

# *The Residential Tenancies Amendment Act, 2021*

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

**Effective September 15, 2021**

## Summary of Changes – Bill 15

*Consult the Bill for the exact wording of all changes to the Act.*

*In the event of any conflict between the Act and this summary, the wording in the Act prevails.*

### **1. Security Deposits:**

- a. Registered mail is removed as a method of service by the landlord of a claim to a tenant's security deposit.
- b. Upon receipt of a landlord's notice to claim a tenant's security deposit, the minister responsible for *The Saskatchewan Assistance Act* may serve a copy of the landlord's claim electronically to the tenant.
- c. If a landlord ends a periodic tenancy to demolish or repair a rental property, the security deposit may be claimed for proven outstanding rent or utility arrears.
- d. A security deposit application requires a fee (subject to *The Fee Waiver Act*).
- e. A tenant may dispute a landlord's claim to their security deposit within 60 days of the tenancy end date.
- f. The director may serve security deposit hearing notices electronically on a landlord and tenant.
- g. If a landlord changes their claimed amount for a security deposit, the director may send the updated claim to the tenant electronically.
- h. The director may no longer collect rent from a new tenant of a landlord who failed to comply with paying in the security deposit to the Office of Residential Tenancies to satisfy the outstanding amount or provide a copy of the order to the new tenant.

- 2. Non-compliance by landlord:** The director may no longer direct a new tenant of a non-compliant landlord to pay rent into the Office of Residential Tenancies.

### **3. Landlord's notice: cause**

- a. A landlord may end a tenancy for non-payment of a security deposit after 2 months from the tenancy start date.
- b. A landlord may end a tenancy if a tenant refuses the landlord entry after proper notice is given to enter by the landlord.

- 4. Victims of Interpersonal Violence:** Sexual violence is added with interpersonal violence and may be used as grounds to end a tenancy.

### **5. Application to director:**

- a. Application fees are non-refundable.
- b. Notices of adjournment by the director may no longer be sent by registered mail.
- c. Orders may be served by the director electronically.

**6. New – Power of Attorney – tenants**

- a. Tenants seeking representation may file a power of attorney form with the director allowing the representative to receive notices and file applications on the tenant's behalf.
- b. The power of attorney form is legally binding.
- c. The representative must be a resident in Saskatchewan and must provide their consent to act as attorney.

**7. Time limit for applications:** Applications (except for Security Deposits) must be made within 1 year after the date of the act or omission unless otherwise specified.

**8. Appeals:** Tenants appealing an order which includes a writ of possession pursuant to rent arrears, utility arrears, or repeated late rent payments must file a certificate of payment of rent to the Court of Queen's Bench with the appeal package.

**9. Correction or clarification of decisions or orders:**

- a. The fee to apply for correction or clarification is non-refundable.
- b. Correction or clarification applications must be submitted within 15 days of the date on the order or decision.
- c. A hearing officer may no longer refund this fee.

**10. Regulations:** The regulations may include specifics regarding the issuance and filing of a certificate of payment of rent.

**11. Service:**

- a. Registered mail is no longer a service option of a notice or document on a current tenant.
- b. Registered mail is no longer a service option of a notice or document on a former tenant.
- c. A tenant may no longer serve a notice intended for a landlord on the director.
- d. Notices or documents may no longer be served on the director by fax.

**12. New: Power of attorney – landlord**

- a. Landlord's seeking representation must file a power of attorney form with the director allowing the representative to receive notices and file applications on the landlord's behalf.
- b. The power of attorney form is legally binding.
- c. The representative must be a resident in Saskatchewan and must provide their consent to act as attorney.
- d. If a representative no longer resides in Saskatchewan, dies, resigns, changes name or address, or if the power of attorney becomes invalid, the landlord shall file a new power of attorney within 15 days of the change.

**13. Removal and disposition of abandoned goods by landlord:** If a landlord sells or disposes of a tenant's property, they may deduct from any proceeds of any sale or disposition any amount proven owing to the landlord pursuant to an order or decision issued by a hearing officer or the director.