

2018

CHAPTER 33

An Act to amend *The Residential Tenancies Act, 2006*

(Assented to May 30, 2018)

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

Short title

1 This Act may be cited as *The Residential Tenancies Amendment Act, 2018*.

SS 2006, c-R-22.0001 amended

2 *The Residential Tenancies Act, 2006* is amended in the manner set forth in this Act.

Section 12 amended

3 Subsection 12(2) is amended:

- (a) by striking out “or” after clause (a);
- (b) by adding “or” after clause (b); and
- (c) by adding the following clause after clause (b):
 - “(c) the landlord acts in accordance with subsections 85(4) to (6)”.

New section 22.1

4 Section 22.1 is repealed and the following substituted:

“Right of landlord to impose rules

22.1(1) Subject to subsection (2), in addition to the obligations set out in a tenancy agreement, a landlord may establish and enforce rules about:

- (a) the tenant’s use, occupancy or maintenance of the rental unit or residential property, including rules prohibiting the possession, use, selling or distribution of cannabis or the growing and possession of cannabis plants in the rental unit; and
- (b) the tenant’s use of services and facilities.

(2) Subsection (1) applies if the rules are in writing, are made known to the tenant and are reasonable.

(3) If an application is made for an order pursuant to section 70 on the grounds that the rules imposed by a landlord pursuant to subsection (1) are not reasonable, a hearing officer may make any order that the hearing officer considers just and equitable having regard to the circumstances”.

Section 70 amended

5(1) Subsection 70(2) is amended in the portion preceding clause (a) by striking out “subsection (14)” and substituting “subsections (14) and (14.1)”.

(2) Clause 70(6)(c) is amended by adding “, including the payment of any arrears of rent payable to the landlord” after “damages”.

(3) The following subsection is added after subsection 70(14):

“(14.1) The director may refuse to issue a written notice of hearing to, and a hearing officer may decline to make an order respecting, a tenant who is in contravention of an order that was previously made pursuant to this Act and that is currently in force”.

Section 72 amended

6(1) Subsection 72(1) is amended by striking out “subsection (1.1)” and substituting “subsections (1.1) and (1.3)”.

(2) Subsection 72(1.3) is repealed and the following substituted:

“(1.3) Subject to the regulations, a tenant may appeal an order issuing a writ of possession pursuant to subsection 70(13) with respect to a failure to vacate a property in accordance with a notice served pursuant to subsection 57(1) only if the tenant continues to pay to the landlord the rent required to be paid pursuant to the tenancy agreement”.

New section 85

7 Section 85 is repealed and the following substituted:

“Removal and disposition of abandoned goods by landlord

85(1) On application by a landlord, a hearing officer may make an order pursuant to this section if:

- (a) the tenancy of a tenant has ended or the tenant has vacated or abandoned the rental unit formerly occupied by the tenant; and
- (b) the tenant mentioned in clause (a) has left property in the rental unit.

(2) The hearing officer may make an order pursuant to subsection (1) without giving notice to the tenant or giving the tenant an opportunity to be heard.

(3) In the circumstances mentioned in subsection (1), the hearing officer may authorize the landlord to remove the property mentioned in clause (1)(b) from the rental unit and sell it or otherwise dispose of it if the hearing officer is satisfied that:

- (a) the landlord has made reasonable efforts to determine the whereabouts of the tenant who left the property; and
- (b) the tenant who left the property cannot be located or, if that tenant has been located, that tenant has not made reasonable arrangements for the disposition of the property.

- (4) Notwithstanding subsections (1) to (3), a landlord may act pursuant to subsection (5) if:
- (a) the tenancy of a tenant has ended or the tenant has vacated or abandoned the rental unit formerly occupied by the tenant; and
 - (b) the tenant mentioned in clause (a) has left property in the rental unit that, in the landlord's reasonable estimation, is worth \$1500 or less.
- (5) In the circumstances mentioned in subsection (1), the landlord may remove the property mentioned in clause (4)(b) from the rental unit and sell it or otherwise dispose of it.
- (6) Before acting pursuant to subsection (5), the landlord must:
- (a) make reasonable efforts to determine the whereabouts of the tenant who left the property; and
 - (b) be reasonably satisfied that the tenant who left the property cannot be located or, if that tenant has been located, that tenant has not made reasonable arrangements for the disposition of the property.
- (7) If a landlord removes, sells or otherwise disposes of property pursuant to this section, the landlord:
- (a) may deduct from any proceeds of any sale or disposition any amount owing to the landlord pursuant to the tenancy agreement, this Act or the regulations; and
 - (b) shall pay any proceeds of sale or disposition that remain after the deductions mentioned in clause (a) to the director to the credit of the person who left the property.
- (8) If the tenant who left the property does not claim the proceeds mentioned in clause (7)(b) within six months after the proceeds were paid to the director, the director shall forward the proceeds to the Minister of Finance for deposit in the general revenue fund.
- (9) If a landlord removes, sells or otherwise disposes of property pursuant to this section, neither the hearing officer, the landlord nor any person acting on behalf of the landlord is liable in any action taken by the tenant or any other person who left or owned the property respecting the removal, sale or disposition of the property”.

Coming into force

- 8 This Act comes into force on assent.

