

 Provincial Capital Commission Wascana Centre Government House	PERMIT BYLAW	
<u>Section:</u> n/a	<u>Bylaw#</u> 2	<u>Version#</u> 1
Effective Date: March 8, 2021		Replaces: WCA Bylaw 27
Approved By: Provincial Capital Commission, Board of Directors		

Purpose:

- 1 The purpose of this Bylaw is to describe the process for applying for a permit from the Provincial Capital Commission (Commission), the general criteria under which a permit will be reviewed and may be granted, the terms and conditions that a permit may be subject to in Wascana Centre, and the process for the suspension and cancellation of permits.

Authority:

- 2 This Bylaw is established under clause 4-1(1)(p) of *The Provincial Capital Commission Act (Act)* which states that the Commission may establish bylaws providing for a system of licenses, inspections, permits, or approvals including the following:
 - (a) establishing fees for permits;
 - (b) prohibiting any development, activity, industry, business, or thing unless a permit has been granted;
 - (c) providing that terms and conditions may be imposed on any permit and setting out the nature of the terms and conditions and who may impose them;
 - (d) setting out the conditions that must be met before a permit is granted or renewed, the nature of the conditions and who may impose them; and
 - (e) providing for the duration of permits and for their suspension or cancellation for failure to comply with a terms or condition of the bylaw.

Scope and Application:

- 3 This Bylaw applies to any person who applies for a permit in Wascana Centre for any regulated conduct specified in section 6 of Bylaw 3: Park and Open Spaces in Wascana Centre, or as otherwise indicated in Commission bylaws.

Definitions:

4 n/a

Permit Required

5 Subject to section 6 of Bylaw 3: Parks and Open Spaces, unless a regulated conduct is authorized by a sign posted within Wascana Centre by the Commission, no person shall engage in the regulated conduct without a permit issued by the Commission.

Application for Permit

6 Every person wishing to obtain a permit must submit an application to the Commission in the form provided by or acceptable to the Commission.

7 Every applicant must submit the fee required by the Commission along with the application.

8 The Commission shall publish on the Commission's website and in any other manner the Commission considers appropriate a fees schedule indicating the fee amount for each type of permit.

9 Fees paid by an applicant are not refundable.

10 Every application must contain the following information satisfactory to the Commission:

- (a) nature of the regulated conduct for which a permit is required;
- (b) proposed location and duration of the regulated conduct;
- (c) the names of the participants who will be engaging in the regulated conduct;
- (d) appropriate contact information required by the Commission;
- (e) a statement of any requirement to erect a structure or tent to carry on the regulated conduct; and
- (f) any other information that may be reasonably requested by the Commission.

Approval or Rejection of an Application

11 After receiving an application, the Commission may:

- (a) approve the application if it is satisfied that:
 - i. the permit application is complete;

- ii. the regulated conduct set out in the application is consistent with the Act, the regulations, the master plan, and this Bylaw; and
 - iii. it is not contrary to the public interest to do so; or
- (b) reject the application if it is satisfied that:
 - i. the application is not complete;
 - ii. the proposed regulated conduct is unsafe or dangerous;
 - iii. the proposed regulated conduct will impact the natural condition of Wascana Centre;
 - iv. the proposed regulated conduct will substantially interfere with the use of all or any part of Wascana Centre by the public;
 - v. the proposed regulated conduct is not consistent with the Act, the regulations, the master plan, this Bylaw or with the principles mentioned in Commission Bylaw 1: Framework Bylaw;
 - vi. the proposed regulated conduct would contravene any laws of general application; or
 - vii. it is contrary to the public interest to issue the permit applied for.
- 12 In determining whether the proposed regulated conduct is contrary to the public interest, and whether a permit application should be generally approved, renewed, cancelled, or amended, the Commission shall be guided by the principles in section 9 of Bylaw 1: Framework Bylaw.
- 13 If the Commission rejects an application, it may propose to the applicant any alternative measures that better balance the competing demands on the use of Wascana Centre, including those arising from interests protected by the *Canadian Charter of Rights and Freedoms* and other constitutional enactments.
- 14 Where a permit application is denied, the Commission will:
 - (a) notify the applicant in writing of the reasons for denial;
 - (b) inform the applicant of the opportunity to provide additional information in support of the application; and
 - (c) indicate the deadline for submission of additional information.
- 15 If the Commission receives additional information in support of the application, the Commission will consider the application that has been resubmitted and may approve or reject it.
- 16 The Commission may delegate to the chief executive officer any of its powers and duties pursuant

to this Bylaw and the exercise by the chief executive officer of those powers and the fulfilment of those duties is deemed to be the exercise and fulfilment by the Commission.

Permit Terms and Conditions

- 17 The Commission may impose any specific terms and conditions it considers appropriate on a permit including, but not limited to:
 - (a) stating the dates and hours during which the regulated conduct authorized by the permit may be carried out;
 - (b) subject to any authorized renewal, stating when the permit expires;
 - (c) requiring the permit holder to provide evidence of insurance satisfactory to the Commission, and evidence that any other permits or approvals required by any other Act, by a participating party, or by another authority have been obtained;
 - (d) setting out the details respecting any booth, tent, stall or other structure that is to be erected, maintained and taken down;
 - (e) requiring that the environmental, safety, and sanitary standards of Wascana Centre are maintained; or
 - (f) setting out any other term or condition deemed appropriate or in the public interest.
- 18 The permit holder must comply with the terms and conditions of the permit.
- 19 If a permit holder contravenes the terms and conditions imposed on the holder's permit, the Commission may cancel the permit after providing written notice to the holder along with reasons for the proposed cancellation.
- 20 Notwithstanding section 18, if the Commission considers it urgent and in the public interest, the Commission may immediately cancel a holder's permit, but, if it does so, shall provide the holder with written reasons for its cancellation.

Expiry and renewal of permits

- 21 No permit is to be issued for a period greater than 7 days.
- 22 Not less than 24 hours before a permit is to expire, the holder of a permit may apply to have the permit renewed and, on receipt of an application to renew, the Commission may:
 - (a) renew the permit; or

- (b) not renew the permit if the Commission considers that it is not consistent with the Act, the regulations, the master plan, this Bylaw, or is not in the public interest.
- 23 If the Commission decides not to renew a permit, it shall provide notice to the holder along with reasons for its decision.

Permit Suspension and Cancellation

- 24 A permit may be suspended or cancelled by the Commission if the permit holder:
- (a) provided false information in the application;
 - (b) fails to comply with the direction of the Commission during an inspection;
 - (c) engages in an activity that is not authorized under the permit or that is deemed to breach the Act, master plan, any bylaw of the Commission, or any law of general application;
 - (d) interferes with the use of Wascana Centre by the public; or
 - (e) otherwise breaches a term and condition of the permit.
- 25 If the Commission determines that a permit is to be suspended or cancelled:
- (a) The Commission shall provide the permit holder with forty-eight (48) hours of notice of the suspension and cancellation in writing.
 - (b) The permit holder may, during the forty-eight (48) hour notice period, provide information to the Commission that the permit holder wishes to provide, otherwise the suspension or cancellation becomes effective at the time provided in the original notice.
 - (c) If information is provided by the permit holder, the Commission must:
 - i. consider the information;
 - ii. provide further written notice to the permit holder whether the suspension or cancellation will proceed and become effective at the time provided in the original notice or an alternative effective time; and
 - iii. provide reasons for that determination.
- 26 If the Commission determines there is a danger to the public or Wascana Centre, the Commission may provide written notice of the immediate suspension or cancellation of a permit and that suspension or cancellation is effective upon the notice being provided to the permit holder.
- (a) Following the immediate suspension or cancellation, the permit holder will be provided with five (5) business days to provide information to the Commission as the permit holder

wishes, otherwise the suspension or cancellation remains effective.

- (b) If information is provided by the permit holder, the Commission must:
- i. consider the information;
 - ii. provide further written notice to the permit holder whether the permit will continue to be cancelled or suspended; and
 - iii. provide reasons for that determination.

27 If a permit is suspended for any reason, the original notice provided must state the period of suspension, and the permit shall automatically resume at the conclusion of the suspension period.

Amendments of Permits

28 A permit, including its terms and conditions, may be amended at the request of the permit holder or at the discretion of the Commission. Notice of any amendment will be provided in writing to the permit holder. If the terms and conditions of a permit are amended at the discretion of the Commission, then the Commission shall notify the permit holder of the reasons for the amendment.

Enforcement

29 If a person contravenes or fails to comply with a provision of this Bylaw that person is guilty of an offence and subject to the penalties listed in Commission Bylaw 5: Enforcement Bylaw.

Repeal

30 This Bylaw repeals Bylaw 27: Permits and Prohibited Uses of the Wascana Centre Authority, dated July 17, 2018.