

BILL

No. 33

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

(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 Residential Tenancies Amendment Act, 2011*.

S.S. 2006, c.R-22.0001 amended

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

New section 54

3 Section 54 is repealed and the following substituted:

“Timing and notice of rent increases - periodic tenancies

54(1) Subject to subsection (2), a landlord shall give a tenant written notice of a rent increase for a periodic tenancy at least:

- (a) 12 months before the effective date of the increase; or
- (b) if the landlord is a member in good standing of a prescribed association of landlords, six months before the effective date of the increase.

(2) For the purposes of subsection (1), the effective date of a rent increase for a periodic tenancy must be set as a date that is not less than:

- (a) the later of:
 - (i) 18 months after the date fixed for the commencement of the tenancy; and
 - (ii) 12 months after the effective date of the previous rent increase, if any; or
- (b) if the landlord is a member in good standing of a prescribed association of landlords, the later of:
 - (i) 12 months after the date fixed for the commencement of the tenancy; and
 - (ii) six months after the effective date of the previous rent increase, if any.

RESIDENTIAL TENANCIES

(3) Notwithstanding subsection (1), a landlord must give the tenant of a mobile home site written notice of a rent increase before the prescribed period.

(4) If a landlord's notice of a rent increase does not comply with this section, the notice takes effect on the earliest date that does comply.

(5) Notwithstanding subsection (4), if the landlord has increased rent contrary to this section, a hearing officer, on an application pursuant to section 70, may make any order and award a tenant any compensation that the hearing officer considers just and equitable having regard to the circumstances.

(6) This section does not apply to rent increases made by a public housing authority on the basis of an increase in a tenant's income.

(7) This section does not apply to rent increases made by a non-profit corporation".

Section 55 amended**4 Subsection 55(2) is repealed and the following substituted:**

"(2) Subject to the regulations, a fixed term tenancy ends on the date specified as the end of the fixed term tenancy unless the landlord and tenant have entered into a new tenancy agreement".

Section 81 amended**5 Section 81 is amended:****(a) by adding the following clause after clause (j):**

"(j.1) for the purposes of section 54, prescribing associations of landlords";

(b) in clause (k) by striking out "subsection 54(2)" and substituting "subsection 54(3)"; and**(c) by adding the following clause after clause (k):**

"(k.1) for the purposes of subsection 55(2):

(i) respecting the length of term of a fixed term tenancy, including:

(A) establishing classes of fixed term tenancies;

(B) prescribing a minimum length of term for fixed term tenancies;

(C) prescribing different lengths of term for different classes of fixed term tenancies; and

(D) prescribing that a fixed term tenancy that has a term shorter than the minimum prescribed term is deemed to be a periodic tenancy;

RESIDENTIAL TENANCIES

(ii) respecting notices that a landlord or tenant shall provide before ending a fixed term tenancy, including:

(A) prescribing the manner and circumstances in which the landlord shall notify the tenant of the landlord's intentions respecting a new tenancy agreement;

(B) prescribing the manner and circumstances in which the tenant shall notify the landlord of the tenant's intentions respecting a new tenancy agreement;

(C) prescribing the period within which a notice mentioned in paragraph (A) or (B) must be provided; and

(iii) authorizing a hearing officer, on an application pursuant to section 70 in circumstances where the landlord or tenant does not comply with the regulations made pursuant to this clause:

(A) to make any order that the hearing officer considers just and equitable having regard to the circumstances, including continuing the tenancy as a periodic tenancy or ending the tenancy; and

(B) to award any compensation that the hearing officer considers just and equitable having regard to the circumstances”.

Coming into force

6 This Act comes into force on proclamation.

