

# BILL

## No. 160

### An Act to amend *The Trespass to Property Act* and to make consequential amendments to *The Snowmobile Act*

(Assented to )

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

#### Short title

1 This Act may be cited as *The Trespass to Property Amendment Act, 2018*.

#### SS 2009, c T-20.2 amended

2 *The Trespass to Property Act* is amended in the manner set forth in this Act.

#### Section 2 amended

3 **The following clause is added after clause 2(e):**

“(f) ‘**yard site**’ means a premises used for agricultural purposes where a residence, structure, grain bin, stockade or corral is located, whether or not the premises is occupied by persons or livestock”.

#### New section 4

4 **Section 4 is repealed and the following substituted:**

##### “Prohibited entry and activities

4(1) For the purposes of clause 3(1)(a), entry in or on a premises without the consent of the occupier of the premises is prohibited without any notice on the following premises:

- (a) a lawn;
- (b) a garden;
- (c) a yard site;
- (d) land that is under cultivation;
- (e) land that is used for grazing;
- (f) enclosed land;
- (g) any other premises that is prescribed in the regulations.

(2) For the purposes of clause 3(1)(a), entry in or on a premises may be prohibited by notice given in accordance with section 11.

(3) For the purposes of clause 3(1)(b), an activity is prohibited if it is an activity for which notice respecting the premises is given in accordance with section 11.

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(4) A person found in or on a premises mentioned in subsection (1), (2) or (3) is presumed not to have the consent of the occupier to be there.

(5) For the purposes of this Act, there is a presumption that access for lawful purposes is not prohibited to the entrance of a building on a premises by means apparently provided and used for the purposes of access”.

**Section 8 repealed****5 Section 8 is repealed.****Section 11 amended****6(1) The following subsection is added after subsection 11(3):**

“(3.1) A sign that is posted in accordance with clause (1)(b) and that names an activity or shows a graphic representation of an activity is sufficient for the purpose of giving notice that the activity is permitted”.

**(2) Subsection 11(5) is repealed and the following substituted:**

“(5) No person, other than the occupier of the premises or a person who has the consent of the occupier, shall remove, alter or deface signs posted for the purposes of this section.

“(6) No person, other than the occupier of the premises or a person who has the consent of the occupier, shall erect, place or cause to be erected or placed signs on the premises for the purposes of this section”.

**New section 13.1****7 The following section is added after section 13:****“No implied consent**

**13.1** The fact alone that entry in or on a premises is not prohibited pursuant to section 3 or by notice given in accordance with section 11 is not to be deemed to imply consent by the occupier to entry on the premises”.

**Section 14 amended****8 Section 14 is amended by striking out “\$2,000” and substituting “\$5,000”.****New section 14.1****9 The following section is added after section 14:****“Restitution re property damaged, lost or destroyed**

**14.1** Restitution for property damaged, lost or destroyed as a result of an offence pursuant to this Act may be ordered in accordance with *The Summary Offences Procedure Act, 1990*”.

**New section 15****10 Section 15 is repealed and the following substituted:****“Non-application of Act**

**15** This Act does not apply to the following land:

- (a) vacant provincial land as defined in *The Provincial Lands Act, 2016*;
- (b) park land as defined in *The Parks Act*;
- (c) any other land or Crown land that is prescribed in the regulations”.

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New sections 17.1 and 17.2

**11 The following sections are added after section 17:**

**“Liability of an occupier**

**17.1** An occupier owes no duty of care to a person entering onto the premises of the occupier in contravention of this Act except the duty not to:

- (a) create a danger with the deliberate intent of doing harm or damage to the person; and
- (b) do a wilful act with reckless disregard of the presence of the person.

**“Common law rights and remedies**

**17.2** Nothing in this Act limits or affects any rights or remedies of an occupier at common law”.

Section 18 amended

**12 Section 18 is amended:**

**(a) by adding the following clause after clause (c):**

“(c.1) for the purposes of clause 4(1)(g), prescribing other premises in or on which entry is prohibited without any notice”; **and**

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

“(e) for the purposes of clause 15(c), prescribing land or Crown land to which this Act does not apply”.

RSS 1978, c S-52 amended

**13(1)** *The Snowmobile Act* is amended in the manner set forth in this section.

**(2) Section 25 is repealed and the following substituted:**

**“Prohibitions re trespassing**

**25(1)** No person shall operate a snowmobile over the following land, whether enclosed or not, without the consent of the owner or occupier of the land:

- (a) any privately owned land;
- (b) any provincial land as defined in *The Provincial Lands Act, 2016* that is the subject of a lease;
- (c) any other Crown land that is prescribed in the regulations.

**(2)** Operation of a snowmobile may be permitted on the land mentioned in subsection (1) with the owner or occupier’s consent, which may be given:

- (a) orally;
- (b) in writing; or
- (c) by means of signs that are clearly visible in the daylight under normal conditions from the approach to each ordinary point of access to the land to which the notice applies.

**(3)** No person, other than the owner or occupier of the land or a person who has the consent of the owner or occupier, shall erect, place or cause to be erected or placed a sign mentioned in subsection (2).

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(4) No person, other than the owner or occupier of the land or a person who has the consent of the owner or occupier, shall tear down, remove, damage, deface or cover a sign mentioned in subsection (2).

(5) In a prosecution for a contravention of subsection (1), the onus is on the person charged to prove that the person had obtained the consent of the owner or occupier of the land.

(6) Nothing in this section limits or affects any rights or remedies of an owner or occupier at common law”.

**(3) The following clauses are added after clause 41(1)(g):**

“(g.1) exempting any land or Crown land from any or all of the provisions of this Act or the regulations;

“(g.2) for the purposes of clause 25(1)(c), prescribing Crown land”.

**Coming into force**

**14** This Act comes into force on proclamation.