a personal representative;
- (j) an interest based on a notice of a trustee in bankruptcy;
- (k) an interest designated as a registrable interest pursuant to section 36;
- (l) a postponement of any interest mentioned in clauses (a) to (k).

**Removal of interest registration on Crown direction**

48(1) Where the Crown wishes to remove any interest registered against a title held by the Crown, the Crown shall apply to the Registrar, in the form provided, to discharge the interest.

(2) An application pursuant to subsection (1) must include a direction to the Registrar, in a form acceptable to the Registrar, to remove the interest.

**Exhausted interests**

49(1) Pursuant to subsection 67(2) of the Act, registration of the following interests is subject to discharge from the land titles registry for exhaustion:

- (a) a conversion caveat based on a building restriction agreement;
- (b) a restrictive covenant;
- (c) an interest protecting homestead rights pursuant to *The Homesteads Act, 1989* or any former *Homesteads Act*;
- (d) a replotting scheme pursuant to *The Planning and Development Act, 1983*;
- (e) an order of The Board of Arbitration or the court pursuant to *The Surface Rights Acquisition and Compensation Act*.

(2) For the purposes of subsection 67(1) of the Act, an interest mentioned in subsection (1) is exhausted when:

- (a) the instrument on which the interest is based expires through the passage of time in accordance with an express provision in the instrument; or
- (b) an event occurs that renders the interest unenforceable in accordance with:
  - (i) an express provision in the instrument; or
  - (ii) any Act or Act of the Parliament of Canada.

(3) Any interest mentioned in clause (1)(a) or (b) is exhausted when 50 years or more have passed since the date the interest was registered in the land titles registry.

(4) After an interest has been exhausted in accordance with subsection (2) or (3), a registered owner or interest holder against whose title or interest the exhausted interest is registered and who wishes to discharge the exhausted interest must apply to the Registrar, in the form provided, to discharge the registration.



(5) An application pursuant to subsection (4) must include evidence satisfactory to the Registrar to prove the exhaustion pursuant to clause (2)(a) or (b).

**Special rules relating to the Provincial Mediation Board**

**50(1)** Where a tax lien has been registered as an interest against a title, the applicant or the Provincial Mediation Board may apply to the Registrar to register an interest based on a Provincial Mediation Board Consent and a Provincial Mediation Board Order.

(2) Where the interest based on a Provincial Mediation Board Order or Consent is submitted pursuant to subsection (1), the interest may be registered as an interest against the interest based on the tax lien.

**PART VI  
Searches**

**DIVISION 1  
General**

**Interpretation of Part**

**51** In this Part, “**applicant**” means an applicant for a search of the land titles registry, the abstract directory or the writ registry pursuant to this Part.

**Search requests**

**52(1)** An applicant may request a search of the land titles registry, the abstract directory or the writ registry in person by attending at any customer service centre maintained by the Registrar.

(2) Where a person requesting a search in accordance with subsection (1) does not have a client number, that person must provide his or her name and mailing address.

(3) Any person who, pursuant to an agreement with the Registrar, has been assigned an electronic access account for the land registry may conduct an electronic search of the land titles registry, the abstract directory or the writ registry in the form provided.

**Search results**

**53(1)** The Registrar shall provide a search result to an applicant by any one of the following methods:

(a) subject to clause (b), in person where the applicant attends at a customer service centre;

(b) by mail where the applicant attends at a customer service centre and requests:

(i) the search result be provided in large print format; or

(ii) a certified copy of the search result be provided on security paper of the land registry;

(c) by mail where an electronic search is conducted from a location other than from a customer service centre.

- (2) Subject to sections 54 and 55, search results provided by the Registrar:
- (a) are to include information actively maintained in the land titles registry, the abstract directory or the writ registry corresponding to the search criteria specified by the applicant; and
  - (b) where the search is with respect to a name, may include information actively maintained in the land titles registry, the abstract directory or the writ registry corresponding to search criteria similar to the search criteria specified by the applicant.
- (3) For the purposes of clause (2)(b), “**search criteria similar to the search criteria specified by the applicant**” means:
- (a) a search conducted for similar names as permitted by the land titles registry, abstract registry and the writ registry; or
  - (b) a search as permitted by the land titles registry, abstract registry and the writ registry based on criteria specified by the applicant.

**Printed title**

**54** For the purposes of subsection 79(2) of the Act, a title is a printed title if it is a paper copy or printout of the title provided by the Registrar and certified:

- (a) by:
  - (i) affixing the Registrar’s seal to the copy or printout;
  - (ii) the Registrar signing the copy or printout; and
  - (iii) affixing to the copy or printout the date it was prepared by the land titles registry; or
- (b) by printing the document on the security paper of the land registry.

**Printed search result**

**55(1)** For the purposes of subsection 79(1) and section 165 of the Act, a search result is a printed search result if it is a certified copy provided by the Registrar that lists:

- (a) the registered interests on a printed title;
  - (b) the writs registered in the name of a specified debtor; or
  - (c) the writs registered in the name of a specified debtor and the time of registration of each of those writs in the writ registry.
- (2) Pursuant to subsection (1), a printed search result must be certified by the Registrar in the same manner that a printed title is certified pursuant to section 54.

**Informational printout**

**56** A printout by the land titles registry other than a printed title or printed search result provided by the Registrar pursuant to section 54 or 55 is for informational purposes only.

DIVISION 2  
**Searches of the Land Titles Registry**

**Current title searches**

**57** A search of the land titles registry for the current status of a title may be performed based on any one of the following criteria:

- (a) a parcel number;
- (b) a title number;
- (c) the name of a registered owner;
- (d) a legal land description.

**Customized searches**

**58(1)** In this section, “**client name**” means the name of, as the case may be:

- (a) a registered owner;
- (b) an interest holder;
- (c) a personal representative for the estate of a deceased person;
- (d) a trustee in bankruptcy;
- (e) a liquidator;
- (f) a guardian or trustee of the property of a child;
- (g) a property guardian for a dependent adult;
- (h) a person who has applied to the Registrar for registration.

**(2)** A customized search of the land titles registry may be performed based on any one of the following criteria:

- (a) a parcel number;
- (b) a title number;
- (c) a client name;
- (d) a legal land description;
- (e) an interest number;
- (f) an interest register number;
- (g) a number identifying a document mentioned in clause 38(2)(b);
- (h) a number assigned by the Controller of Surveys in approving a plan respecting an interest in land pursuant to subsection 31(2) of *The Land Surveys Act, 2000*;
- (i) a packet number; or
- (j) an abstract number.

**Crown grant searches**

**59** A search of the land titles registry for a Crown grant may be performed based on any one of the following criteria:

- (a) the land description;
- (b) the name of person who appears on the Crown grant as the grantee.

**Land titles registry search results**

**60** A search result of the land titles registry includes:

- (a) details that correspond to the criteria searched; and
- (b) any other details available in the land titles registry that relate to the criteria searched.

**DIVISION 3****Searches of the Abstract Directory****Abstract directory searches**

**61** A search of the abstract directory may be performed based on any one of the following criteria:

- (a) a parcel number;
- (b) an abstract number;
- (c) a legal land description.

**Abstract directory search results**

**62** A search result of the abstract directory includes:

- (a) details that correspond to the criteria searched; and
- (b) any other details available in the abstract directory that relate to the criteria searched.

**DIVISION 4****Searches of the Writ Registry****Writ registry searches**

**63(1)** In this section, “**land titles registration number**” means the number assigned to the writ on the filing of the writ in a land titles office in a former land registration district pursuant to the former Act.

(2) Pursuant to subsection 164(1) of the Act, a search of the writ registry may be performed based on any one of the following criteria:

- (a) the name of a debtor;
- (b) a writ registry number;
- (c) a land titles registration number.

(3) Where a debtor is deceased, a search of the writ registry in the name of the debtor must be followed by the word “estate”.

**Writ registry search results**

**64** Pursuant to subsection 164(2) and section 165 of the Act, a writ registry search result includes:

- (a) details that correspond to the criteria searched; and
- (b) any other details available in the writ registry that relate to the criteria searched.

DIVISION 5  
**Documents and Evidence**

**Certified copies**

**65(1)** For the purposes of subsections 78(2) and 82(1), clause 82(2)(b) and section 165 of the Act, the Registrar may certify a copy of a printed document in the land titles registry or a printout of a document recorded and stored in the land titles registry or a record of the writ registry:

- (a) by:
  - (i) affixing the Registrar's seal to the copy or printout;
  - (ii) signing the copy or printout; and
  - (iii) affixing to the copy or printout the date it was prepared; or
- (b) printing the document on the security paper of the land registry.

(2) For the purposes of subsections 80(3) and 81(5) and clause 82(2)(a) of the Act, a document has been printed in accordance with these regulations if it is printed on the security paper of the land registry.

**Microfilmed documents**

**66** For the purposes of subsection 80(4) of the Act, where a document exists in microfilm form in a former land registration district on the day before the day on which this Act comes into force in that district, an image produced from the microfilm form is admissible in evidence in accordance with that subsection.

PART VII  
**Mineral Commodities**

**Mineral commodities**

**67(1)** In this section, "**strata**" means oil and gas rights as defined pursuant to section 27 of *The Oil and Gas Conservation, Stabilization and Development Act, 1973*.

(2) The following mineral commodities are designated for the purposes of subsection (3):

- (a) all mines and minerals;
- (b) coal;
- (c) petroleum and natural gas;
- (d) petroleum, natural gas and all other hydrocarbons;
- (e) coal and valuable stone;
- (f) petroleum;
- (g) natural gas;
- (h) petroleum and natural gas other than strata;
- (i) petroleum, natural gas and all other hydrocarbons other than strata;
- (j) strata;
- (k) potash;

- (l) all minerals in the mineral parcel except the minerals described in all other mineral commodity titles for the same parcel;
  - (m) any other mineral commodity listed on a certificate of title that is converted pursuant to subsection 195(2) of the Act that is not listed in clauses (a) to (l).
- (3) In the conversion of a certificate of title to a mineral title or to an uncertified mineral title pursuant to subsection 195(2) of the Act, any mineral description on the certificate of title may be restated on the title as a mineral commodity designated pursuant to subsection (2).
- (4) After the coming into force of the Act, where a first title is issued for a mineral commodity, the title may be for any of the following mineral commodities:
- (a) all mines and minerals;
  - (b) coal;
  - (c) petroleum and natural gas;
  - (d) all minerals in the mineral parcel except the minerals described in all other mineral commodity titles for the same parcel.
- (5) Any hydrocarbon that is considered in fact or in law to be associated with any mineral commodity mentioned in subsection (2) or (4) is included in that mineral commodity, notwithstanding that hydrocarbon is not specifically mentioned in the mineral commodity.

**Certification of uncertified mineral titles**

**68(1)** Pursuant to subsection 17(1) of the Act, a person who wishes to apply for certification of an uncertified mineral title shall apply to the Registrar in the form provided.

(2) On completion of a search and examination of the records of the land titles registry and the abstract directory, if the Registrar is not satisfied that the purported ownership of the uncertified mineral title is correct, the Registrar shall notify the applicant, where applicable, and the owner of the result.

**Severance of mineral commodity titles**

**69(1)** Subject to subsections (2) and (4), an application may be made to sever a mineral commodity mentioned in clause 67(2)(a) or (l) or clause 67(4)(a) or (d).

(2) Where a title for a mineral commodity mentioned in clause 67(2)(a) or (l) or clause 67(4)(a) or (d) is severed, the following are the mineral commodities for which the Registrar may issue title:

- (a) coal;
  - (b) petroleum and natural gas;
  - (c) all minerals in the mineral parcel except the minerals described in all other mineral commodity titles for the same parcel.
- (3) An application to sever a mineral title pursuant to subsection (1) must be made in the form provided and specify the value of each title for each new mineral commodity.
- (4) In the case of more than one mineral title having been issued for a mineral commodity in a mineral parcel, an application to sever mineral titles must be submitted to the Registrar by all mineral title owners for that mineral commodity.

- (5) An application mentioned in subsection (4) must:
- (a) specify:
    - (i) the value of each title for each new mineral commodity; and
    - (ii) the title number for each mineral title for the mineral commodity being severed; and
  - (b) include an authorization for each mineral title owner for the mineral commodity being severed.
- (6) Any hydrocarbon that is considered in fact or in law to be associated with any mineral commodity mentioned in subsection (2) is included in that mineral commodity, notwithstanding that hydrocarbon is not specifically mentioned in the mineral commodity.

## PART VIII

### Owners

#### DIVISION 1

#### Surviving Joint Tenant

##### Application by surviving joint tenant

- 70(1)** On the death of an owner of a title that is held jointly, the surviving joint tenant must apply to the Registrar, in the form provided, to be registered as owner of that title.
- (2) On the death of a holder of an interest that is held jointly, the surviving joint tenant must apply to the Registrar, in the form provided, to assign the interest to the surviving joint tenant.
- (3) An application pursuant to subsection (1) must be accompanied by evidence acceptable to the Registrar that:
- (a) the joint tenant has died; and
  - (b) the applicant is the surviving joint tenant.

#### DIVISION 2

#### Personal Representatives and Trustees in Bankruptcy

##### Personal representative re titles

- 71(1)** Pursuant to subsection 35(3) of the Act, a personal representative of the estate of a deceased person shall apply to the Registrar, in the form provided, to be registered as the owner of a title in his or her capacity as personal representative.
- (2) An application pursuant to subsection (1) must be accompanied by evidence acceptable to the Registrar that:
- (a) the registered owner has died;
  - (b) the applicant is the personal representative of the estate of the registered owner; and

- (c) either:
  - (i) the personal representative has obtained a certificate of the local registrar pursuant to *The Administration of Estates Act* stating that no infants are interested in the estate of the deceased, if any; or
  - (ii) the personal representative has obtained a certificate of the Public Trustee pursuant to *The Administration of Estates Act* stating that no infants are interested in the estate of the deceased, if any.
- (3) A title held by a deceased person must be transmitted into the name of the personal representative before it may be transferred.
- (4) Unless an application pursuant to subsection (1) is accompanied by the evidence mentioned in subsection (2), any application for registration of a transfer of a title that has been transmitted to the personal representative pursuant to this section must be accompanied by:
  - (a) a certificate of the Public Trustee pursuant to *The Administration of Estates Act* stating that no infants are interested in the estate of the deceased;
  - (b) the consent of the Public Trustee pursuant to section 153 of the Act, in a form satisfactory to the Registrar;
  - (c) an affidavit by the personal representative stating the land was sold by the deceased prior to death; or
  - (d) an affidavit from the personal representative stating that the transferee body corporate, municipal corporation or Crown is acquiring the land for the construction, maintenance or operation of a railway, gas, oil or water pipeline, or a public utility easement.
- (5) For the purposes of section 153 of the Act, a certificate mentioned in subclause (2)(c)(ii) or clause (4)(a) is the consent of the Public Trustee, and no other consent of the Public Trustee is required to accompany an application for registration of a transfer of a title owned by the deceased.

**Personal representative re interests**

- 72(1)** Pursuant to subsection 35(3) of the Act, the personal representative of the estate of a deceased person must submit the following applications to the Registrar to be registered as the holder of an interest in his or her capacity as personal representative:
- (a) an application to register an assignment of the interest to the personal representative;
  - (b) an application to register a notice that the interest is held by the personal representative.
- (2) Subject to subsection (3), an application pursuant to subsection (1) must be accompanied by evidence acceptable to the Registrar that:
- (a) the interest holder has died;
  - (b) the applicant is the personal representative of the estate of the interest holder; and



- (c) either:
- (i) the personal representative has obtained a certificate of the local registrar pursuant to *The Administration of Estates Act* stating that no infants are interested in the estate of the deceased, if any; or
  - (ii) the personal representative has obtained a certificate of the Public Trustee pursuant to *The Administration of Estates Act* stating that no infants are interested in the estate of the deceased, if any.
- (3) Unless an application pursuant to subsection (1) is accompanied by the evidence mentioned in subsection (2), any application for amendment, assignment or discharge of an interest that has been transmitted to the personal representative pursuant to this section must be accompanied by:
- (a) a certificate of the Public Trustee pursuant to *The Administration of Estates Act* stating that no infants are interested in the estate of the deceased;
  - (b) the consent of the Public Trustee pursuant to section 153 of the Act, in a form satisfactory to the Registrar;
  - (c) an affidavit by the personal representative stating the interest was assigned by the deceased prior to death; or
  - (d) an affidavit from the personal representative stating that the transferee body corporate, municipal corporation or Crown is acquiring the land for the construction, maintenance or operation of a railway, gas, oil or water pipeline, or a public utility easement.
- (4) For the purposes of section 153 of the Act, a certificate mentioned in subclause (2)(c)(ii) or clause (3)(a) or (b) is the consent of the Public Trustee, and no other consent of the Public Trustee is required to accompany an application for amendment, assignment or discharge of an interest held by the deceased.

**Trustee in bankruptcy re titles**

- 73(1)** Pursuant to subsection 35(4) of the Act, a trustee in bankruptcy shall apply to the Registrar, in the form provided, to be registered as owner in his or her capacity as trustee in bankruptcy.
- (2) An application pursuant to subsection (1) must be accompanied by evidence acceptable to the Registrar that the administration of the estate of the bankrupt is by way of:
- (a) summary administration that does not require inspectors;
  - (b) summary administration that requires inspectors; or
  - (c) ordinary administration.
- (3) Where, prior to the receiving order or the assignment in bankruptcy, the bankrupt person holds title jointly with another registered owner, the trustee in bankruptcy may apply to the Registrar for transmission into the name of the trustee of an undivided share equal to the share of the bankrupt.
- (4) A title held by a bankrupt person must be transmitted to the name of the trustee in bankruptcy before it may be transferred.

**Trustee in bankruptcy re interests**

**74(1)** Pursuant to subsection 35(4) of the Act, a trustee in bankruptcy must submit the following applications to the Registrar to be registered as the holder of an interest in his or her capacity as trustee in bankruptcy:

- (a) an application to register an assignment of an interest to a trustee in bankruptcy;
  - (b) an application to register a notice that an interest is held by a trustee in bankruptcy.
- (2) An application pursuant to subsection (1) must be accompanied by evidence acceptable to the Registrar that the administration of the estate of the bankrupt is by way of:
- (a) summary administration that does not require inspectors;
  - (b) summary administration that requires inspectors; or
  - (c) ordinary administration.
- (3) Where, prior to the receiving order or the assignment in bankruptcy, the bankrupt person is the holder of an interest jointly with another title owner or interest holder, the trustee in bankruptcy may apply to the Registrar for transmission to the trustee in bankruptcy of an undivided share in the interest equal to the share of the bankrupt.

**DIVISION 3**  
**Alternate Authorities**

**Application by liquidator**

**75** An application by a liquidator to be registered as an alternate authority on a title or interest must be:

- (a) made in the form provided; and
- (b) accompanied by evidence acceptable to the Registrar of the liquidator's authority.

**Application on behalf of child or dependent adult**

**76** An application by a person to be registered as the person authorized to sign on behalf of a child or dependent adult must be:

- (a) made in the form provided; and
- (b) accompanied by evidence acceptable to the Registrar of the applicant's authority.

**Transfer by guardian or trustee acting for child**

**77** Pursuant to subsection 39(3) of the Act, an application by a guardian or trustee of the property of a child who applies to transfer a title or to amend, assign or discharge an interest of the child must be:

- (a) made in the form provided; and

- (b) accompanied by:
  - (i) evidence acceptable to the Registrar of the consent of the Public Trustee to the transfer or to the amendment, assignment or discharge; or
  - (ii) a court order authorizing the transfer or the amendment, assignment or discharge.

**Transfer by property guardian acting for dependent adult**

**78** Pursuant to section 76, where a property guardian acting for a dependent adult has applied to be registered as the person authorized to sign on behalf of the dependent adult, and where the property guardian is applying to transfer a title or to amend, assign or discharge an interest, the property guardian's consent for the purposes of clause 40(3)(a) of the Act is the application by the property guardian to transfer the title or to amend, assign or discharge the interest.

**Application for removal of alternate authority**

**79(1)** Any person may apply to discharge the registration of a liquidator, guardian or trustee of the property of a child, property guardian of a dependent adult, or the Public Trustee as an alternate authority to deal with a title or interest pursuant to this Division.

- (2) An application pursuant to subsection (1) must be:
  - (a) made in the form provided; and
  - (b) accompanied by evidence acceptable to the Registrar of the termination of the person's authority.

**DIVISION 4**  
**Changes of Name and Address**

**Change of individual's name**

**80(1)** An individual who has effected a legal name change may apply to the Registrar to change his or her name in the land titles registry or the abstract directory.

- (2) An application mentioned in subsection (1) must include:
  - (a) an affidavit in accordance with subsection (3); and
  - (b) one of the following as proof of the legal name change:
    - (i) a certificate of change of name issued by the Director of Vital Statistics;
    - (ii) evidence of an acceptable method of changing of name pursuant to *The Change of Name Act, 1995*;
    - (iii) any other evidence of the legal name change acceptable to the Registrar.
- (3) The affidavit mentioned in clause (2)(a) must specify:
  - (a) the former name of the deponent;
  - (b) the new name of the deponent;

- (c) that the deponent is the same individual whose name is to be changed in the land titles registry or the abstract directory; and
  - (d) that the deponent has legally changed the deponent's former name to the new legal name specified in the affidavit.
- (4) Notwithstanding subsections (2) and (3), the Registrar may change the name of an individual in the land titles registry or the abstract directory on receipt of:
- (a) a name change application submitted by the individual whose name is to be changed; and
  - (b) any other document the Registrar considers necessary or appropriate.

**Correction of individual's name**

- 81(1)** The Registrar may correct the name of an individual where the individual's name has been incorrectly recorded in the land registry.
- (2) An application to correct an individual's name in the land registry pursuant to subsection (1) must include:
- (a) evidence acceptable to the Registrar that the correction is required to make the name in the land registry conform to the applicant's legal name; and
  - (b) an affidavit in accordance with subsection (3).
- (3) The affidavit mentioned in clause (2)(b) must specify:
- (a) that the deponent is the same individual whose name is to be corrected in the land registry; and
  - (b) that the deponent is applying to change the name to the corrected name shown on the affidavit.
- (4) Notwithstanding subsections (2) and (3), the Registrar may correct the name of an individual in the land registry on receipt of:
- (a) a name correction application submitted by the individual whose name is to be corrected; and
  - (b) any other document the Registrar considers necessary or appropriate.

**Change of individual's address**

- 82(1)** An application by an individual to change his or her address in the land titles registry or the abstract directory must:
- (a) specify:
    - (i) the applicant's name and client number; and
    - (ii) the applicant's new address; and
  - (b) include an affidavit in accordance with subsection (2).
- (2) The affidavit mentioned in clause (1)(b) must specify the deponent's address in the land titles registry or the abstract directory that is to be changed.

(3) Notwithstanding subsections (1) and (2), the Registrar may change the address of an individual in the land titles registry or the abstract directory on receipt of:

- (a) an address change application submitted by the individual whose address is to be changed; and
- (b) any other document that the Registrar considers necessary or appropriate.

**Correction of individual's address**

**83(1)** The Registrar may correct the address of an individual where the individual's address has been incorrectly recorded in the land registry.

(2) An application by an individual to correct his or her address in the land registry must include:

- (a) the applicant's correct address; and
- (b) an affidavit in accordance with subsection (3) in a form acceptable to the Registrar.

(3) The affidavit mentioned in clause (2)(b) must specify the deponent's address in the land registry that is to be corrected.

(4) Notwithstanding subsections (2) and (3), the Registrar may correct the address of an individual in the land registry on receipt of:

- (a) an address correction application submitted by the individual whose address is to be corrected; and
- (b) any other document that the Registrar considers necessary or appropriate.

**Change of entity's name**

**84(1)** Any entity mentioned in clause 33(b) or (c) of the Act or in section 7 of these regulations that is registered with the Corporations Branch of the Department of Justice may effect a legal name change with the Corporations Branch of the Department of Justice for the purposes of the land titles registry or the abstract directory.

(2) An application to change a legal name by any entity mentioned in subsection (1) that is not registered with the Corporations Branch of the Department of Justice must include:

- (a) an affidavit in accordance with subsection (3); and
- (b) one of the following as proof of the legal name change:
  - (i) a certificate issued by an authority in another jurisdiction that is equivalent to the Corporations Branch of the Department of Justice;
  - (ii) any other evidence of the legal name change acceptable to the Registrar.

(3) The affidavit mentioned in clause (2)(a) must specify:

- (a) the name of the entity to be changed;

- (b) that the entity is the same entity whose name is to be changed in the land titles registry or the abstract directory;
  - (c) that the entity has legally changed its former name to the new legal name shown on the affidavit;
  - (d) the capacity of the deponent; and
  - (e) that the deponent is authorized to swear or affirm the affidavit on behalf of the entity.
- (4) Notwithstanding subsections (2) and (3), the Registrar may change the name of an entity in the land titles registry or the abstract directory on receipt of:
- (a) a name change application submitted by the entity whose name is to be changed;
  - (b) any other document the Registrar considers necessary or appropriate.

**Correction of entity's name**

**85(1)** The Registrar may correct the name of any entity mentioned in clause 33(b) or (c) of the Act or in section 7 of these regulations where the entity's name has been incorrectly recorded in the land registry.

- (2) An application to correct an entity's name must include:
- (a) evidence that the application is required to make the name in the land registry conform to the applicant's legal name; and
  - (b) an affidavit in accordance with subsection (3).
- (3) The affidavit mentioned in clause (2)(b) must specify:
- (a) the name of the entity to be corrected;
  - (b) that the entity is the same entity whose name is to be corrected in the land registry;
  - (c) that the entity is applying to change the name to the corrected name shown on the affidavit;
  - (d) the capacity of the deponent; and
  - (e) that the deponent is authorized to swear or affirm the affidavit on behalf of the entity.
- (4) Notwithstanding subsections (2) and (3), the Registrar may correct the name in the land registry on receipt of:
- (a) a name correction application submitted by the entity whose name is to be corrected; and
  - (b) any other document the Registrar considers necessary or appropriate.

**Change of entity's address**

**86(1)** Any entity mentioned in clause 33(b) or (c) of the Act or in section 7 of these regulations that is registered with the Corporations Branch of the Department of Justice may change its address with the Corporations Branch of the Department of Justice for the purposes of the land titles registry or the abstract directory.

(2) An application to change an address by any entity mentioned in subsection (1) that is not registered with the Corporations Branch of the Department of Justice must:

- (a) specify the applicant's new address; and
- (b) include an affidavit in accordance with subsection (3).

(3) The affidavit mentioned in clause (2)(b) must specify:

- (a) the name of the entity whose address is to be changed in the land titles registry or the abstract directory;
- (b) the entity's address in the land titles registry or the abstract directory that is to be changed;
- (c) that the entity is applying to change the address to the address shown on the affidavit;
- (d) the capacity of the deponent; and
- (e) that the deponent is authorized to swear or affirm the affidavit on behalf of the entity.

(4) Notwithstanding subsections (2) and (3), the Registrar may change the address of the entity in the land titles registry or the abstract directory on receipt of:

- (a) a change of address application submitted by the entity whose address is to be changed; and
- (b) any other document the Registrar considers necessary or appropriate.

**Correction of entity's address**

**87(1)** The Registrar may correct the address of any entity mentioned in clause 33(b) or (c) of the Act or in section 7 of these regulations where the entity's address has been incorrectly recorded in the land registry.

(2) An application to correct an entity's address must:

- (a) specify the applicant's correct address; and
- (b) include an affidavit in accordance with subsection (3) in a form acceptable to the Registrar.

(3) The affidavit mentioned in clause (2)(b) must specify:

- (a) the name of the entity whose address is to be corrected in the land registry;
- (b) the entity's address in the land registry that is to be corrected;
- (c) that the entity is applying to correct the address to the address specified in the affidavit;

- (d) the capacity of the deponent; and
  - (e) that the deponent is authorized to swear or affirm the affidavit on behalf of the entity.
- (4) Notwithstanding subsections (2) and (3), the Registrar may correct the address of the entity in the land registry on receipt of:
- (a) an address correction application submitted by the entity whose address is to be corrected; and
  - (b) any other document the Registrar considers necessary or appropriate.

## PART IX Abstract Directory

### Abstract records

**88** The Registrar may establish and maintain an abstract record with respect to unpatented land for each surface parcel and mineral commodity within a mineral parcel.

### Certain rules of the land titles registry apply

**89** For the purposes of subsections 70(3) and 71(1) of the Act and subject to this Part, the Parts of these regulations governing the land titles registry constitute the rules of the abstract directory, and those Parts apply, with any necessary modification:

- (a) to the abstract directory;
- (b) to applications to the abstract directory; and
- (c) to filing, amending, assigning, discharging or postponing an interest in the abstract directory.

### Other rules

**90(1)** No interest based on a mortgage or writ may be filed in the abstract directory against:

- (a) an abstract record; or
  - (b) an interest in which the Crown in right of Saskatchewan is the interest holder.
- (2) Where the Crown wishes to remove any interest filed in the abstract directory against an abstract record or an interest held by the Crown, the Crown shall apply to the Registrar to remove the interest, in the form provided.
- (3) An application pursuant to subsection (2) must include:
- (a) the number assigned to the filed interest to be removed; and
  - (b) a direction to the Registrar to remove the interest.



**Registration of filed interest in land titles registry**

**91** For the purposes of clause 74(2)(a) of the Act, where a first title is issued pursuant to Part X of the Act, the Registrar shall immediately register, in the order set out in clause 74(2)(b) of the Act:

- (a) any interest filed against an abstract record as an interest against the title; and
- (b) any interest filed against another interest, where that interest is filed against an abstract record, as an interest against that other interest.

**PART X**  
**Crown Grants**

**Application for issuance of first title - land granted by the Crown**

**92** An application for issuance of first title made pursuant to clause 75(1)(a) of the Act must:

- (a) be made in the form provided; and
- (b) include:
  - (i) the instrument of grant that must:
    - (A) contain the name of the grantee;
    - (B) contain a description of the land that corresponds to the parcel number assigned by the Controller of Surveys; and
    - (C) have been executed by a person who appears, in the opinion of the Registrar, to be an appropriate official of the Crown; and
  - (ii) the value of the title; and
- (c) where the grant occurs by operation of law, include a citation of the authority for the Crown grant to the satisfaction of the Registrar.

**Application for issuance of first title - notification to the Hudson's Bay Company**

**93(1)** An application for issuance of first title made pursuant to clause 75(1)(b) of the Act must:

- (a) be made in the form provided; and
  - (b) include notification to the Hudson's Bay Company by the minister responsible for the administration of *The Provincial Lands Act*.
- (2) The notification mentioned in clause (1)(b) must:
- (a) contain a description of the land that corresponds to the parcel number assigned by the land titles registry; and
  - (b) include a statement that the land has been surveyed and that the survey of any township, or any part of a township has been confirmed.
- (3) The Registrar shall accept the notification mentioned in clause (1)(b) as equivalent to, and deal with the notification in all respects in the same manner as if the notification were, a transfer to and in favour of the Hudson's Bay Company, granting to it the parcels to which it is entitled under an agreement between the Government of the Dominion of Canada and the Government of the Province of Saskatchewan, dated March 12, 1930 and ratified by chapter 87 of the *Statutes of Saskatchewan, 1930*.

**Application for issuance of first title - notification from the Minister responsible for the administration of *The Provincial Lands Act***

**94(1)** An application for issuance of first title made pursuant to clause 75(1)(c) of the Act must:

- (a) be made in the form provided; and
  - (b) include notification to the Registrar by the minister responsible for the administration of *The Provincial Lands Act*.
- (2) The notification mentioned in clause (1)(b) must:
- (a) contain a description of the land that corresponds to the parcel number assigned by the land titles registry; and
  - (b) include a statement that the land described in the notification has been granted:
    - (i) to the Canadian Pacific Railway Company; or
    - (ii) to any railway company entitled to provincial lands under the authority of an Act or an Act of the Parliament of Canada.
- (3) The Registrar shall accept the notification mentioned in clause (1)(b) and deal with the notification in all respects as if the notification were a transfer:
- (a) in favour of the Canadian Pacific Railway Company; or
  - (b) to any railway company entitled to provincial lands under the authority of an Act or an Act of the Parliament of Canada.

**Application for issuance of first title - passed from the Crown before January 1, 1887**

**95(1)** An application for issuance of first title made pursuant to clause 75(1)(d) of the Act must:

- (a) be made in the form provided; and
  - (b) include:
    - (i) all deeds, if any, in possession of the applicant;
    - (ii) a certificate showing all interests affecting the abstract record in the abstract directory up to and including the time when the application is filed; and
    - (iii) the documents for the interests mentioned in subclause (ii).
- (2) Notwithstanding subsection (1), where the title to the land mentioned in the application passed to the Hudson's Bay Company before January 1, 1887, either by notification pursuant to the *Dominion Lands Act* (Canada) or by letters patent, an application pursuant to this section must include:
- (a) the notification or letters patent; or
  - (b) an affidavit of an officer of the company in the form provided.

**Crown application for first title**

**96** An application to have first title issued made pursuant to subsection 76(1) of the Act must:

- (a) be in a form acceptable to the Registrar;

- (b) contain a description of the land that corresponds to the parcel number assigned by the Controller of Surveys; and
- (c) have been executed by a person who appears, in the opinion of the Registrar, to be an appropriate official of the Crown.

## PART XI Writs and Maintenance Orders

### Interpretation of Part

**97** In this Part, “**personal property registry**” means the personal property registry continued pursuant to *The Personal Property Security Act, 1993*.

### Use of personal property registry by writ registry

**98(1)** Except where modified by these regulations, the writ registry is to use the procedures of the personal property registry, as set out in *The Personal Property Security Act, 1993* and the regulations made pursuant to that Act, for the registration, renewal and discharge of writs and for the registration of maintenance orders.

(2) An application to register or renew a writ in the writ registry must be in the form required by the personal property registry.

(3) Subject to these regulations, an application to amend a registration with respect to a writ in the writ registry must be in the form required by the personal property registry.

(4) The personal property registry writ registration form must be used to register maintenance orders in the writ registry.

(5) Subject to these regulations, an application to amend a registration with respect to a maintenance order in the writ registry must be in the form required by the personal property registry for the amendment of registration of a writ.

(6) The data collected by the personal property registry pursuant to subsections (2) and (3) is to be transferred to the writ registry with a frequency to be determined by the Registrar.

(7) Where an execution debtor or a person who is the subject to a maintenance order is deceased, the writ or maintenance order must be registered in the writ registry in the name of the deceased person, followed by the word “estate”.

### Instruments prescribed as writs

**99** For the purposes of subclause 2(1)(ww)(ii) of the Act, a certificate of proof of claim issued by a local registrar of the Court of Queen’s Bench pursuant to *The Creditors’ Relief Act* is prescribed as a writ.

### Discharge of writ from writ registry

**100(1)** On the satisfaction or withdrawal of a writ, any person authorized to do so shall immediately file with the personal property registry, in the form required by the personal property registry, an application for discharge from the writ registry to the effect that the writ has been satisfied or withdrawn in whole.

(2) On the filing of an application for discharge pursuant to subsection (1) or a judge's order showing the satisfaction or withdrawal of a writ, the writ:

- (a) is discharged from the writ registry; and
- (b) is discharged from any title or interest to which the writ has attached.

**Expiry of writ**

**101(1)** The registration of a writ issued by the Court of Queen's Bench expires 10 years after the date of the judgment unless renewed before the expiry date.

(2) The registration of a writ issued by the federal court expires six years after the date of the judgment unless renewed before the expiry date.

(3) Subject to subsection (4), the Registrar shall remove the writ from the writ registry when the writ has expired.

(4) No registration of a writ is to be removed due to expiry until five days after the expiry date.

(5) The expiry date for registration respecting a writ is to be determined pursuant to subsection (1) or (2).

(6) This section does not apply to writs for arrears of maintenance.

**Discharge of maintenance order from writ registry**

**102(1)** On the satisfaction or withdrawal of a maintenance order, the Director of Maintenance Enforcement shall immediately file with the personal property registry, in the form required by the personal property registry for the discharge of a writ, an application for discharge from the writ registry to the effect that the maintenance order has been satisfied or withdrawn.

(2) On the filing of an application for discharge pursuant to subsection (1) or a judge's order showing the satisfaction or withdrawal of a maintenance order, the maintenance order:

- (a) is discharged from the writ registry; and
- (b) is discharged from any title or interest to which the maintenance order has attached.

## PART XII Assurance and Compensation

**Prescribed amount**

**103** The amount prescribed for the purposes of subsection 90(3) of the Act is \$100,000.

**Interpretation re section 85 of Act**

**104** For the purposes of clause 85(f) of the Act, "**name by which he or she is described in the writ or maintenance order**" means:

- (a) the name as converted into the writ registry pursuant to clause 167(1)(a) of the Act; or
- (b) the name as completed by any person registering a writ or maintenance order in the writ registry pursuant to subsections 98(2) and (4) using the forms of the personal property registry.

PART XIII  
**Powers of the Registrar**

**Registrar's prohibition**

**105(1)** Where the Registrar imposes a prohibition against a title or interest pursuant to section 99 of the Act, the Registrar shall record the prohibition in the land titles registry against the title or interest in accordance with this section.

(2) The record of a Registrar's prohibition must:

(a) specify:

(i) the date the Registrar imposed the prohibition;

(ii) the title number, interest register number or interest number to which the prohibition applies; and

(iii) whether any subsequent registrations or dealings will be permitted against the title, interest register or interest that is the subject of the prohibition; and

(b) include a summary of the relevant circumstances giving rise to the prohibition or, where the prohibition is created pursuant to an Act or an Act of the Parliament of Canada, specify the applicable section of the Act or of the Act of the Parliament of Canada.

(3) On the withdrawal of a prohibition recorded pursuant to this section, the Registrar shall maintain a record of the prohibition on the title or on the interest register against the interested title specifying:

(a) that the prohibition has been withdrawn;

(b) the date the prohibition was withdrawn; and

(c) any other information that the Registrar considers appropriate.

(4) Notwithstanding subsection (3), the Registrar may withdraw a prohibition, without maintaining the record mentioned in subsection (3), if it is necessary to permit dealing with a title or interest and then reapply the prohibition to the title or interest.

**Correction of registrations**

**106** For the purposes of clause 97(1)(c) of the Act, if it appears to the Registrar that an entry has been made in error in the land registry, the Registrar may correct the error.

**Reference to Registrar**

**107** Submissions to the Registrar pursuant to section 101 of the Act must:

(a) be in writing; and

(b) specify:

(i) the name of the applicant;

(ii) the client number of the applicant, if any;

(iii) the address of the applicant;

(iv) the title number, abstract number or interest number, where applicable; and

(v) the nature of the question.

**Interpretation re section 118 of Act**

**108** For the purposes of subsection 118(3) of the Act, “**the Registrar may waive any fees, charges or taxes**” means the Registrar may waive any fees, charges or taxes in whole or in part.

PART XIV  
**Service of Documents**

**Service effected using address for service**

**109(1)** For the purposes of clause 113(1)(b) of the Act, any document required to be served pursuant to the Act or these regulations, or in any proceeding or matter under the jurisdiction of the Registrar, may be served by registered mail delivered to the person’s or entity’s address for service.

(2) For the purposes of clause 113(2)(b) of the Act, any document required to be served on the Registrar may be served by registered mail delivered to the Registrar’s office.

(3) For the purposes of subsection 113(3) of the Act, service of a document is to be proved by an affidavit of service specifying when, where, how and by whom service was effected.

(4) An original or true copy of each document served must be attached to the affidavit of service as an exhibit to the affidavit.

PART XV  
**Statements of Law**

**Shortform lease**

**110(1)** For the purposes of section 142 of the Act, to use the shortform of any covenant listed in Column 2 of Appendix 1 in a lease, the lessee or the lessor must identify the shortform in a lease instrument using the words that:

- (a) appear in Column 1 of Appendix 1 opposite the covenant; and
- (b) bear the same number as the covenant.

(2) For the purposes of subsection (1), it is not necessary in any lease instrument to insert the number mentioned in clause (1)(b).

**Shortform mortgage**

**111(1)** For the purposes of section 130 of the Act, to use the shortform of any covenant listed in Column 2 of Appendix 2 in a mortgage, the mortgagor or the mortgagee must identify the shortform in a mortgage instrument using the words that:

- (a) appear in Column 1 of Appendix 2 opposite the covenant; and
- (b) bear the same number as the covenant.

(2) For the purposes of subsection (1), it is not necessary in any mortgage instrument to insert the number mentioned in clause (1)(b).

**Parcels for which no ownership register is established**

**112** Pursuant to clause 11(3)(a) of the Act, no ownership register is to be established for parcels that are identified by the Registrar on the conversion of titles pursuant to Division 2 of Part XX of the Act, where the ownership of those parcels has not been determined to the satisfaction of the Registrar.

**PART XVI**  
**Conversion**

**Instruments not converted from condominium plan**

**113(1)** Pursuant to clause 198(1)(a) of the Act, every instrument that was endorsed on a condominium plan pursuant to *The Condominium Property Act, 1993* is to be converted in the manner provided by the Registrar and is deemed to be a registered interest except:

- (a) instruments referencing an amendment to condominium corporation bylaws; and
- (b) instruments providing a notification of change of address of the condominium corporation.

**(2)** Pursuant to subsection 198(2) of the Act, every instrument mentioned in subsection (1) is to be dealt with in the following manner:

- (a) instruments referencing an amendment to condominium corporation bylaws are to be entered into the records of the Corporations Branch of the Department of Justice; and
- (b) the records of the Corporations Branch of the Department of Justice are to show the most current address shown on the unconverted instrument.

**Discontinued general record instruments**

**114(1)** All instruments in the general record of a former land registration district are to be converted and registered in the land titles registry pursuant to subsection 200(2) of the Act, except the following instruments:

- (a) notices of corporate amalgamations;
- (b) notices of corporate name changes;
- (c) powers of attorney;
- (d) letters of administration;
- (e) letters probate;
- (f) local registrar's certificates issued pursuant to the former Act or *The Administration of Estates Act* that no infants or children are interested in the estate;
- (g) Official Guardian's certificates that no infants are interested in an estate;
- (h) Public Trustee's certificates that no infants or children are interested in the estate;
- (i) revocations of powers of attorney;
- (j) any orders made by the Minister of Education pursuant to *The Education Act* or *The Education Act, 1995*;

- (k) any orders made by the Minister of Health pursuant to *The Health Districts Act*;
  - (l) any other records identified by the Registrar as no longer being required pursuant to the Act to be maintained in the land titles registry.
- (2) For each instrument to be converted from the general record and registered in the land titles registry, the summary of that instrument as recorded in the general record is to be used.

PART XVII  
**Repeal and Coming into Force**

**R.R.S. c.L-5 Reg 1 repealed**

**115** *The Land Titles (Miscellaneous) Regulations* are repealed.

**Sask. Reg. 88/76 repealed**

**116** *The Regulations Prescribed for Land Titles Offices Under the Authority of The Land Titles Act*, being Saskatchewan Regulations 88/76, are repealed.

**Coming into force**

**117** These regulations come into force on the day on which they are filed with the Registrar of Regulations but are retroactive and are deemed to have been in force on and from June 25, 2001.



<b>Appendix 1</b> <b>Shortform Covenants in Leases</b> <i>(Section 110)</i>	
COLUMN 1	COLUMN 2
1 Will pay taxes	1 That I, the lessee, will pay all taxes, rates, duties and assessments whatsoever, whether municipal or provincial, now charged or to be charged on the demised premises, or on the lessor on account of the demised premises, except municipal taxes for local improvements or works assessed on the property benefited thereby.
2 Will not, without leave, assign or sublet	2 That I, the lessee, will not during the said term transfer, assign or sublet the land and premises hereby leased or sublet or any part thereof or otherwise by any act or deed procure the said land and premises or any part thereof to be transferred or sublet, without the consent in writing of the lessor first had and obtained.
3 Will fence	3 That I, the lessee, will during the continuance of the said term erect and put on the boundaries of the said land, or on those boundaries on which no substantial fence now exists, a good and substantial fence.
4 Will cultivate	4 That I, the lessee, will at all times during the said term cultivate, use and manage in a proper husbandlike manner all such parts of the land as are now or shall hereafter, with the consent in writing of the lessor, be broken up or converted into tillage and will not impoverish or waste the same.
5 Will not cut timber	5 That I, the lessee, will not cut down, fell, injure or destroy any living timber or timberlike tree standing and being on the said land without the consent in writing of the lessor.
6 Will not carry on offensive trade	6 That I, the lessee, will not at any time during the said term use, exercise or carry on or permit or suffer to be used, exercised or carried on, in or upon the said premises or any part thereof any noxious, noisome or offensive art, trade, business, occupation or calling, and no act, matter or thing whatever shall at any time during the said term be done in or upon the said premises or any part thereof that shall or may be or grow to annoyance, nuisance, grievance, damage or any disturbance of the occupiers or owners of the adjoining lands and properties.

<b>Appendix 2</b> <b>Shortform Covenants in Mortgages</b> <i>(Section 111)</i>	
COLUMN 1	COLUMN 2
1 Have a good title to the land	1 And also that at the time of the execution and delivery hereof I am and stand solely, rightfully and lawfully seized of a good, sure, perfect, absolute and indefeasible estate of inheritance in fee simple of and in the lands, tenements, hereditaments and all and singular other the premises hereinbefore described with their and every part of their appurtenances and of and in every part and parcel thereof without any manner of trusts, reservations, limitations, provisos or conditions, except those contained in the original grant thereof from the Crown or any other matter or thing to alter, charge, change, encumber or defeat the same.
2 Have the right to mortgage the land	2 And also that I now, have in myself good right, full power and lawful and absolute authority to mortgage the said lands, tenements, hereditaments and all and singular other the premises hereby mortgaged or hereinbefore mentioned or intended so to be with their and every of their appurtenances unto the said mortgagee, his heirs, executors, administrators and assigns in manner aforesaid and according to the true intent and meaning of these presents.

<p>3 And that on default, the mortgagee shall have quiet possession of the land</p>	<p>3 And also that from and after default shall happen to be made of or in the payment of the said sum of money in the said above covenant mentioned or the interest thereof or any part thereof or of or in the doing, observing, performing, fulfilling or keeping of possession of some one or more of the covenants in this mortgage particularly set forth contrary to the true intent and meaning of these presents and of the said covenant then and in every such case it shall and may be lawful to and for the said mortgagee, his heirs, executors, administrators and assigns peaceably and quietly to enter into, have, hold, use, occupy, possess and enjoy the aforesaid lands, tenements, hereditaments and premises hereby mortgaged or mentioned or intended so to be with their appurtenances without the let, suit, hindrance, interruption or denial of me, the said mortgagor, my heirs or assigns or any other person or persons whomsoever.</p>
<p>4 Free from all encumbrances</p>	<p>4 And that free and clear and freely and clearly acquitted, exonerated and discharged of and from all arrears of taxes and assessments whatever due or payable upon or in respect of the said lands, tenements, hereditaments and premises or any part thereof, and of and from all former conveyances, mortgages, rights, annuities, debts, judgments, executions and recognizances, and of and from all manner of other charges or encumbrances whatever.</p>

<p>5 Will execute further assurance of the land as may be requisite</p>	<p>5 And also that from and after default shall happen to be such of or in the payment of the said sum of money in the said covenant mentioned or the interest thereof or any part of such money or interest of or in the doing, observing, performing, fulfilling or keeping of some one or more of the covenants in this mortgage particularly set forth, contrary to the true intent and meaning of these presents and of the said covenant, then and in every such case I, the said mortgagor, my heirs and assigns and all and every other person or persons whosoever having or lawfully claiming or who shall or may have or lawfully claim any estate, right, title, interest or trust of, in, to or out of the lands, tenements, hereditaments and premises hereby mortgaged or mentioned or intended so to be with the appurtenances on any part thereof by, from, under or in trust for me the said mortgagor shall and will from time to time and at all times thereafter at the proper costs and charges of the said mortgagee, his heirs, executors, administrators and assigns make, do, suffer and execute or cause or procure to be made, done, suffered and executed all and every such further and other reasonable act or acts, deed or deeds, devices, conveyances and assurances in the law for the further, better and more perfectly and absolutely transferring the said lands, tenements, hereditaments and premises with the appurtenances unto the said mortgagee, his heirs, executors, administrators and assigns as by said mortgages, his heirs, executors or his or their solicitor, shall or may be lawfully and reasonably devised, advised or required, so that no person who shall be required to make or execute such assurances shall be compelled for the making or executing thereof to go or travel from his usual place of abode.</p>
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6 Have not done any act to encumber the land	6 And also that I, the said mortgagor, have not at any time heretofore made, done, committed, executed or wilfully or knowingly suffered any act, deed, matter or thing whatever whereby or by means whereof the said lands, tenements, hereditaments and premises hereby mortgaged or mentioned or intended so to be or any part or parcel thereof are, is or shall or may be in any wise impeached, charged, affected or encumbered in title, estate or otherwise howsoever.
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## SASKATCHEWAN REGULATIONS 51/2001

### *The Health Districts Act*

#### Section 40

Order in Council 496/2001, dated July 4, 2001

(Filed July 5, 2001)

**Title**

**1** These regulations may be cited as *The District Health Boards Election Amendment Regulations, 2001*.

**R.R.S. c.H-0.01 Reg 3 amended**

**2** *The District Health Boards Election Regulations* are amended in the manner set forth in these regulations.

**Section 4 amended**

**3 Subsection 4(4) is repealed.**

**New section 4.1**

**4 The following section is added after section 4:**

**“General election postponed**

4.1(1) Notwithstanding section 4, the general election that was to be held in October, 2001 in wards 2, 4, 6 and 8 of health districts to which section 4 applies is postponed until the second Wednesday in October, 2002”.

**New section 5.1**

**5 The following section is added after section 5:**

**“By-elections postponed**

**5.1** Notwithstanding subsections 5(1) and (3), where a vacancy in a district health board exists on the coming into force of this section or occurs before August 1, 2002, the by-election to fill the vacancy is to be held on the second Wednesday of October, 2002”.

**Coming into force**

**6** These regulations come into force on the day on which they are filed with the Registrar of Regulations.

**SASKATCHEWAN REGULATIONS 52/2001***The Corporation Capital Tax Act*

Section 58

Order in Council 498/2001, dated July 4, 2001

(Filed July 5, 2001)

**Title**

1 These regulations may be cited as *The Corporation Capital Tax Amendment Regulations, 2001*.

**R.R.S. c.C-38.1 Reg 1 amended**

2 *The Corporation Capital Tax Regulations, 1984* are amended in the manner set forth in these regulations.

**Section 2 amended**

3 **The following clause is added after clause 2(2)(a.1):**

“(a.2) **“telecommunications Crown corporation”** means Saskatchewan Telecommunications”.

**New section 8.2**

4 **The following section is added after section 8.1:**

**“Telecommunications Crown corporation tax**

8.2 For the purposes of section 13.2 of the Act, a telecommunications Crown corporation shall pay an additional tax equal to 0.9% of its telecommunications capital”.

**Coming into force**

5(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Corporation Capital Tax Amendment Act, 2001* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Corporation Capital Tax Amendment Act, 2001* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

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**SASKATCHEWAN REGULATIONS 53/2001***The Securities Act, 1988*

Section 154

Commission Order, dated June 5, 2001

(Filed July 6, 2001)

**Title**

1 These regulations may be cited as *The Securities Commission (Adoption of National Instruments) Amendment Regulations, 2001 (No. 3)*.

**R.R.S. c.S-42.2 Reg 3 amended**

2 *The Securities Commission (Adoption of National Instruments) Regulations* is amended in the manner set forth in these regulations.

**Section 2 amended****3 The following clause is added after clause 2(q):**

“(r) National Instrument 45-101, entitled Rights Offerings, as set out in Part XVIII of the Appendix”.

**Appendix amended****4(1) Part XIII of the Appendix is amended:****(a) by repealing clause 10.4(b) and substituting the following:**

“(b) contain a statement that the person or company referred to in subsection(1):

- (i) has read the short form prospectus; and
- (ii) has no reason to believe that there are any misrepresentations in the information contained in it that are:
  - (A) derived from the report, valuation, statement or opinion; or
  - (B) within the knowledge of the person or company as a result of the services performed by the person or company in connection with the report, financial statements, valuation, statement or opinion”; **and**

**(b) by repealing section 21.4 of Form 44-101F3 and substituting the following:****“21.4 Amendments**

(1) Include in an amendment to a short form prospectus that does not restate the short form prospectus the certificates required under Items 21.1, 21.2 and, if applicable, Item 21.3 with the reference in each certificate to ‘this short form prospectus’ omitted and replaced by ‘the short form prospectus dated [insert date] as amended by this amendment’.

(2) Include in an amended and restated short form prospectus the certificates required under Items 21.1, 21.2 and, if applicable, Item 21.3 with the reference in each certificate to ‘this short form prospectus’ omitted and replaced by ‘this amended and restated short form prospectus’.

**(2) The following Part is added after Part XVII of the Appendix:**

“PART XVIII  
 “[*clause 2(r)*]  
 “NATIONAL INSTRUMENT 45-101  
 “RIGHTS OFFERINGS

**“PART 1 DEFINITIONS, INTERPRETATION AND APPLICATION****“1.1 Definitions - In this Instrument**

‘acceptance date’ means:

- (a) in all jurisdictions except Quebec:
  - (i) the date that is 10 days after the date the issuer gives the notice referred to in the rights offering prospectus exemption; or

- (ii) if the reviewing authority has objected to the proposed trade under the rights offering prospectus exemption, the date the reviewing authority notifies the issuer by written notice that it no longer objects to the use of the rights offering prospectus exemption; and
- (b) in Quebec:
  - (i) the date that is 15 days after the date the issuer gives the notice referred to in the rights offering prospectus exemption; or
  - (ii) if the reviewing authority has objected to the proposed trade under the rights offering prospectus exemption, the date the reviewing authority notifies the issuer by written notice that it no longer objects to the use of the rights offering prospectus exemption.

**'additional subscription privilege'** means the privilege, granted to a holder of a right, to subscribe for securities not subscribed for under a basic subscription privilege;

**'basic subscription privilege'** means a privilege to subscribe for that number of securities set out in a rights certificate held by a holder of the rights certificate;

**'class'** includes a series of a class of securities;

**'managing dealer'** means a dealer that has entered into an agreement with an issuer under which the dealer has agreed to organize, and participate in, the solicitation of the exercise of rights issued by the issuer;

**'market price'** means for securities of a class for which there is a published market:

- (a) except as provided in paragraph (b):
  - (i) if the published market provides a closing price, the simple average of the closing price of securities of that class on the published market for each of the trading days on which there was a closing price falling not more than 20 trading days immediately before the day as of which the market price is being determined; or
  - (ii) if the published market does not provide a closing price, but provides only the highest and lowest prices of securities of the class traded, the average of the simple averages of the highest and lowest prices of securities of the class on the published market for each of the trading days on which there were highest and lowest prices falling not more than 20 trading days immediately before the day as of which the market price is being determined; or
- (b) if trading of securities of the class in the published market has occurred on fewer than 10 of the immediately preceding 20 trading days, the average of the following amounts established for each of the 20 trading days immediately before the day as of which the market price is being determined:
  1. The average of the closing bid and closing ask prices for each day on which there was no trading.



2. If the published market:
  - (i) provides a closing price of securities of the class for each day that there has been trading, the closing price; or
  - (ii) provides only the highest and lowest prices, the average of the highest and lowest prices of securities of that class for each day that there has been trading;

**‘published market’** means, for a class of securities, a marketplace on which the securities have traded that discloses regularly in a publication of general and regular paid circulation or in a form that is broadly distributed by electronic means the prices at which those securities have traded;

**‘reviewing authority’** means:

- (a) in all jurisdictions except British Columbia and Alberta, the securities regulatory authority or regulator; and
- (b) in British Columbia and Alberta, the regulator;

**‘rights offering’** means:

- (a) in all jurisdictions except British Columbia, the issuance by an issuer to its securityholders of:
  - (i) a right to purchase additional securities of the issuer’s own issue; and
  - (ii) securities on exercise of the right; and
- (b) in British Columbia, the issuance by an issuer to its securityholders of a right to purchase additional securities of the issuer’s own issue;

**‘rights offering prospectus exemption’** means the exemption in securities legislation from the prospectus requirement for a rights offering;

**‘rights offering registration exemption’** means the exemption in securities legislation from the trading registration requirement for a rights offering;

**‘soliciting dealer’** means a person or company the interest of which in a rights offering is limited to participating in the solicitation of the exercise of rights by holders of those rights;

**‘stand-by commitment’** means an agreement by a person or company to acquire securities of an issuer not issued under the basic subscription privilege or the additional subscription privilege available under a rights offering; and

**‘subscription price’** means the price per security at which the securities issuable on the exercise of rights may be subscribed for under a rights offering.

**“1.2 Interpretation** - For the purpose of the definition of “market price”, if there is more than one published market for a security:

- (a) if only one of the published markets is in Canada, the market price shall be determined solely by reference to that market;

(b) if there is more than one published market in Canada, the market price shall be determined solely by reference to the published market in Canada on which the greatest volume of trading in the particular class of securities occurred during the 20 trading days immediately before the date as of which the market price is being determined; and

(c) if there is no published market in Canada, the market price shall be determined solely by reference to the published market on which the greatest volume of trading in the particular class of securities occurred during the 20 trading days immediately before the date on which the market price is being determined.

**“1.3 Application** - This Instrument applies to an issuer that trades in a local jurisdiction, by way of a rights offering, securities of its own issue to a beneficial holder of its securities.

#### **“PART 2 REMOVAL OF RIGHTS OFFERING PROSPECTUS EXEMPTION**

**“2.1 General** - The rights offering prospectus exemption is not available to an issuer unless the issuer and the rights offering comply with the requirements of Parts 3, 5, 6, 7 and 8 of this Instrument.

**“2.2 Restricted Offerings** - The rights offering prospectus exemption is not available to an issuer for a rights offering in any of the following circumstances:

1. The issuer is a reporting issuer in any jurisdiction and there would be an increase of more than 25 percent in the number, or, in the case of debt, the principal amount, of the outstanding securities of the class to be issued upon the exercise of rights, assuming the exercise of all rights issued under the rights offering and the exercise of any other rights issued by the issuer under the rights offering prospectus exemption during the 12 months immediately before the acceptance date.
2. The issuer has entered into an agreement to compensate a person or company for soliciting the exercise of rights issued under the rights offering that provides for payment of a higher fee for soliciting the exercise of rights by holders of rights that were not securityholders of the issuer immediately before the rights offering than the fee payable for soliciting the exercise of rights by holders of rights that were securityholders at that time.
3. The rights offering is conditional on a minimum amount of proceeds being raised and the exercise period for the rights is more than 45 days after the acceptance date.
4. The issuer is not a reporting issuer in any jurisdiction and the exercise period for the rights is more than 60 days after the acceptance date.
5. The issuer is a reporting issuer in any jurisdiction and the exercise period for the rights is more than 90 days after the acceptance date.
6. The issuer is a reporting issuer in any jurisdiction and the exercise period for the rights is less than 21 days after the date on which the rights offering circular is sent to securityholders under paragraph 3.2(a).
7. The issuer is a reporting issuer in any jurisdiction and has not filed financial statements required to be filed under Canadian securities legislation.

**“PART 3 PROSPECTUS EXEMPT OFFERINGS****“3.1 Deliveries to the Reviewing Authority**

(1) An issuer that is relying on the rights offering prospectus exemption shall send to the reviewing authority the following documents:

1. A rights offering circular in draft and final form prepared in accordance with Form 45-101F.
2. If the issuer is not a reporting issuer in any jurisdiction, a statement of the issuer signed on its behalf by a senior officer confirming:
  - (a) that the issuer is in compliance with the requirements of its incorporating legislation concerning the distribution of information to its security holders; and
  - (b) no material change has occurred that has not been previously disclosed in writing to its security holders.
3. A copy of any agreement entered into, or proposed to be entered into, by the issuer with a managing dealer.
4. A copy of the technical reports and certificates prepared under National Instrument 43-101 Standards of Disclosure for Mineral Projects or National Policy Statement No. 2-B Guide for Engineers and Geologists Submitting Oil and Gas Reports to Canadian Provincial Securities Administrators or any successor instrument.
5. The details of any other rights offering completed by the issuer within the 12 months immediately preceding the date the rights offering circular in draft form is sent to the reviewing authority.

(2) A rights offering circular in draft form may exclude information about the subscription price and other matters dependent on the subscription price.

**“3.2 Delivery to Securityholders** - An issuer that is required to provide notice under the rights offering prospectus exemption shall send:

- (a) to each securityholder entitled to receive rights under the rights offering a rights offering circular to which the reviewing authority has not objected or has confirmed its acceptance; and
- (b) to each securityholder entitled to receive rights under the rights offering and to each registered rights holder, a copy of any amendment under section 3.3.

**“3.3 Amendments**

(1) An issuer that has sent to its securityholders a rights offering circular under paragraph 3.2(a) may amend the rights offering circular, for the purpose of updating information, by sending to the reviewing authority an amendment to the rights offering circular in draft and final form or an amended rights offering circular in draft and final form blacklined to the previously filed rights offering circular.

(2) Despite subsection (1), after the acceptance date, an issuer shall not amend the rights offering circular to change the terms of the rights offering.

**“PART 4 PROSPECTUS OFFERINGS**

**“4.1 Reliance on Registration Exemption** - An issuer that files a prospectus for a rights offering and intends to rely on the rights offering registration exemption shall state that it intends to rely on the exemption in a letter accompanying the filing of the preliminary prospectus.

**“4.2 Prospectus** - An issuer shall not file a prospectus for a rights offering, unless:

- (a) in addition to qualifying the distribution of the rights, the prospectus qualifies the distribution of the securities issuable on the exercise of the rights;
- (b) if there is a managing dealer, the managing dealer has signed the underwriter’s certificate in the prospectus; and
- (c) if the issuer is a reporting issuer, the exercise period for the rights is at least 21 days after the date on which the prospectus is sent to securityholders.

**“4.3 Compliance with Instrument** - An issuer shall not file a prospectus or an amendment to a prospectus for a rights offering unless the issuer and the rights offering comply with the requirements of Parts 5, 6, 7 and 8.

**“4.4 Amendment** - An issuer shall not file an amendment to a prospectus for a rights offering to change the terms of the rights offering.

**“PART 5 INSIDER SUBSCRIPTIONS****“5.1 Insider Subscriptions**

(1) If there is no published market or the subscription price is greater than the market price, for securities of the class of securities issuable on the exercise of the rights, no insider of the issuer shall be permitted to increase its proportionate interest in the issuer through the exercise of the rights under the rights offering or through a stand-by commitment.

(2) Subsection (1) does not apply if there is no published market and the issuer, at the time that the rights offering circular in final form or the rights offering prospectus under which the rights are to be issued is sent to the reviewing authority, by notice in writing confirms to the reviewing authority that the subscription price for the securities issuable on the exercise of the rights is not greater than the fair value of the securities on the day before the date the subscription price is established.

**“PART 6 STAND-BY COMMITMENTS**

**“6.1 Stand-By Commitments** - If there is a stand-by commitment for a rights offering, the issuer shall deliver to the reviewing authority at the time the rights offering circular in final form or the rights offering prospectus is sent to the reviewing authority evidence that the person or company providing the stand-by commitment has the financial ability to carry out the stand-by commitment.

**“PART 7 ADDITIONAL SUBSCRIPTION PRIVILEGE**

**“7.1 Additional Subscription Privilege** - An issuer shall not grant an additional subscription privilege to a holder of a right unless the issuer grants the additional subscription privilege to all holders of rights.

**“7.2 Stand-by Commitment** - If there is a stand-by commitment for a rights offering, the issuer shall grant an additional subscription privilege to all holders of rights.

**“7.3 Number or Amount of Securities**

(1) Under an additional subscription privilege, each holder of a right shall be entitled to receive, on exercise of the additional subscription privilege, the number or amount of securities that is equal to the lesser of:

(a) the number or amount of securities subscribed for by the holder under the additional subscription privilege; and

(b)  $x(y/z)$  where:

$x$  = the aggregate number or amount of securities available through unexercised rights;

$y$  = the number of rights previously exercised by the holder under the rights offering; and

$z$  = the aggregate number of rights previously exercised under the rights offering by holders of rights that have subscribed for securities under the additional subscription privilege.

(2) Any unexercised rights shall be allocated on a pro rata basis to holders who subscribed for additional securities based on the additional subscription privilege up to the number of securities subscribed for by a particular holder.

**“7.4 Price of Securities** - The subscription price under an additional subscription privilege or a stand-by commitment shall be the same as the subscription price under the basic subscription privilege.

**“PART 8 APPOINTMENT OF DEPOSITORY**

**“8.1 Depository**

(1) Subject to section 8.2, if a reporting issuer has specified in a rights offering circular or rights offering prospectus that no securities will be issued on the exercise of the rights unless proceeds at least equal to the specified minimum amount are received by the issuer under the rights offering, the issuer shall appoint one of the following to hold, as a depository, all money received on the exercise of the rights until that specified minimum amount is received or until the money is returned under the agreement referred to in section 8.2:

1. A Canadian financial institution.

2. A registrant in the jurisdiction in which the funds are proposed to be held, who is acting as managing dealer for the rights offering, or if there is no managing dealer, who is acting as a soliciting dealer.

(2) The issuer shall identify the depository appointed under subsection (1) in the rights offering circular or rights offering prospectus.

**“8.2 Release of Funds from Depository** - The agreement between the depository and the issuer under which the depository referred to in section 8.1 is appointed shall provide that, if the specified minimum amount referred to in section 8.1 is not received by the depository during the exercise period for the rights, the money held by the depository will be returned in full to the holders of rights that have subscribed for securities under the rights offering.

#### **“PART 9 LISTING REPRESENTATIONS**

**“9.1 Listing Representations** - A reviewing authority’s written permission to include a listing representation that is not otherwise permitted under the securities legislation of the Jurisdictions in a rights offering circular or in a rights offering prospectus is evidenced by the acceptance of, or non-objection to, the circular or the issuance of a receipt for the prospectus by the reviewing authority.

#### **“PART 10 EXEMPTION**

##### **“10.1 Connection Test**

(1) Parts 2, 3, 5, 6, 7 and 8 do not apply to an issuer effecting a rights offering if:

(a) to the knowledge of the issuer after reasonable enquiry:

(i) the number of beneficial holders of the class for which the rights are issued resident in Canada does not constitute 10 percent or more of all holders of that class;

(ii) the number of securities of the issuer of the class for which the rights are issued beneficially held by securityholders resident in Canada does not constitute, in the aggregate, 10 percent or more of the outstanding securities of that class;

(iii) the number of beneficial holders of the class for which the rights are issued resident in the local jurisdiction does not constitute five percent or more of all holders of that class; and

(iv) the number of securities of the issuer of the class for which the rights are issued beneficially held by securityholders resident in the local jurisdiction does not constitute, in the aggregate, five percent or more of the outstanding securities of that class; and

(b) all materials sent to any other securityholders for the rights offering are concurrently sent to the reviewing authority and to each securityholder of the issuer resident in the local jurisdiction.

(2) An issuer relying on the exemption in subsection (1) shall send to the reviewing authority a written notice that it is relying on the exemption and a certificate of an officer or director of the issuer, or if the issuer is a limited partnership, an officer or director of the general partner of the issuer, or if the issuer is a trust, a trustee or officer or director of a trustee of the issuer, that to the knowledge of the person signing the certificate, after reasonable inquiry that:

(a) the number of beneficial holders of the class for which the rights are issued resident in Canada does not constitute 10 percent or more of all holders of that class;

(b) the number of securities of the issuer of the class for which the rights are issued beneficially held by securityholders resident in Canada does not constitute, in the aggregate, 10 percent or more of the outstanding securities of that class;

(c) the number of beneficial holders of the class for which the rights are issued resident in the local jurisdiction does not constitute five percent or more of all holders of that class; and

(d) the number of securities of the issuer of the class for which the rights are issued beneficially held by securityholders resident in the local jurisdiction does not constitute, in the aggregate, five percent or more of the outstanding securities of that class.

#### **“10.2 Exemption**

(1) The regulator or the securities regulatory authority may grant an exemption from this Instrument, in whole or in part, subject to such conditions or restrictions as may be imposed in the exemption.

(2) Despite subsection (1), in Ontario, only the regulator may grant such an exemption.

**“10.3 Evidence of Exemption** - Without limiting the manner in which an exemption under section 10.2 may be evidenced, the issuance by the reviewing authority of a receipt for the rights offering prospectus or acceptance of, or non-objection to, the rights offering circular is evidence of the granting of the exemption if:

(a) the person or company that sought the exemption delivered to the regulator on or before the date the preliminary rights offering prospectus or rights offering circular in draft form was sent to the reviewing authority, a letter or memorandum describing the matters relating to the exemption application, and indicating why consideration should be given to the granting of the exemption; and

(b) the regulator has not sent written notice to the contrary to the person or company that sought the exemption before or concurrently with the issuance of the receipt for the prospectus or acceptance of, or non-objection to, the circular by the reviewing authority.

#### **“PART 11 EFFECTIVE DATE**

**“11.1 Effective Date of Instrument** - This Instrument comes into force on July 25, 2001.

#### **“NATIONAL INSTRUMENT 45-101**

#### **“FORM 45-101F**

#### **“INFORMATION REQUIRED IN A RIGHTS OFFERING CIRCULAR**

This is the form required by section 3.1 of National Instrument 45-101 Rights Offerings.

#### **“Item 1 - Name of Issuer**

**“1.1 Name of Issuer** - State the full legal name of the issuer and the addresses of its head office or registered office, and of its principal office.

**“Item 2 - Summary of Offering**

**“2.1 Summary of Offering** - On the first page of the circular, set out in summary form:

- (i) the number of rights;
- (ii) the record date;
- (iii) the time and date of expiry of the offer;
- (iv) the subscription price;
- (v) the basic subscription privilege;
- (vi) the maximum number of securities issuable and the proceeds to be received by the issuer, assuming the exercise of all rights issued under the rights offering;
- (vii) the estimated expenses of the rights offering;
- (viii) any stand-by commitment;
- (ix) the basis on which any additional subscription privilege may be exercised; and
- (x) the minimum amount of proceeds, if any, upon which the rights offering is conditioned.

**INSTRUCTIONS:**

*1. If the rights will be listed on a stock exchange, include the following statement on the face page:*

“The Rights will be listed on the [name of exchange]”.

*2. If the securities issuable on the exercise of the rights will be listed on a stock exchange, include the following statement on the face page:*

“The [name of exchange] has approved the listing of the [name of securities] issuable on the exercise of the Rights”.

**“Item 3 - International Issuers**

**“3.1** If the Issuer is incorporated, continued or otherwise organized under the laws of a foreign jurisdiction or resides outside of Canada, state the following on the cover page or under a separate heading elsewhere in the rights offering circular, with the bracketed information completed:

“[The issuer] is incorporated, continued or otherwise organized under the laws of a foreign jurisdiction or resides outside of Canada. Although [the issuer has appointed [name(s) and address(es) for agent(s) for service] as its agent(s) for service of process in [list jurisdictions] it may not be possible for investors to collect from the issuer, judgments obtained in Canadian courts predicated on the civil liability provisions of securities legislation.”

**“3.2** In Saskatchewan, the rights offering circular must comply with the requirement to disclose statutory rights of action prescribed under securities legislation.



**“Item 4 - Brief Description of the Business of the Issuer**

**“4.1 Brief Description of the Business of the Issuer** - Briefly describe the business carried on and intended to be carried on by the issuer and its subsidiaries.

**“Item 5 - Details of the Rights and Securities Offered**

**“5.1 Details of the Rights and Securities Offered** - Describe the significant attributes of the rights issued under the rights offering and the securities to be issued on the exercise of the rights.

**“Item 6 - Registration and Delivery of Certificates Evidencing Securities**

**“6.1 Registration and Delivery of Certificates Evidencing Securities** - Describe the details of the registration and delivery of security certificates or other evidence of securities to holders of rights who exercise the rights.

**“Item 7 - Subscription Agent and Transfer Agent****“7.1 Subscription Agent and Transfer Agent**

(1) Identify the person or company appointed as subscription agent to receive subscriptions and payments from holders of a rights certificate and to perform the services relating to the exercise and transfer of the rights and provide details of such arrangements.

(2) Identify the person or company appointed as registrar and transfer agent for the securities to be issued on exercise of the rights.

**“Item 8 - How to Exercise the Rights**

**“8.1 How to Exercise the Rights** - Set out in detail how a holder may exercise the basic subscription privilege, exercise any additional subscription privilege, sell or transfer rights or divide or combine the rights evidenced by the certificate.

**INSTRUCTIONS:**

*1. Describe the basis on which a holder of a rights certificate may exercise the basic subscription privilege and any additional subscription privilege.*

*2. State if a holder of rights is to forward payment for additional securities issuable under any additional subscription privilege with the duly completed rights certificate or wait until notified by the issuer of the number of additional securities allotted to such holder.*

*3. Describe the basis on which the holder of a rights certificate may sell or transfer the rights or the prohibitions to the transfer.*

*4. Describe the basis on which the holder of a rights certificate may divide or combine the certificate with other rights certificates.*

**“Item 9 - Stand-By Commitment**

**“9.1 Stand-By Commitment** - Identify the person or company providing the stand-by commitment, if any. Describe the stand-by commitment, if any, and the material terms of the basis on which the person or company providing the stand-by commitment may terminate the obligation under the stand-by commitment.

**“Item 10 - Escrow of Proceeds and Depository**

**“10.1 Escrow of Proceeds and Depository** - Identify the depository, if any, and any provisions for the deposit of the proceeds of the rights offering with the depository.

**“Item 11 - Managing Dealer, Soliciting Dealer(s) and Underwriting Conflicts**

**“11.1 Managing Dealer and Soliciting Dealer(s)** - Identify the managing dealer, if any, and the soliciting dealers, if known, and describe the fees payable to them.

**“11.2 Underwriting Conflicts**

(1) Except in Quebec, if Multilateral Instrument 33-105 Underwriting Conflicts is not in force, provide the disclosure required by securities legislation.

(2) Except in Quebec, if and when Multilateral Instrument 33-105 Underwriting Conflicts comes into force, comply with the requirements of Multilateral Instrument 33-105 Underwriting Conflicts.

(3) In Quebec, provide the disclosure regarding underwriting conflicts in accordance with Quebec securities legislation.

**INSTRUCTIONS:**

*Disclose any information concerning conflicts of interest, including, without limitation, underwriting conflicts, as required by securities legislation.*

**“Item 12 - Intention of Insiders to Exercise Rights**

**“12.1 Intention of Insiders to Exercise Rights** - State, if known to the issuer after reasonable enquiry, the intentions of insiders of the issuer, concerning the exercise of rights issued under the rights offering.

**“Item 13 - Ownership of Securities of Issuer**

**“13.1 Ownership of Securities of Issuer** - Provide the following information for each person or company that is the direct or indirect beneficial owner of or exercises control or direction over more than 10 percent of any class or series of voting securities of the issuer as of a specified date not more than 30 days before the date of the rights offering circular:

- (a) the name;
- (b) for each class or series of voting securities of the issuer, the number or amount of securities owned, controlled or directed; and
- (c) the percentage of each class or series of voting securities known by the issuer to be owned, controlled or directed.

**“13.2 Changes of Ownership** - State the particulars of any issuances and, if known to any director or senior officer of the issuer, transfers of securities of the issuer that in either case have materially affected the control of the issuer since the end of the most recent financial year for which audited financial statements have been prepared.

**“Item 14 - Use of Proceeds**

**“14.1 Use of Proceeds** - Describe the use of the proceeds of the rights offering.

**INSTRUCTIONS:**

*Specify the estimated gross and net proceeds of the rights offering assuming full exercise of the rights, any minimum amount of proceeds required, and the purpose intended for the proceeds.*

**“Item 15 - Statement as to Resale Restrictions**

**“15.1 Statement as to Resale Restrictions** - where the issuer is offering rights in one or more jurisdictions in which there are restrictions on the resale of securities, the rights offering circular shall include a heading entitled “Statement as to Resale Restrictions” under which the issuer shall include a statement disclosing when those rights and underlying securities will become freely tradable in those jurisdictions and that until then, such securities may not be resold except pursuant to a prospectus or prospectus exemption, which may only be available in limited circumstances.

**“Item 16 - Website**

**“16.1 Website** - Disclose the SEDAR website address and that continuous disclosure for the issuer can be obtained on that site”.

**Coming into force**

**5(1)** Subject to subsections (2) and (3), these regulations come into force on the day on which they are filed with the Registrar of Regulations.

(2) Subject to subsection (3), section 3 and subsection 4(2) come into force on July 25, 2001.

(3) If these regulations are filed with the Registrar of Regulations after July 25, 2001, section 3 and subsection 4(2) come into force on the day on which these regulations are filed with the Registrar of Regulations.

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**SASKATCHEWAN REGULATIONS 54/2001***The Securities Act, 1988*

Section 154

Commission Order, dated June 5, 2001

(Filed July 6, 2001)

**Title**

**1** These regulations may be cited as *The Securities Commission (Adoption of National Instruments) Amendment Regulations, 2001 (No. 4)*.

**R.R.S. c.S-42.2 Reg 3 amended**

**2** *The Securities Commission (Adoption of National Instruments) Regulations* is amended in the manner set forth in these regulations.

**Section 2 amended**

**3 The following clause is added after clause 2(r):**

“(s) National Instrument 33-102, entitled Regulation of Certain Registrant Activities, as set out in Part XIX of the Appendix”.

Appendix amended

**4 The following Part is added after Part XVIII of the Appendix:**

**“PART XIX**

*[clause 2(s)]*

**“NATIONAL INSTRUMENT 33-102**

**“REGULATION OF CERTAIN REGISTRANT ACTIVITIES**

**“PART 1 DEFINITIONS**

**“1.1 Definitions - In this Instrument:**

- (a) **‘recognized SRO’** means an SRO that is recognized as a self-regulatory organization by the Canadian securities regulatory authority; and
- (b) **‘retail client’** means:
  - (i) an individual, unless the individual has a net worth exceeding \$5 million; or
  - (ii) a person or company, other than an individual, unless the person or company has total assets or annual revenues exceeding \$10 million;

but does not include:

- (iii) a Canadian financial institution; or
- (iv) a person or company registered under Canadian securities legislation.

**“PART 2 LEVERAGE DISCLOSURE**

**“2.1 Leverage Disclosure**

- (1) When a registrant opens an account for a retail client or when a registrant makes a recommendation to a retail client to purchase securities using in whole or in part borrowed money, or otherwise becomes aware of a retail client’s intent to purchase securities using in whole or in part borrowed money, the registrant shall deliver to the retail client, before the retail client purchases those securities, a written disclosure statement in substantially the following words:

‘Using borrowed money to finance the purchase of securities involves greater risk than a purchase using cash resources only. If you borrow money to purchase securities, your responsibility to repay the loan and pay interest as required by its terms remains the same even if the value of the securities purchased declines’.

- (2) Before executing an order on behalf of a retail client purchasing securities who to the knowledge of the registrant is using in whole or in part borrowed money in connection with the purchase, the registrant shall obtain an acknowledgement from the retail client that specifically refers to the written disclosure statement required by subsection (1) and confirms that the retail client has read the written disclosure statement.

- (3) A registrant is not required to comply with subsections (1) and (2) if:
- (a) the registrant has delivered the written disclosure statement required by subsection (1) to the retail client and the client has delivered an acknowledgement within the six month period prior to the registrant making the recommendation for purchasing securities by using in whole or in part borrowed money, or otherwise becoming aware of a retail client's intent to purchase securities using in whole or in part borrowed money; or
  - (b) the registrant is subject to and complies with the leverage disclosure by-laws, rules, regulations or policies of a recognized SRO.

**“2.2 Exemption for Margin Accounts** - Section 2.1 does not apply to purchases of securities by a retail client on margin if the client's margin account is maintained with a registrant that is a member of a recognized SRO and the margin account is operated in accordance with the by-laws, rules, regulations or policies of the recognized SRO.

### **“PART 3 DISCLOSURE OF CONFIDENTIAL RETAIL CLIENT INFORMATION**

**“3.1 Application of this Part** – This Part does not apply to a registrant registered under securities legislation in Québec with respect to its dealings with retail clients in Québec.

**“3.2 Consent Required** - A registrant shall hold all information about a retail client confidential and shall not disclose the information to any third party, except as expressly permitted or required by law or the by-laws, rules, regulations or policies of a recognized SRO, unless, before disclosing the information:

- (a) the registrant provides at least the following information to the retail client to whom the information pertains:
  - (i) the name of the third party or a description of the class of third party to which the information will be disclosed;
  - (ii) the nature of the relationship between the registrant and the third party;
  - (iii) the nature of the information that will be disclosed;
  - (iv) the intended use of the information by the third party, including whether the third party will disclose the information to others;
  - (v) a statement that the retail client has the right to revoke the consent referred to in paragraph (b), and the effect of the revocation; and
  - (vi) a statement that the retail client's consent under paragraph (b) is not required as a condition of the registrant dealing with the retail client, except in circumstances described in section 3.3; and
- (b) the retail client provides consent to the specified disclosure of the confidential client information.

**“3.3 Prohibition to Require Consent as a Condition** - No registrant shall require a retail client to consent to the registrant disclosing confidential information regarding the retail client as a condition, or on terms that would appear to a reasonable person to be a condition, of supplying a product or service, unless the disclosure of the information is reasonably necessary to provide the specific product or service that the retail client has requested.

**“3.4 Consent not Required** – Despite section 3.2, a registrant does not need to obtain retail client consent to disclose confidential retail client information:

- (a) for audit, statistical or record-keeping purposes;
- (b) to a law enforcement agency, securities regulatory authority or self-regulatory organization;
- (c) for the collection of a debt owed by the client; or
- (d) to a barrister or solicitor for the purpose of obtaining legal advice.

#### **“PART 4 SETTLING SECURITIES TRANSACTIONS**

**“4.1 Settling Securities Transactions** - No registrant shall require a person or company to settle that person’s or company’s transaction with the registrant through that person’s or company’s account at a Canadian financial institution as a condition, or on terms that would appear to a reasonable person to be a condition, of supplying a product or service, unless this method of settlement is reasonably necessary to provide the specific product or service that the person or company has requested.

#### **“PART 5 TIED SELLING**

**“5.1 Tied Selling** - No person or company shall require another person or company:

- (a) to invest in particular securities, either as a condition or on terms that would appear to a reasonable person to be a condition, of supplying or continuing to supply products or services; or
- (b) to purchase or use any products or services, either as a condition or on terms that would appear to a reasonable person to be a condition, of selling particular securities.

#### **“PART 6 DISCLOSURE IN RESPECT OF SECURITIES RELATED ACTIVITIES IN A CANADIAN FINANCIAL INSTITUTION**

**“6.1 Application of Part 6** - This Part applies only to registrants conducting securities related activities in an office or branch of a Canadian financial institution.

##### **“6.2 Disclosure**

- (1) When a registrant opens an account for a retail client, a registrant shall deliver a written disclosure statement that the registrant is a separate entity from the Canadian financial institution and, unless otherwise advised by the registrant, securities purchased from or through the registrant:
  - (a) are not insured by a government deposit insurer;
  - (b) are not guaranteed by a Canadian financial institution; and
  - (c) may fluctuate in value.

(2) At the time that the account is opened, the registrant shall obtain an acknowledgement from the retail client that specifically refers to the written disclosure statement required by subsection (1) and confirms that the retail client has read the written disclosure statement.

#### **“PART 7 EXEMPTION**

##### **“7.1 Exemption**

(1) The regulator or the securities regulatory authority may grant an exemption from this Instrument, in whole or in part, subject to such conditions or restrictions as may be imposed in the exemption.

(2) Despite subsection (1), in Ontario, only the regulator may grant such an exemption.

#### **“PART 8 EFFECTIVE DATE**

**“8.1 Effective Date** - This Instrument comes into force on August 1, 2001”.

##### **Coming into force**

**5(1)** Subject to subsection (2), these regulations come into force on August 1, 2001.

(2) If these regulations are filed with the Registrar of Regulations after August 1, 2001, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

