



SUMA Town and Village Sector Meeting 2017



Policy Updates

- Fire Service Rates for Motor Vehicle Collisions
- Public Safety and Enforcement Consultations
 - *The Boiler and Pressure Vessel Act*
 - *The Passenger and Freight Elevator Act*
 - *The Amusement Ride Safety Act*
 - *The Uniform Building and Accessibility Standards Act*
 - *The Fire Safety Act*
 - *The Gas Licensing Act*
 - *The Electrical Licensing Act.*
- Resolutions Process



Policy Updates

- Potash Revenues Consultation



Policy Updates

- Cannabis Legalization
- Solid Waste Survey and Landfill Research Project
- Reconciliation



Legal Update: What's New In Municipal Law

Town and Village Sector Meeting – May 25, 2017



Spring Cleaning: Nuisance Property Decisions

- ***Milan Consulting and Construction Ltd v Regina (City), 2016 SKQB 31***
 - “the scope of municipal legislative powers with potential to affect an individual’s property must be strictly construed”
- **In other words: The court will carefully review actions taken in a nuisance property clean up**

Spring Cleaning: Nuisance Property Decisions

- ***Willow Bunch (Town) v Fister, 2016 SKCA 114***
 - Court set aside the town's order to remedy stating that it was too broad
 - Example: The order called for all vehicles to be removed, instead of limiting it to junked vehicles as defined in the nuisance bylaw

Spring Cleaning: Nuisance Property Decisions

- ***Miller v Saskatoon (City)*, 2015 SKQB 234**
 - Court dismissed a statement of claim alleging the city improperly removed items
 - The city issued an order to remove certain items by December 3, extended to January 3 after appeal
 - After another inspection on January 9, city sent letter on January 13 listing remaining items and stated clean up would occur with costs assessed and without further notice
 - On May 14 the clean up was carried out and \$4,000 in costs assessed

Spring Cleaning: Nuisance Property Decisions

- ***Harley Bentley v The City of Humboldt* (unreported)**
 - Court dismissed an appeal of a city decision ordering the removal of a trailer negatively affecting a neighbourhood's amenity
 - The applicant had successfully appealed an earlier decision of council on the same matter, so city started a new process which responded to the earlier concerns
 - Court referenced city's written summary of the hearing and reasons for council's decision with approval

Spring Cleaning: Nuisance Property Decisions

- **Tips**

- Always follow your bylaw closely – courts want to prevent interference with private property
- Give notice and a fair hearing
- Consider written summary of the hearing and reasons for council's decision
- Municipal Nuisance Guide

Local Improvement Assessments

- ***Prairie Valley School Division No. 208 v Pilot Butte (Town)***
 - Court unanimously held that municipalities can impose a special assessment on land owned by a school division
 - In 2010, the Saskatchewan Municipal Board issued the town approval for water distribution system work
 - In February 2014, the town levied a portion as a special assessment on the school division pursuant to *The Local Improvements Act, 1993*

The Education Property Tax Act

- As of January 1, 2018, municipalities must, without any fees:
 - Levy the province's tax rates (set by May 1 every year)
 - Pay proceeds received **to the province** no later than the 10th day of the month following collection
 - Provide a monthly education property tax return no later than the 10th day of each month, an annual return as of December 31 by January 31, and any other school tax report as the minister deems necessary
- Municipalities must get ministerial approval on certain tax decisions respecting school tax, subject to exemptions.

The Education Property Tax Act

- If a municipality fails to levy, collect, or pay school taxes or provide an education property tax return, the minister may refuse to pay money due to the municipality
- The minister may also compel payment by signing a certificate which has the force of a judgment
- A municipal council member taking any action resulting in the failure to levy, collect, or pay school taxes, will be jointly and severally liable with the municipality and any other offending member

The Miscellaneous Statutes (SaskPower and SaskEnergy) Amendment Act, 2017

- Amends SaskPower and SaskEnergy legislation to divert payments from 109 urban municipalities to the province
- SaskPower payments to the province will not exceed five percent of SaskPower's annual revenue from electricity sales
- SaskEnergy collects a surcharge from customers in an amount not to exceed five per cent of a customer's account

The Miscellaneous Statutes (SaskPower and SaskEnergy) Amendment Act, 2017

- The municipal surcharges in place will not be affected – the amounts affected are out of the base amount
- Section 6, which prohibited the 109 urban municipalities from taking legal action, was cut out of the final bill
- Act proclaimed May 17 – all agreements in place were terminated as of April 1, 2017

Thank You

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