

BILL

No. 50

An Act respecting the Provincial Capital Commission and making consequential amendments to certain Acts

TABLE OF CONTENTS

	PART 1	6-2 Engineering Advisory Committee
	Preliminary Matters	6-3 Additional committees
1-1	Short title	
1-2	Definitions	
	PART 2	PART 7
	Capital Region and	Improvements, Enforcement
	Provincial Capital Commission	and Maintenance
2-1	Capital region	DIVISION 1
2-2	Commission continued	Improvements
2-3	Membership	7-1 Restriction on improvements on public land
2-4	Purposes of commission	7-2 When commission may waive requirements re improvements
2-5	Agent of the Crown	7-3 Restriction on approval of construction of building
2-6	Responsible to minister	7-4 When commission may waive requirements re construction
2-7	Head office	7-5 Approval notwithstanding absence of recommendation
2-8	Capacity to contract	7-6 Restriction respecting improvements on public land
2-9	Liability in tort	
2-10	Board of commission	DIVISION 2
2-11	Officers	Enforcement
2-12	Remuneration and reimbursement	7-7 Remedies re unlawful improvements or unlawful use of land
2-13	Executive director and other employees	7-8 Offences and penalties
2-14	Superannuation and other plans	7-9 Vicarious liability
	PART 3	7-10 Limitation on prosecution
	Commission Powers	7-11 Court order for compliance
3-1	Powers	
	PART 4	DIVISION 3
	Powers re Wascana Centre	Landscape Construction and
4-1	Bylaws	Landscape Maintenance
4-2	Bylaw enforcement on university lands	7-12 Performance by commission
4-3	Alteration of area of Wascana Centre	7-13 Submission of plans of landscape construction to Landscape Adviser
	PART 5	7-14 Payment for landscape construction
	Master Plan	7-15 Reimbursements
5-1	Contents of master plan	
5-2	Master plan prevails	DIVISION 4
5-3	Continuation of master plan	Service Facilities and
	PART 6	Service Maintenance
	Advisory Committees	7-16 Approval of commission required
6-1	Architectural Advisory Committee and Landscape Adviser	7-17 Submission of plan to Engineering Advisory Committee

- 7-18 Service facility of participating party
- 7-19 Service maintenance on land of participating party
- 7-20 Ownership of adjoining lands
- 7-21 Verge deemed to be part of Wascana Centre
- 7-22 City not to have control of roads, streets, etc., within Wascana Centre
- 7-23 Road closures
- 7-24 Closing of public highways

DIVISION 5

Special Provisions respecting Expenses of Landscape Maintenance and Service Maintenance

- 7-25 Determination of amount of expenses in certain cases

DIVISION 6

Acquisition and Disposition of Land within Wascana Centre

- 7-26 Certain interests not valid without consent of commission
- 7-27 Restriction on acquisition of land in Wascana Centre
- 7-28 Registration of interest

PART 8

Financial Provisions

DIVISION 1

Financial Matters concerning Wascana Centre

- 8-1 Annual amounts paid by participating parties
- 8-2 Establishing annual amounts
- 8-3 When payments are to be made
- 8-4 Interest

DIVISION 2

Borrowing Powers of Commission

- 8-5 Borrowing powers of commission
- 8-6 Temporary borrowing
- 8-7 Charge on revenues

- 8-8 Guarantee by Government of Saskatchewan
- 8-9 Limitation on borrowing powers
- 8-10 Power of city to invest in bonds, etc., issued by commission

DIVISION 3

Other Financial Matters

- 8-11 Appropriation

PART 9

General

- 9-1 Power of participating parties to enter into agreements, etc.
- 9-2 Immunity
- 9-3 Fire protection and law enforcement
- 9-4 Exemption of public land from taxation
- 9-5 Architect planner
- 9-6 Audit
- 9-7 Annual report
- 9-8 Service
- 9-9 Transfers to and from commission
- 9-10 Regulations
- 9-11 Crown bound

PART 10

Consequential Amendments

- 10-1 RSS 1978, c E-16, section 49 amended
- 10-2 SS 1996, c F-19.1, section 2 amended
- 10-3 SS 2004, c T-18.1, section 281 amended
- 10-4 RSS 1978, c U-5, section 90.2 amended

PART 11

Repeal, Transitional and Coming into Force

- 11-1 RSS 1978, c W-4 repealed
- 11-2 Transitional
- 11-3 Coming into force

SCHEDULE A

SCHEDULE B

PROVINCIAL CAPITAL COMMISSION

(Assented to)

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

PART 1
Preliminary Matters

Short title

1-1 This Act may be cited as *The Provincial Capital Commission Act*.

Definitions

1-2 In this Act:

“**board**” means the board of directors of the commission mentioned in section 2-10;

“**capital region**” means the capital region designated pursuant to section 2-1;

“**city**” means the City of Regina;

“**city land**” means land within Wascana Centre owned by the city;

“**commission**” means the Provincial Capital Commission continued pursuant to section 2-2;

“**fiscal year**” means the period commencing on April 1 in one year and ending on March 31 in the following year;

“**government land**” means land within the capital region owned by the Government of Saskatchewan;

“**improvement**” means an improvement as defined in the regulations;

“**landscape construction**” means:

- (a) any clearing, breaking, grading, fertilizing or cultivation of an area;
- (b) the construction of an outdoor ground surface for games or athletics;
- (c) the establishment on an area of trees, shrubs, flowers, grass or other forms of vegetative growth or outdoor furniture, including seating of a type suitable for a garden or park but not for an audience or assembly of spectators; or
- (d) any functional or aesthetic features contributing to the general landscape design of an area;

“**master plan**” means a master plan and any amendments to that plan that are adopted by the commission and includes the master plan that is continued pursuant to section 5-3 until that master plan is repealed and replaced by a subsequent master plan;

“**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

PROVINCIAL CAPITAL COMMISSION

“**participating party**” means the Government of Saskatchewan, the city or the university;

“**person**” does not include a participating party or the commission;

“**prescribed**” means prescribed in the regulations;

“**private land**” means land, other than public land, within Wascana Centre;

“**public land**” means land within Wascana Centre owned by a participating party;

“**service facility**” means any means of supplying water, light, power or gas, any sewer or sewage system or any other facility that in the opinion of the commission is necessary for the purposes of Wascana Centre, and includes:

- (a) a road, curb, bridge, sidewalk, parking lot and outdoor seating of a type suitable for an audience or assembly of spectators;
- (b) the headquarters building for the commission;
- (c) a public bathroom, toilet, shower, change room or restroom;
- (d) a shelter or a tool or equipment locker; and
- (e) a pumphouse, machine-house or other building that in the opinion of the commission will be incidental to a park or used in connection with the operation of a park;

“**university**” means The University of Regina;

“**university land**” means land within Wascana Centre owned by the university;

“**Wascana Centre**” means the area described in Schedule A, subject to any alteration made pursuant to section 4-3.

PART 2

Capital Region and Provincial Capital Commission

Capital region

2-1(1) The Lieutenant Governor in Council may designate an area within the city and an area from lands surrounding the city to be known as the capital region.

(2) Wascana Centre is to be within the capital region.

Commission continued

2-2(1) The Wascana Centre Authority, as it existed on the day before the coming into force of this section, is continued as the Provincial Capital Commission.

(2) The commission is a corporation.

Membership

2-3(1) The commission consists of the following members appointed by the Lieutenant Governor in Council:

- (a) 1 person selected from persons nominated by the city;

PROVINCIAL CAPITAL COMMISSION

- (b) 1 person selected from persons nominated by the university;
 - (c) 3 other persons.
- (2) Subject to subsections (3) and (4), a person appointed pursuant to this section:
- (a) holds office at pleasure for a period not exceeding 3 years and, notwithstanding the expiry of his or her term, continues to hold office until his or her successor is appointed; and
 - (b) is eligible for reappointment.
- (3) If a member dies or resigns, that person ceases to be a member on the date of death or on the date on which the resignation is received by the board, as the case may be.
- (4) If the office of a person appointed pursuant to this section becomes vacant, the Lieutenant Governor in Council may, having regard to the requirements of this section:
- (a) appoint a person for the remainder of the term of the person who vacated the office; or
 - (b) appoint a person for the term mentioned in subsection (2).
- (5) A vacancy in the membership does not impair the power of the remaining members or of the board to act.
- (6) Notwithstanding *The Legislative Assembly Act, 2007*, if a member of the Legislative Assembly is appointed as a member, that person is not, by reason of the appointment or of any payment to him or her pursuant to section 2-12, required to vacate the person's seat or be disqualified from sitting or voting in the Legislative Assembly.
- (7) Notwithstanding *The Cities Act*, if a member of the council of the city is appointed as a member, that person is not, by reason of the appointment or of any payment made to him or her pursuant to section 2-12:
- (a) disqualified from being a member of or voting in the council; or
 - (b) considered to have a pecuniary interest, within the meaning of section 117 of *The Cities Act*, in a matter in which the council has an interest.

Purposes of commission

2-4 The purposes of the commission are the following:

- (a) to preserve and promote the history and culture of Saskatchewan and to ensure that Saskatchewan's capital continues to remain a source of pride for the people of Saskatchewan and a source of interest to visitors to Saskatchewan;
- (b) to inform and educate, and to collect and disseminate information, with respect to the importance of Saskatchewan's capital and its place in the life and history of Saskatchewan and of Canada;
- (c) to prepare plans for and assist in the development, conservation and improvement of the capital region in order that the nature and character of the seat of the Government of Saskatchewan may be in accordance with its provincial significance;

PROVINCIAL CAPITAL COMMISSION

- (d) to organize, sponsor or promote public activities and events in the capital region that will enrich the cultural and social fabric of Saskatchewan, taking into account the heritage and diversity of the people of Saskatchewan;
- (e) to administer and manage Wascana Centre, having regard to educational, research and development opportunities, the advancement of the cultural arts, the improvement of recreational facilities and the conservation of the environment within Wascana Centre;
- (f) to coordinate, develop, promote and implement policies and programs of the Government of Saskatchewan relating to:
 - (i) the promotion of the Legislative Building and the Saskatchewan Centre of the Arts, and the land on which they are situated, and Wascana Centre; and
 - (ii) international, national, provincial and regional special events and anniversaries to be commemorated within Saskatchewan's capital;
- (g) to be responsible for the operation and management of Government House and the Territorial Building;
- (h) to work together with businesses, communities, governments, agencies, ministries and the people of Saskatchewan to support the purposes of the commission;
- (i) to undertake any other prescribed activities and programs.

Agent of the Crown

2-5(1) The commission is for all its purposes an agent of the Crown, and the commission's powers may be exercised only as an agent of the Crown.

(2) Subject to section 9-4, all property of the commission, all moneys acquired, administered, possessed or received from any source and all profits earned by the commission are the property of the Crown and are, for all purposes, including taxation of whatever nature and description, deemed to be the property of the Crown.

Responsible to minister

2-6(1) The commission is responsible to the minister for the performance of its duties and the exercise of its powers.

(2) The minister may provide the commission with any supplies and the services of any employees under the minister's administration that the minister considers to be required for the commission to carry out its powers and duties.

Head office

2-7 The head office of the commission is to be at any location in the city that the commission may designate.

Capacity to contract

2-8(1) The commission has the capacity to contract and to sue and be sued in its corporate name with respect to any right or obligation acquired or incurred by it on behalf of the Crown as if the right or obligation had been acquired or incurred on its own behalf.

(2) The commission may, on behalf of the Crown, contract in its corporate name without specific reference to the Crown.

PROVINCIAL CAPITAL COMMISSION

Liability in tort

2-9 The commission may:

- (a) sue with respect to any tort; and
- (b) be sued with respect to liabilities in tort to the extent to which the Crown is subject pursuant to *The Proceedings against the Crown Act*.

Board of commission

2-10 A board of directors of the commission, consisting of those persons who are appointed to constitute the commission pursuant to section 2-3, shall manage the affairs and business of the commission.

Officers

2-11(1) The Lieutenant Governor in Council shall appoint one member of the board as chairperson of the board and may appoint another member of the board as vice-chairperson of the board.

- (2) The chairperson shall:
 - (a) preside over all meetings of the board; and
 - (b) perform all the duties that may be imposed on, and may exercise all the powers that may be assigned to, the chairperson by resolution of the board.
- (3) In the absence of the chairperson, the vice-chairperson may exercise the powers of the chairperson and shall perform the duties of the chairperson.

Remuneration and reimbursement

2-12 The Lieutenant Governor in Council shall fix the remuneration and rate of reimbursement for expenses of members of the board.

Executive director and other employees

2-13(1) Notwithstanding *The Public Service Act, 1998* but subject to the approval of the Lieutenant Governor in Council, the commission shall appoint an executive director for the commission and determine the executive director's conditions of employment and remuneration.

- (2) Notwithstanding *The Public Service Act, 1998*, the commission may:
 - (a) employ any officers and employees that it considers necessary to meet its purposes or to exercise its powers; and
 - (b) determine the respective duties and powers, the conditions of employment and the remuneration of those officers and employees.
- (3) The commission has control over and shall supervise its officers and employees.
- (4) The commission shall pay to its officers and employees the remuneration determined pursuant to subsections (1) and (2).
- (5) The commission may:
 - (a) appoint or engage any professional, administrative, technical and clerical personnel that it may require to meet its purposes or to exercise its powers; and
 - (b) determine the salaries and other remuneration of the personnel appointed or engaged pursuant to clause (a).

PROVINCIAL CAPITAL COMMISSION

Superannuation and other plans

2-14(1) *The Public Service Superannuation Act, The Superannuation (Supplementary Provisions) Act and The Public Employees Pension Plan Act* apply, with any necessary modification, to the officers and employees of the commission.

(2) The commission may establish or provide for the following for the benefit of the officers and employees of the commission and the dependants of those officers and employees:

- (a) a group insurance program;
- (b) any other employee benefit program.

PART 3

Commission Powers

Powers

3-1(1) In addition to any other power conferred on it by this Act, the commission may:

- (a) coordinate or control the use, development, conservation, maintenance and improvement of public land in accordance with the master plan;
- (b) accept donations of funds from the public and acquire property by gift or purchase or in any other manner;
- (c) accept any funds granted to the commission by the minister or appropriated by the Legislature for the purposes of the commission;
- (d) hold or administer property or acquire by lease, licence or otherwise the right to occupy and use property;
- (e) subject to subsection (5), sell, grant, exchange, convey, lease or dispose of or otherwise deal with property;
- (f) construct, maintain or operate any park, square, improvement or service facility;
- (g) subject to the provisions of this Act relating to landscape maintenance, service maintenance, landscape construction and service facilities:
 - (i) maintain, develop or improve, or build on, any government land; and
 - (ii) with the consent of the city or the university, or of its agent or representative, maintain, develop or improve, or build on, any city land or university land;
- (h) without limiting the powers contained in section 9-1, on the request and at the expense of a participating party, maintain, develop or improve property owned by the participating party and situated outside Wascana Centre;
- (i) on government land, establish, maintain and operate, or grant concessions for the operation of, places of entertainment, amusement, recreation or refreshment or other places of public interest or accommodation;

PROVINCIAL CAPITAL COMMISSION

- (j) invest all or any part of its moneys in any security or class of securities that is authorized for the investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993* and dispose of the investments in any manner, on any terms and in any amount that the commission considers appropriate;
 - (k) provide for the creation and management of sinking funds or other means of securing repayments of loans, bonds, debentures or other securities;
 - (l) acquire, take and hold any property that in good faith is mortgaged, hypothecated or pledged to it by way of security or conveyed to it in satisfaction of debts previously contracted;
 - (m) enter into any contract or agreement that it considers expedient or desirable in the exercise of any of its powers, the fulfilment of its purposes or the discharge of any of its duties;
 - (n) establish and operate any facility, enterprise, program or undertaking that it considers will be conducive to the exercise of any of its powers, the fulfilment of its purposes or the discharge of any of its duties;
 - (o) do any things that it considers necessary or advisable for the purpose of preparing, building, improving, repairing, maintaining and protecting all or any of the works of or under the control of the commission, and for preserving order;
 - (p) acquire and conserve heritage property and cooperate with any person or body in the conservation of heritage property;
 - (q) undertake special projects that are directed by the Lieutenant Governor in Council;
 - (r) subject to any other Act, coordinate the policies and programs of the Government of Saskatchewan respecting the organization, sponsorship or promotion by ministries and Crown corporations of public activities and events related to the capital region;
 - (s) conduct or finance research or engage any research staff that the commission considers necessary to fulfil its purposes;
 - (t) make bylaws respecting the affairs of the commission, including its proceedings and the calling and conduct of its meetings;
 - (u) carry out or engage in any other function or activity assigned to it by the Lieutenant Governor in Council;
 - (v) generally carry out any activities, provide any services and do and authorize the doing of any things that are incidental or conducive to the exercise of any of its powers, the fulfilment of its purposes or the discharge of any of its duties.
- (2) The commission may, by resolution, delegate to any officer, employee or committee of the commission the exercise of any of the powers conferred on the commission pursuant to subsection (1).

PROVINCIAL CAPITAL COMMISSION

(3) The exercise of any power by the officer, employee or committee of the commission to whom the power is delegated pursuant to subsection (2) is deemed to be the exercise of the power by the commission.

(4) The commission may, by resolution, set any limits or impose any terms and conditions that the commission considers appropriate on a delegation of any power pursuant to subsection (2).

(5) For the purposes of clause (1)(e), the commission shall obtain the approval of the Lieutenant Governor in Council if the value of the property to be sold, granted, exchanged, conveyed, leased or disposed of or otherwise dealt with is greater than \$50,000.

PART 4
Powers re Wascana Centre

Bylaws

4-1(1) Subject to the regulations, without limiting any of the powers conferred on it by section 3-1, the commission may make bylaws respecting Wascana Centre:

- (a) regulating the use of public land and the construction or alteration of any improvement on public land;
- (b) notwithstanding *The Cities Act* or *The Municipalities Act*, controlling traffic, including the regulating of speed and parking of vehicles;
- (c) authorizing police officers, special constables, peace officers or any persons to do all or any of the following:
 - (i) to remove or cause the removal of any vehicle or boat that is placed, left or kept in Wascana Centre in contravention of this Act or a bylaw;
 - (ii) to impound or store any vehicle or boat mentioned in subclause (i) and to release it to the owner on payment of the cost of removal and impounding or storage:
 - (A) within a period of 30 days after the day of the removal of the vehicle or boat; or
 - (B) within any longer period that may be specified in the bylaw;
- (d) providing for the recovery of the cost of removing, impounding and storing a vehicle or boat mentioned in clause (c) if that cost is not paid within the period specified in the bylaw by any means provided by law, including a sale by public auction or a private sale;
- (e) providing for the protection and conservation of natural areas and animal, bird and plant life;
- (f) subject to *The Fire Safety Act*, providing for fire protection and the prevention and extinguishment of fires;

PROVINCIAL CAPITAL COMMISSION

- (g) respecting the provision of any service facility;
- (h) regulating, restricting or prohibiting a trade, commercial enterprise, amusement, occupation or other activity or undertaking and determining the place where any of those activities or undertakings may or may not be carried on;
- (i) regulating, restricting or prohibiting sports, games, swimming, picnicking, camping or other recreational activities;
- (j) providing for the preservation of public health and the prevention of the spread of disease;
- (k) prohibiting the making of unnecessary noise;
- (l) prohibiting the keeping, or controlling the use or manner of keeping, of horses, dogs and other animals;
- (m) subject to *The Environmental Management and Protection Act, 2010* or *The Water Security Agency Act*, dealing with, controlling the use of and preventing the pollution or contamination of or other injury to, the waters of any well, lake, stream, river, pond or other body of water;
- (n) providing for the protection, care and preservation of property;
- (o) providing for preventing nuisances and compelling the abatement of nuisances;
- (p) providing for a system of licences, inspections, permits or approvals, including any or all of the following:
 - (i) establishing fees to pay for the costs of administering, regulating and enforcing the system of licences, inspections, permits and approvals;
 - (ii) prohibiting any development, activity, industry, business or thing until a licence, permit or approval has been granted and an inspection has been performed;
 - (iii) providing that terms and conditions may be imposed on any licence, permit or approval and setting out the nature of the terms and conditions and who may impose them;
 - (iv) setting out the conditions that must be met before a licence, permit or approval is granted or renewed, the nature of the conditions and who may impose them;
 - (v) providing for the duration of licences, permits and approvals and for their suspension or cancellation for failure to comply with a term or condition of the bylaw or for any other reason specified in the bylaw.

PROVINCIAL CAPITAL COMMISSION

- (2) Every bylaw made pursuant to clause (1)(a) must be consistent with the master plan.
- (3) Every bylaw made pursuant to subsection (1):
- (a) must be published in the Gazette; and
 - (b) comes into force on:
 - (i) the date specified for the purpose in the bylaw; or
 - (ii) if no date is specified, the date on which the bylaw is published.
- (4) Subject to clauses (1)(f) and (m), the bylaws made pursuant to this section prevail in the case of any conflict between those bylaws and any other Act, regulation or bylaw.
- (5) Subject to subsection (4), every bylaw passed by the council of the city respecting traffic applies throughout Wascana Centre notwithstanding that parts of Wascana Centre may be government land.
- (6) All bylaws made by the commission may be enforced in the same manner that bylaws of the city may be enforced pursuant to *The Cities Act*, and for that purpose subsection 8(2) and sections 82, 325, 334, 335, 337 and 345 of *The Cities Act* apply, with any necessary modification.

Bylaw enforcement on university lands

4-2 Notwithstanding anything in this Act or the regulations, every bylaw passed by The Board of Governors of The University of Regina pursuant to section 90.2 of *The University of Regina Act* with respect to parking applies throughout that portion of Wascana Centre consisting of university land.

Alteration of area of Wascana Centre

4-3(1) The commission may alter the area of Wascana Centre by adding to it or excluding from it any parcel of land or portion of a parcel of land:

- (a) wholly or partly within the limits of the city; or
- (b) wholly or partly within a rural municipality, by agreement with the rural municipality.

(2) If the commission adds a parcel or a portion of a parcel to the area of Wascana Centre, the commission shall apply to the Registrar of Titles to register an interest against the affected titles.

(3) If the commission excludes a parcel from the area of Wascana Centre, the commission shall apply to the Registrar of Titles to discharge any interest registered against the affected titles.

PROVINCIAL CAPITAL COMMISSION

PART 5
Master Plan**Contents of master plan****5-1** The master plan may contain:

- (a) a statement of the objectives for the future development and conservation of Wascana Centre;
- (b) statements of policy with respect to:
 - (i) the development and use of land under the commission's jurisdiction;
 - (ii) the conservation and improvement of the physical environment of the capital region, including Wascana Centre;
 - (iii) the provision or undertaking of service facilities, improvements and landscape construction within the capital region, including Wascana Centre;
 - (iv) the development of transportation, electrical and communication systems within Wascana Centre;
 - (v) the management and preservation of historical resources, forested areas, natural areas, wildlife and waterfowl areas and water storage areas within the capital region, including Wascana Centre;
 - (vi) the relationship between the areas within Wascana Centre and adjacent developments; and
 - (vii) any other matter that the commission considers advisable;
- (c) a statement of guidelines for land use and the development of improvements by persons and participating parties;
- (d) plans showing the concept or detailed design for particular sites or areas under the commission's jurisdiction; and
- (e) a statement of the development priorities or a capital works forecast of the commission.

Master plan prevails

5-2 Notwithstanding *The Planning and Development Act, 2007*, if there is a conflict between the master plan and an official community plan adopted pursuant to *The Planning and Development Act, 2007*, the master plan prevails.

Continuation of master plan

5-3(1) The master plan respecting Wascana Centre that is on file in the office of the commission on the day on which this section comes into force continues as the master plan until a subsequent master plan is adopted by the commission.

(2) The master plan may be amended or a new master plan may be adopted in accordance with any prescribed procedures.

PROVINCIAL CAPITAL COMMISSION

PART 6
Advisory Committees

Architectural Advisory Committee and Landscape Adviser

6-1(1) On any terms and conditions it considers advisable, the commission shall appoint:

- (a) an advisory committee to be known as the Architectural Advisory Committee consisting of 2 or more persons, each of whom, subject to subsection (2), must be an architect, a landscape architect, landscape planner or a community planner; and
- (b) an adviser to be known as the Landscape Adviser, who must be a landscape architect or a landscape planner.

(2) A majority of the members of the Architectural Advisory Committee must be architects other than landscape architects.

Engineering Advisory Committee

6-2 Each participating party shall appoint a professional engineer, as defined in *The Engineering and Geoscience Professions Act*, to be its representative on an advisory committee to be known as the Engineering Advisory Committee.

Additional committees

6-3 The commission may appoint, on any terms and conditions that it considers advisable, any other committees that it considers necessary.

PART 7
Improvements, Enforcement and Maintenance

DIVISION 1
Improvements

Restriction on improvements on public land

7-1 Subject to section 7-2, no person or participating party shall commence or make an improvement on public land, other than an improvement that relates solely to the interior of a building, unless:

- (a) the commission has given its prior approval to do so; and
- (b) the improvement conforms to:
 - (i) the master plan; and
 - (ii) any terms or conditions attached by the commission to its approval of the improvement.

When commission may waive requirements re improvements

7-2 The commission may waive the requirement of subclause 7-1(b)(i), but only if:

- (a) the person or participating party requesting approval of the proposed improvement submits all plans, elevations, specifications and models relating to the exterior of the proposed improvement that the commission may require; and
- (b) in the opinion of the commission:
 - (i) the value of the proposed improvement is less than the prescribed value; and
 - (ii) the proposed improvement is of a temporary nature.

PROVINCIAL CAPITAL COMMISSION

Restriction on approval of construction of building

7-3 Subject to section 7-4, the commission shall not give its approval for the construction of a building pursuant to section 7-1 unless:

- (a) the person or participating party requesting approval of the proposed building submits all plans, elevations, specifications and models relating to the exterior of the proposed building that the commission may require; and
- (b) the Architectural Advisory Committee recommends the approval by the commission of the proposed building on the ground that it is consistent with the master plan.

When commission may waive requirements re construction

7-4 The commission may waive the requirements of clause 7-3(b) if, in its opinion:

- (a) the value of the proposed building will be less than the prescribed value; or
- (b) the proposed building is of a temporary nature and conformity with the master plan has been waived by the commission pursuant to section 7-2.

Approval notwithstanding absence of recommendation

7-5 The commission may approve the construction of a building that is the subject of the plans, elevations, specifications and models that have been submitted pursuant to clause 7-3(a) notwithstanding that a recommendation is not made pursuant to clause 7-3(b) if it is satisfied that the plan respecting the proposed building is consistent with the master plan.

Restriction respecting improvements on public land

7-6 The commission shall not make an improvement on public land unless it considers the proposed improvement to be consistent with the master plan.

**DIVISION 2
Enforcement**

Remedies re unlawful improvements or unlawful use of land

7-7(1) This section applies if an improvement is made or land is used in contravention of this Act, the master plan or a bylaw of the commission.

(2) The commission or a participating party may apply to a judge of the Court of Queen's Bench for all or any of the following:

- (a) an order directing the owner of the improvement to remove it at the owner's expense;
- (b) an order restraining the person making the unlawful use of land from continuing the unlawful use.

(3) On an application pursuant to this section, the judge of the Court of Queen's Bench may make the order requested or any other order that the judge considers appropriate on any terms and conditions that the judge considers appropriate.

Offences and penalties

7-8(1) No person shall fail to comply with:

- (a) a provision of this Act or the regulations;

PROVINCIAL CAPITAL COMMISSION

- (b) a provision of any approval issued to the person; or
 - (c) a term or condition of any approval issued to the person.
- (2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction:
- (a) for a first offence:
 - (i) in the case of an individual, to a fine of not more than \$10,000; and
 - (ii) in the case of a corporation, to a fine of not more than \$50,000; and
 - (b) for a second or subsequent offence:
 - (i) in the case of an individual, to a fine of not more than \$10,000 for each day or part of a day during which the offence continues; and
 - (ii) in the case of a corporation, to a fine of not more than \$50,000 for each day or part of a day during which the offence continues.
- (3) If a corporation commits an offence pursuant to this Act, any director, officer or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in an act or omission of the corporation that would constitute an offence by the corporation is guilty of that offence and is liable on summary conviction to the penalties provided for that offence whether or not the corporation has been prosecuted or convicted.

Vicarious liability

7-9 In any prosecution of a person for an offence pursuant to this Act, it is sufficient proof of the offence to establish, in the absence of any evidence that the offence was committed without the person's knowledge, that it was committed by an employee, helper, contractor or agent of the person, whether or not the employee, helper, contractor or agent:

- (a) is identified; or
- (b) has been prosecuted or convicted for the offence.

Limitation on prosecution

7-10 No prosecution for a contravention of this Act or the regulations is to be commenced more than 3 years after the facts on which the alleged contravention is based first came to the knowledge of the commission.

Court order for compliance

7-11(1) The commission may apply to a judge of the Court of Queen's Bench for all or any of the following:

- (a) an order compelling a person to comply with this Act, the regulations, the bylaws of the commission, a provision of any approval or a term or condition of any approval;

PROVINCIAL CAPITAL COMMISSION

(b) an order restraining any person from proceeding contrary to this Act, the regulations, the bylaws of the commission, a provision of any approval or a term or condition of any approval.

(2) On an application pursuant to this section, the judge of the Court of Queen's Bench may make the order requested or any other order that the judge considers appropriate on any terms and conditions that the judge considers appropriate.

DIVISION 3

Landscape Construction and Landscape Maintenance

Performance by commission

7-12 The commission shall determine the landscape construction and the landscape maintenance to be performed on public land and shall perform or cause to be performed all landscape construction and landscape maintenance that has been determined.

Submission of plans of landscape construction to Landscape Adviser

7-13 The commission shall submit to the Landscape Adviser a plan of any proposed landscape construction but is not bound to accept the recommendation of the Landscape Adviser with respect to that plan.

Payment for landscape construction

7-14(1) A participating party constructing or proposing to construct a building on public land shall pay the commission for that portion of the landscape construction that the participating party may determine is necessary by reason of the construction or proposed construction of the building.

(2) A participating party that requests the commission to perform landscape construction on its lands in addition to the landscape construction proposed to be performed by the commission shall pay the commission for any additional landscape construction when performed or caused to be performed by the commission.

(3) Except as provided for by subsections (1) and (2), the commission shall pay for all landscape construction on public land.

Reimbursements

7-15 If, in the opinion of the commission, all landscape construction in Wascana Centre is substantially completed in accordance with the master plan, the commission may, subject to any agreement made pursuant to clause 3-1(1)(m) or section 9-1, reimburse a participating party for any part of the sum paid pursuant to subsection 7-14(2) for additional landscape construction that the commission, in its opinion, considers expedient and desirable.

DIVISION 4

Service Facilities and Service Maintenance

Approval of commission required

7-16 No participating party shall construct a service facility on its land without the prior approval of the commission.

PROVINCIAL CAPITAL COMMISSION

Submission of plan to Engineering Advisory Committee

7-17(1) The commission shall not approve the construction of a service facility unless it:

(a) has submitted a plan respecting the proposed construction to the Engineering Advisory Committee; and

(b) has obtained that committee's recommendations with respect to the plan.

(2) The commission is not bound to accept the recommendations of the Engineering Advisory Committee.

Service facility of participating party

7-18(1) Subject to subsection (2), a service facility required by a participating party on the land of the participating party must be constructed by and at the expense of the participating party.

(2) The commission may assume all or part of the construction or the expense if the commission considers that it will derive all or a substantial part of the benefit from the service facility.

Service maintenance on land of participating party

7-19(1) Subject to subsection (2), service maintenance required on the land of a participating party may be performed by the commission at the expense of the participating party.

(2) The commission may assume all or part of the expense of the service maintenance if the commission considers that it will derive all or a substantial part of the benefit from the service maintenance.

Ownership of adjoining lands

7-20(1) Notwithstanding any other provision of this Act but subject to subsection (4), if in Wascana Centre the land adjoining both sides of a street, road or lane that is vested in the Crown is owned by the same owner, the portion of the adjoined street, road or lane is deemed to be owned by that owner for the purposes of landscape maintenance, service maintenance and service facilities construction and the expenses associated with them.

(2) Notwithstanding any other provision of this Act, but subject to subsections (3) and (4), if in Wascana Centre the land adjoining both sides of a street, road or lane that is vested in the Crown is owned by different owners, the portion of the adjoining street, road or lane is deemed to be owned by those owners in equal shares for the purposes of landscape maintenance, service maintenance and service facilities construction and the expenses associated with them.

(3) The city is solely responsible for the expense of landscape maintenance, service maintenance and service facilities construction of those streets, roads and lands described in Schedule B.

(4) Notwithstanding any other provision of this Act:

(a) a participating party or the commission may assume and pay all or any part of the expense of landscape maintenance, service maintenance and service facilities construction that is the liability of another person; and

(b) if the expenses are assumed and paid, that other person ceases to be liable for the amount of the expense that is paid.

PROVINCIAL CAPITAL COMMISSION

Verge deemed to be part of Wascana Centre

7-21(1) In this section, “**verge**” means all land lying between the boundary of Wascana Centre where it abuts on a street, road or lane and the nearest part of the street, road or lane that is intended for the use of vehicles.

(2) Notwithstanding the definition of “Wascana Centre” in section 1-2, for the purposes of the bylaws of the commission, the definition of “public land” in section 1-2, and section 4-1, Wascana Centre is deemed to include the verge.

(3) Without the prior approval of the commission, no person shall build, erect, place, alter or renovate a structure, hoarding, poster, sign, seating, fencing or construction of any kind whatsoever within the verge, other than traffic and bus-stop signs of a style and size acceptable to the commission.

(4) Without the prior approval of the commission, no person shall carry out any landscape construction or alter or interfere with landscaping or vegetative growth within the verge.

(5) Subject to subsection (6), nothing in this section prevents:

(a) the city pursuant to *The Local Improvements Act, 1993* from carrying out in whole or in part a work of local improvement within the verge; or

(b) the minister responsible for the administration of *The Highways and Transportation Act, 1997* pursuant to that Act from carrying out in whole or in part a work of public improvement within the verge.

(6) Before acting pursuant to subsection (5), the city or the minister, as the case may be, must consult with and obtain and consider the views of the commission with respect to the work.

City not to have control of roads, streets, etc., within Wascana Centre

7-22 Notwithstanding anything in *The Cities Act* or any other Act, no road, street, bridge, highway, lane, alley, square or public place within Wascana Centre is to be under the direction, management or control of the city, but this section does not affect the application with respect to Wascana Centre, pursuant to subsection 4-1(5), of a bylaw of the city.

Road closures

7-23(1) In this section, “**provincial highway**” means a provincial highway as defined in *The Highways and Transportation Act, 1997*.

(2) Notwithstanding *The Highways and Transportation Act, 1997*, *The Cities Act* and *The Municipalities Act*, the commission, or any person or employee of the commission designated by the commission by bylaw, may regulate or prohibit vehicular or pedestrian traffic within Wascana Centre on all or any portion of a road, street, bridge, highway, lane, alley, square or public place designated or intended for or used by the general public for the passage of vehicles:

(a) for a temporary period that may be specified by the commission;

(b) for any purpose considered necessary by the commission; and

(c) on any terms that may be determined by the commission.

PROVINCIAL CAPITAL COMMISSION

- (3) The commission shall cause every road, street, bridge, highway, lane, alley, square or public place that is closed pursuant to this section to be marked with a sign indicating its closure and the hazards, if any, that would be encountered in its use.
- (4) Notwithstanding any other Act or law, any person using a road, street, bridge, highway, lane, alley, square or public place that is closed pursuant to this section:
- (a) is deemed to do so at his or her own risk;
 - (b) has no right to recover damages from the commission, any member of the commission or any officer or employee of the commission in case of accident or injury; and
 - (c) is solely liable for any damage or injury resulting from his or her use of that road, street, bridge, highway, lane, alley, square or public place.
- (5) This section does not apply to:
- (a) any area, whether privately or publicly owned, that is primarily intended to be used for the parking of vehicles and the necessary passageways on that area; or
 - (b) any portion of a provincial highway, or an extension of a provincial highway, within Wascana Centre.

Closing of public highways

- 7-24(1)** Subject to the consent of each participating party and subject to subsections (2) and (3), the commission has the exclusive right to close the whole or any part of a public highway within Wascana Centre.
- (2) If it is proposed to close a public highway or part of a public highway within Wascana Centre and there is land abutting on the highway or the part to be closed that is not owned by a participating party, the highway or the part to be closed shall not be closed unless:
- (a) at least 2 weeks' notice of the intention to close the highway, or a part of it, is given by registered mail to each registered owner of land abutting on the highway, or the part of the highway, proposed to be closed;
 - (b) a notice is published on the commission's website and at least once each week for 2 successive weeks in a newspaper published in the city; and
 - (c) every person who, before the highway or part of the highway is closed, claims that his or her land will be injuriously affected by the closing and petitions the commission for a hearing is given an opportunity to be heard, by or without an agent, with respect to the proposed closing.
- (3) The commission shall compensate a person for any damage caused to the person's land by the closing of all or any part of a public highway, if the person, before the closing:
- (a) claims to the commission that his or her land will be injuriously affected by the proposed closing; and
 - (b) submits to the commission a petition for a hearing respecting the closing and appears at the hearing.

PROVINCIAL CAPITAL COMMISSION

(4) If the amount of compensation is not agreed on, either the person or the commission may apply to a judge of the Court of Queen's Bench to have the amount determined.

(5) Nothing in this Act restricts the power of the minister responsible for the administration of *The Highways and Transportation Act, 1997* to close the whole or any portion of a public highway within Wascana Centre, but that minister, before exercising that power, shall obtain the prior consent of the commission for the purpose.

DIVISION 5

**Special Provisions respecting Expenses of
Landscape Maintenance and Service Maintenance**

Determination of amount of expenses in certain cases

7-25 Notwithstanding any other provision in this Act:

(a) the amount of the expense of landscape maintenance and service maintenance, in every case in which the commission passes a resolution for the purpose of this clause, is deemed to be, notwithstanding that the amount of the expense might be determined in another manner, the amount fixed by the resolution;

(b) if no resolution applicable to a fiscal year has been passed pursuant to clause (a), the rates for the various types of landscape maintenance and service maintenance may be established by agreement between the commission and each participating party; and

(c) if the amount of the expense of landscape maintenance or service maintenance to be charged to a participating party has not been established by resolution pursuant to clause (a) or by agreement pursuant to clause (b), the amount of the expense is to be determined in the prescribed manner.

DIVISION 6

Acquisition and Disposition of Land within Wascana Centre

Certain interests not valid without consent of commission

7-26(1) Notwithstanding any other provision of this Act, a transfer of title with respect to public land must be accompanied by the written consent of the commission.

(2) Notwithstanding any other provision of this Act or any other Act, an interest registered in the Land Titles Registry with respect to public land is invalid unless it is accompanied by the written consent of the commission.

Restriction on acquisition of land in Wascana Centre

7-27 No land or interest in land within Wascana Centre may be acquired pursuant to *The Public Utilities Easements Act* or any other Act without the prior approval of the commission.

PROVINCIAL CAPITAL COMMISSION

Registration of interest

7-28(1) The commission shall register an interest in the Land Titles Registry against each title within Wascana Centre.

(2) Any application for registration pursuant to subsection (1) must be accompanied by a notice to third parties that the titles are subject to this Act.

PART 8

Financial Provisions

DIVISION 1

Financial Matters concerning Wascana Centre

Annual amounts paid by participating parties

8-1(1) Subject to subsection (2), in each fiscal year, each participating party shall pay to the commission the amount established by the commission to pay the costs associated with servicing, maintaining or upgrading common areas on public land or areas within Wascana Centre that are of mutual benefit to the participating parties including:

- (a) connecting roads;
- (b) lighting;
- (c) sidewalks, walkways and paths;
- (d) underground infrastructure, including sewer and water; and
- (e) parking lots.

(2) The amount established pursuant to subsection (1) is not to include the costs of landscape construction or the costs of landscape maintenance or service maintenance.

Establishing annual amounts

8-2(1) For the purposes of establishing the amount for the purposes of section 8-1 for a fiscal year, the commission shall, on or before the December 1 preceding the fiscal year:

- (a) submit to the participating parties, for review, a proposed budget for the fiscal year setting out the costs mentioned in section 8-1;
- (b) attend a meeting with each of the participating parties and explain the proposed budget and the reasons for proposed expenditures; and
- (c) after considering any suggestions made by the participating parties, determine the budget required for the fiscal year.

(2) Of the amount established by the commission pursuant to this section:

- (a) the Government of Saskatchewan shall pay 55%;
- (b) the city shall pay 30%; and
- (c) the university shall pay 15%.

(3) The participating parties shall make the payments required by this section within the prescribed period.

PROVINCIAL CAPITAL COMMISSION

When payments are to be made

8-3 All amounts to be paid by the Government of Saskatchewan pursuant to this Division shall be paid out of the general revenue fund.

Interest

8-4 If a participating party fails to pay to the commission an amount required by section 8-2 when due, it shall, in the prescribed manner, pay to the commission, on demand, interest at the prescribed rate and calculated in the prescribed manner.

DIVISION 2

Borrowing Powers of Commission

Borrowing powers of commission

8-5(1) Subject to the approval of the Lieutenant Governor in Council, the commission may borrow from time to time any moneys, within the borrowing limitation set by section 8-9, that the commission requires for any of its purposes, including:

- (a) the repayment, renewal or refunding from time to time of the whole or any part of any moneys borrowed or securities issued by the commission pursuant to this Act;
 - (b) the repayment in whole or in part of advances made by the Minister of Finance to the commission;
 - (c) the payment in whole or in part of any loan or liability or of any bonds, debentures or other securities or indebtedness the payment of which is guaranteed or assumed by the commission;
 - (d) the payment in whole or in part of any other liability or indebtedness of the commission;
 - (e) the funding of any expenditure made by the commission in carrying out any of its powers; and
 - (f) the repayment in whole or in part of any temporary borrowing of the commission, if the borrowing is related to carrying out any of its powers.
- (2) For the purpose of exercising the borrowing powers mentioned in subsection (1), the commission may issue any bonds, debentures or other securities, bearing any rate of interest and being payable as to principal and interest at any time, in any manner, in any place in Canada or elsewhere and in the currency of any country that the commission, with the approval of the Lieutenant Governor in Council, may determine.
- (3) The commission may issue the bonds, debentures and other securities mentioned in subsection (2) in any amounts that will realize the net amounts required for the purposes of the commission.
- (4) A recital or declaration in the resolutions or minutes of the commission authorizing the issue of the securities mentioned in subsection (2), to the effect that the amount of those authorized securities is necessary to realize the net amounts required for the purposes of the commission, is conclusive evidence of that fact.

PROVINCIAL CAPITAL COMMISSION

- (5) Subject to the approval of the Lieutenant Governor in Council, the commission may, on any terms and conditions that the commission considers advisable:
- (a) sell or otherwise dispose of any bonds, debentures or other securities mentioned in subsection (2); and
 - (b) charge, pledge, hypothecate, deposit or otherwise deal with those securities as collateral security.
- (6) The commission may:
- (a) treat any securities dealt with as collateral security pursuant to subsection (5) as unissued when:
 - (i) the securities are redelivered to the commission or its nominees on or after payment, satisfaction, release or discharge in whole or in part of any indebtedness or obligation for which they may have been given as collateral; or
 - (ii) the commission again becomes entitled to the securities; and
 - (b) subject to the approval of the Lieutenant Governor in Council and the borrowing limitation set by section 8-9:
 - (i) issue, reissue, charge, pledge, hypothecate, deposit, deal with as collateral security, sell or otherwise dispose of the securities mentioned in clause (a) on any terms and conditions that the commission considers advisable; or
 - (ii) cancel and issue fresh securities in the same amount and in the same form in lieu of the unissued securities with the same consequences.
- (7) On the issue or reissue of securities pursuant to subsection (6), a person entitled to the securities has the same rights and remedies as if the securities had not been previously issued.
- (8) The commission may, by resolution or minute, determine the form and manner in which bonds, debentures and other securities issued pursuant to this section are to be executed.
- (9) The commission may, by resolution or minute, provide that:
- (a) the seal of the commission may be engraved, lithographed, printed or otherwise mechanically reproduced on any bonds, debentures or other securities to which it is to be affixed; and
 - (b) any signature on any bonds, debentures or other securities and on the coupons, if any, attached to those securities may be engraved, lithographed, printed or otherwise mechanically reproduced on those securities.
- (10) If the seal of the commission or any signature is mechanically reproduced pursuant to subsection (9):
- (a) the seal of the commission is of the same force and effect as if it were manually affixed; and
 - (b) notwithstanding that any person whose signature is reproduced has ceased to hold office before the date of issue of the security, the signature is for all purposes valid and binding on the commission.

PROVINCIAL CAPITAL COMMISSION

Temporary borrowing

8-6(1) Subject to the approval of the Lieutenant Governor in Council, the commission may borrow, within the borrowing limitation set by section 8-9, by way of temporary loans from any bank or credit union or from any person, any moneys, on any terms and conditions and for any purpose that the commission may determine:

- (a) by way of bank overdraft or line of credit;
- (b) by the pledging, as security for those temporary loans, of notes, bonds, debentures or other securities of the commission pending their sale or in lieu of the selling of them; or
- (c) in any other manner that the commission may determine.

(2) The commission may execute any cheques, promissory notes or other instruments that may be necessary or desirable in connection with the borrowing of moneys and the obtaining of advances by way of temporary loans pursuant to subsection (1) in any manner that the commission may determine.

Charge on revenues

8-7 All interest and instalments of principal and all sinking fund and other debt service charges with respect to the securities mentioned in sections 8-5 and 8-6 are a first charge on the commission's revenues.

Guarantee by Government of Saskatchewan

8-8(1) On any terms and conditions the Lieutenant Governor in Council considers advisable, the Lieutenant Governor in Council may approve the guarantee by the Government of Saskatchewan of the payment of:

- (a) the principal, interest and premium, if any, of any bonds, debentures or other securities issued by the commission;
- (b) any loans, temporary or otherwise, raised by the commission; and
- (c) any indebtedness or liability for the payment of moneys incurred by the commission or to which it may be or become subject.

(2) Any guarantee made pursuant to subsection (1) is to be in a form and manner that the Lieutenant Governor in Council may approve.

(3) The Minister of Finance, or any other officer that may be designated by the Lieutenant Governor in Council, shall sign a guarantee made pursuant to subsection (1) and, on being so signed, the Government of Saskatchewan is liable, according to the tenor of the guarantee, for the payment of:

- (a) the principal, interest and premium, if any, of the bonds, debentures or other securities;
- (b) the loans, temporary or otherwise; and
- (c) the indebtedness or liability for the payment of moneys.

(4) Any guarantee signed in accordance with subsection (3) is conclusive evidence of compliance with this section.

PROVINCIAL CAPITAL COMMISSION

(5) The Lieutenant Governor in Council may make any arrangements that may be necessary for supplying the moneys required to implement any guarantee made pursuant to this section and to advance the amount necessary for that purpose out of the general revenue fund.

Limitation on borrowing powers

8-9(1) The aggregate of the amounts that may be borrowed by the commission pursuant to this Act, whether by way of the issue of bonds, debentures or other securities or by way of temporary loan or otherwise, after deduction of discount and payment of commission applicable to all those loans, is not to exceed the aggregate net sum of \$3,000,000 or any other prescribed amount.

(2) In computing the aggregate net sum for the purposes of this section, the following amounts are to be excluded:

- (a) amounts borrowed by way of temporary loan that have been repaid by the commission otherwise than out of the proceeds of the sale of securities of the commission issued for that purpose;
- (b) amounts borrowed by the issue and sale of securities to the extent that the net proceeds of that issue and sale have been applied or are to be applied to the repayment of outstanding temporary loans of the commission;
- (c) amounts borrowed to repay, renew or refund from time to time the whole or any part of any loan raised or securities issued by the commission pursuant to this Act.

Power of city to invest in bonds, etc., issued by commission

8-10 The council of the city may, with the approval of the Saskatchewan Municipal Board, invest any of the surplus funds of the city in bonds, debentures or other securities issued by the commission.

DIVISION 3
Other Financial Matters

Appropriation

8-11 The Minister of Finance shall pay to the commission out of the general revenue fund any moneys appropriated by the Legislature for the purposes of the commission, in addition to the amounts mentioned in Division 1, in the amounts and at the times that are requested by the commission and agreed to by the Minister of Finance.

PART 9
General

Power of participating parties to enter into agreements, etc.

9-1(1) Notwithstanding anything in this or any other Act, the commission or a participating party may, for the whole or part of any purpose relating or incidental to or connected with Wascana Centre or relating or incidental to or connected with the land forming part of any road or street abutting on Wascana Centre, or for any of the purposes of the commission:

- (a) enter into an agreement with each other or with any other participating party;

PROVINCIAL CAPITAL COMMISSION

- (b) spend moneys, provide services and carry out obligations;
 - (c) pay moneys to the commission on account of any future obligation of the participating party to the commission, whether or not the amount of the obligation is then known and whether or not the obligation is likely to be incurred in the same fiscal year as the fiscal year in which the payment is made.
- (2) All moneys to be paid pursuant to subsection (1) by the Government of Saskatchewan shall, subject to the approval of the Lieutenant Governor in Council, be paid out of the general revenue fund.

Immunity

9-2 No action lies or shall be commenced against the Crown, the minister, the commission, a member, employee or officer of the commission, an architect, a community planner, the Landscape Adviser, the Architectural Advisory Committee, the Engineering Advisory Committee, any other committee of the commission, any member of any of those committees or any other person employed or engaged by the commission or a participating party, where any of them is acting pursuant to the authority of this Act or the regulations, for any loss or damages suffered by any person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done, by any of them, pursuant to or in the exercise of or in the supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any duty imposed by this Act or the regulations.

Fire protection and law enforcement

9-3(1) The city shall provide fire protection and law enforcement in Wascana Centre.

(2) Nothing in this section affects the power of the Government of Saskatchewan or the minister responsible for the administration of *The Police Act, 1990* to provide for the performance of police duties within Wascana Centre by members of the Royal Canadian Mounted Police or constables appointed pursuant to *The Police Act, 1990*.

Exemption of public land from taxation

9-4 Public land is exempt from all provincial and municipal taxation.

Architect planner

9-5 On any terms and conditions that it considers desirable, the commission may appoint an architect, landscape architect, landscape planner or a community planner, or a firm consisting of or including any number of those persons, to be the architect planner for the capital region.

Audit

9-6(1) The Provincial Auditor or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint shall audit the records, accounts and financial statements of the commission:

- (a) annually; and
 - (b) at any other times that the Lieutenant Governor in Council may require.
- (2) Immediately after completing an audit, the auditor shall prepare a report with respect to the auditor's findings and provide each participating party with a copy of the report.

PROVINCIAL CAPITAL COMMISSION

Annual report

9-7(1) In each fiscal year, the commission shall, in accordance with section 13 of *The Executive Government Administration Act*, submit to the minister:

- (a) a report of the commission on its business for the preceding fiscal year; and
- (b) a financial statement showing the business of the commission for the preceding fiscal year, in any form that may be required by Treasury Board.

(2) In accordance with section 13 of *The Executive Government Administration Act*, the minister shall lay before the Legislative Assembly each report and financial statement received by the minister pursuant to subsection (1).

Service

9-8(1) Unless otherwise provided in this Act, any notice, order or document required by this Act or the regulations to be given or served is to be served personally or mailed by ordinary or registered mail to the last known address of the person being served or by any other prescribed means.

(2) A notice, order or document served by ordinary mail or registered mail is deemed to have been received on the seventh day following the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of the person, he or she did not receive the notice, order or document or that he or she received it at a later date.

(3) Irregularity in the service of a notice, order or document does not affect the validity of an otherwise valid notice, order or document.

Transfers to and from commission

9-9(1) Notwithstanding any other Act or law or any provision of any contract:

- (a) the chairperson of the Public Service Commission may, with the approval of the commission, transfer any employees or class of employees in the public service, as defined in *The Public Service Act, 1998*, to and cause them to become employees of the commission; and
- (b) the Lieutenant Governor in Council may, on the recommendation of the minister and the minister responsible for the Public Service Commission, by order, transfer any employees or class of employees of the commission to the Government of Saskatchewan and cause them to become employees of the public service within the meaning of *The Public Service Act, 1998*.

(2) Any transfer made pursuant to this section is deemed not to be a breach or default under any contract.

(3) Notwithstanding any Act, law or provision of a contract, a transfer of an employee pursuant to subsection (1):

- (a) does not constitute the abolition or termination of any position or job;
- (b) does not require any advance notice, including any notice that may be required pursuant to any Act, law or provision of a contract; and
- (c) does not constitute constructive dismissal of any person or a breach of contract.

PROVINCIAL CAPITAL COMMISSION

Regulations

9-10 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) defining improvements;
- (c) for the purposes of clause 2-4(i), prescribing activities and programs that the commission may undertake;
- (d) for the purposes of section 4-1, prescribing the number of members who are required to approve bylaws, including prescribing classes of members for the purposes of this clause and prescribing a different number of members in each class who must approve bylaws;
- (e) for the purposes of subclause 7-2(b)(i) and clause 7-4(a), prescribing a value;
- (f) for the purposes of clause 7-25(c), prescribing the manner in which an amount is to be determined;
- (g) for the purposes of subsection 8-2(3), prescribing a period;
- (h) for the purposes of section 8-4, prescribing a rate, the manner of calculating the interest to be paid and the manner of paying;
- (i) for the purposes of subsection 8-9(1), prescribing an amount;
- (j) prescribing any matter or thing that is authorized or required by this Act to be prescribed in the regulations;
- (k) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

Crown bound

9-11 The Crown is bound by this Act.

PART 10

Consequential Amendments

RSS 1978, c E-16, section 49 amended

10-1 Subsection 49(3) of *The Expropriation Procedure Act* is repealed.

SS 1996, c F-19.1, section 2 amended

10-2 Subclause 2(1)(s.2)(iv) of *The Forest Resources Management Act* is repealed and the following substituted:

“(iv) the Provincial Capital Commission continued pursuant to *The Provincial Capital Commission Act*”.

SS 2004, c T-18.1, section 281 amended

10-3 Clause 281(1)(e) of *The Traffic Safety Act* is amended by striking out “*The Wascana Centre Act*” and substituting “*The Provincial Capital Commission Act*”.

RSS 1978, c U-5, section 90.2 amended

10-4 Subsection 90.2(1) of *The University of Regina Act* is amended in the portion preceding clause (a) by striking out “*The Wascana Centre Act*” and substituting “*The Provincial Capital Commission Act*”.

PROVINCIAL CAPITAL COMMISSION

PART 11

Repeal, Transitional and Coming into Force**RSS 1978, c W-4 repealed**

11-1(1) Subject to subsection (2), *The Wascana Centre Act* is repealed.

(2) Clause 53(1)(a) of *The Wascana Centre Act* is repealed.

Transitional

11-2(1) In this section:

“authority land” means authority land as defined in *The Wascana Centre Act* as that Act existed on the day before the coming into force of this Act;

“bylaws” means any bylaws or other orders that:

(a) were issued by the Wascana Centre Authority pursuant to *The Wascana Centre Act*, as that Act existed on the day before the coming into force of this Act; and

(b) are in existence on the day on which this Act comes into force;

“enactment” means an Act or a regulation or a portion of an Act or a regulation;

“Provincial Capital Commission” means the Provincial Capital Commission continued pursuant to section 2-2;

“registrar” means the Registrar of Titles appointed pursuant to section 6 of *The Land Titles Act, 2000*;

“resolution” means a resolution of the Wascana Centre Authority that:

(a) was made by the Wascana Centre Authority pursuant to *The Wascana Centre Act*, as that Act existed on the day before the coming into force of this Act; and

(b) is in existence on the day on which this Act comes into force;

“Wascana Centre Authority” means the Wascana Centre Authority continued pursuant to section 3 of *The Wascana Centre Act*, as that section existed on the day before the coming into force of this Act.

(2) On the coming into force of this section, the persons who were members of the Wascana Centre Authority in accordance with *The Wascana Centre Act*, as that Act existed before the coming into force of this Act, cease to hold office.

(3) In any enactment, document, agreement or other record, a reference to “Wascana Centre Authority” is deemed to be a reference to “Provincial Capital Commission”.

(4) All resolutions and bylaws are continued and may be dealt with by the Provincial Capital Commission pursuant to this Act as if they had been issued by it.

(5) No action or proceeding based on any claim for loss or damage as a result of the enacting or application of this Act lies or shall be instituted against the Crown in right of Saskatchewan or the minister.

(6) Every claim for loss or damage resulting from the enacting or application of this Act is extinguished.

PROVINCIAL CAPITAL COMMISSION

(7) All lands that were, on the day before the coming into force of this Act, authority lands are transferred and assigned to and vested in the Government of Saskatchewan.

(8) This Act is a legal and valid transfer and assignment to the Government of Saskatchewan of all lands or interests in land, all mortgages, charges and encumbrances standing in the name of or vested in the Wascana Centre Authority.

(9) Notwithstanding any other Act:

(a) it is not necessary to register or file this Act or register, file or issue any further or other instrument, document or certificate to give effect to the transfer or assignment of title of the lands mentioned in subsection (8) from the Wascana Centre Authority to the Government of Saskatchewan; and

(b) in any instrument or document in which the Government of Saskatchewan deals with any of the lands mentioned in subsection (8), it is sufficient to cite this Act as effecting the transfer or assignment of title from the Wascana Centre Authority and the vesting of title in the Government of Saskatchewan.

Coming into force

11-3(1) Subject to subsection (2), this Act comes into force on proclamation.

(2) Subsection 11-1(2) comes into force on assent, but is retroactive and is deemed to have been in force on and from April 1, 2017.

SCHEDULE A

[*Section 1-2* definition of “Wascana Centre”]

All that portion of sections 5, 6, 7, 8, 17 and 18, in township 17, in range 19, west of the second meridian, and intervening road allowances and surveyed roads, in the Province of Saskatchewan, described as follows:

Commencing at the intersection of the west boundary of the said section 18 with the south limit of College Avenue as the said College Avenue is shown on plan FF 4253, thence southerly along the west boundary of the said section 18 to the north-west corner of said section 7, thence southerly along the west boundary of the said section 7 to the north limit of the surveyed roadway (Twenty-third Avenue) as shown on plan BX 7109, thence easterly along the said north limit of the roadway and the production easterly thereof to the west limit of Twenty-third Avenue as the said avenue is shown on plan FV 2273, thence northerly along the said west limit to the north-west corner of the said Twenty-third Avenue, thence easterly along the north limit of the said Twenty-third Avenue as shown on said plan FV 2273 to the most westerly corner of Hillsdale Street as shown on plan 60R13698, thence north-easterly, northerly and north-easterly along the north-westerly, westerly and north-westerly limits of the said Hillsdale Street and the production north-easterly thereof to the north-easterly limit of Broad Street as shown on said plan 60R13698, thence south-easterly along the said north-easterly limit of Broad Street and the production south-easterly thereof to the east boundary of the said section 7, thence southerly along the said east boundary to the most northerly corner of block Y as shown on plan 68R34011, thence southerly along the most easterly limits of the area shown on the said plan 68R34011 to the most northerly north-east corner of lot C, block 23 as shown on plan 91R27302, thence southerly, south-westerly and southerly along the easterly, south-easterly and easterly limits of said lot C to the south-east corner of the said lot C thence westerly along the southern limit of the said lot C to intersection with the easterly limit of lot 34 in block 23 as shown on plan

PROVINCIAL CAPITAL COMMISSION

GE 191, thence southerly along the easterly limit of the said lot 34 and the southerly production of said easterly limit to an iron post planted 69.86 feet more or less south of the south-east corner of said lot 34, thence south-westerly, southerly and south-easterly along the western limits of parcels X and Y as shown on plan 64R33128 to the southwest corner of the said parcel Y, thence southerly along the westerly limit of parcel K as shown on plan 63R37205 to the east boundary of said section 6, thence southerly along the east boundary of said section 6 to the most northerly corner of parcel L as shown on plan 63R40459, thence south-westerly and south-easterly along the north-westerly and south-westerly limits respectively of said parcel L and the production south-easterly of the said south-westerly limit to intersection with the north-westerly limit of the surveyed roadway (Regina by-pass) as shown on plan FU 741, thence south-westerly along the said north-westerly limit to intersection with the said east boundary of section 6, thence southerly along the said east boundary of section 6 to intersection with the south-easterly limit of the surveyed roadway (Regina by-pass) as shown on plan FU 741, thence south-westerly along the said south-easterly limit to intersection with the south boundary of the said section 6, thence easterly along the said south boundary of section 6 and the south boundary of section 5 to the south-east corner of the said section 5, thence northerly along the east boundary of the said section 5 to the north-east corner thereof, thence westerly along the northern boundary of said section 5 a distance of 590.78 feet, thence northerly and parallel to the eastern boundary of section 8 a distance of 885.6 feet, thence easterly and parallel to the northern boundary of said section 5 to intersection with the centre line of Wascana Creek, thence south-easterly along the centre line of Wascana Creek to intersection with the west boundary of section 9, thence southerly along the west boundary of said section 9 to the left bank of Wascana Creek, thence south-easterly along the said south-westerly limit of parcel A, plan BZ 2842, and the left bank of the Wascana Creek to intersection with the east boundary of section 9, thence northerly along the said east boundary of section 9 to intersection with the Traverse Line as shown on plan 74R46986, thence westerly along the said Traverse Line as shown on plan 74R46986 to intersection with the west boundary of said section 9, thence northerly along the said west boundary of section 9 to intersection with a line drawn parallel with and perpendicularly distant southerly 300 feet from the northerly limit of parcel B as shown on plan FA 4664 and the production easterly thereof, thence westerly along the said line to intersection with the easterly limit of block L as shown on plan 60R21695, thence northerly along the said easterly limit of block L as shown on plan 60R21695 to the north-east corner thereof, thence westerly along the north limit of said block L as shown on plan 60R21695 and the production westerly thereof to intersection with a line drawn parallel with and perpendicularly distant south-easterly 66 feet from the north-westerly limit of the said surveyed roadway (Regina by-pass) as shown on plan FU 741, thence north-easterly parallel with the said north-westerly limit of the said roadway (Regina by-pass) and the production north-easterly thereof across Assiniboine Avenue as shown on plan FK 1219 to intersection with the production south-easterly of the tangent course of the south-westerly limit of Douglas Park Crescent as shown on plan GD 1553, thence north-westerly along the said production and the south-westerly limit to the most easterly corner of lot 37, block 7, as shown on the said plan GD 1553, thence south-westerly along the south-easterly limit of the said lot 37 to the most southerly corner thereof, thence north-westerly along the south-westerly limits of lots 32 to 37, both inclusive, in block 7 as shown on the said plan CD 1553 to the most westerly corner of the said

PROVINCIAL CAPITAL COMMISSION

lot 32, thence north-easterly along the north-westerly limit of the said lot 32 to the south-westerly limit of the said Douglas Park Crescent, thence north-westerly along the said south-westerly limit to the most easterly corner of lot 31, block 7, as shown on the said plan GD 1553, thence south-westerly along the south-easterly limit of the said lot 31 to the most southerly corner thereof, thence north-westerly and northerly along the south-westerly and westerly limits of lots 17 to 31, both inclusive, in block 7 as shown on the said plan GD 1553 to the southerly limit of Twentieth Avenue as shown on the said plan GD 1553, thence westerly along the said south limit to the north-east corner of lot 16 in block 7 as shown on the said plan GD 1553, thence southerly along the east limit of the said lot 16 to the south-east corner thereof, thence westerly along the south limits of lots 1 to 16, both inclusive, in block 7 as shown on the said plan GD 1553 to the south-west corner of said lot 1, thence northerly along the west limit of the said lot 1 to the south limit of the said Twentieth Avenue, thence westerly along the said south limit and the production westerly thereof to the west limit of McDonald Street as shown on plan Q 3743, thence northerly along the said west limit of McDonald Street to the southerly limit of the surveyed roadway as shown on plan DV 1867, thence westerly, north-westerly, and westerly along the southerly, south-westerly and southerly limits of the said roadway as shown on plan DV 1867 and their continuations throughout all streets and lanes as shown on plans Q 3743, D 3172 and U 2439 to the west limit of Winnipeg Street as shown on plan DV 459, thence northerly along the said west limit of Winnipeg Street to the south-east corner of lot 15, block 3, as shown on plan FF 3885, thence westerly along the south limit of the said lot 15 to the easterly limit of the lane east of block 4 as shown on the said plan FF 3885, thence southerly, south-westerly, north-westerly and northerly along the east, south-easterly, south-westerly and westerly limits of the said lane and the lane south and west of the southerly and westerly limits of block 7 as shown on the said plan FF 3885 to the southerly limit of Quinn Drive as shown on plan FF 3724, thence westerly along the said southerly limit and the radial production westerly thereof to the westerly limit of the surveyed roadway (Broad Street) as shown on the said plan BX 7109, thence northerly along the said westerly limit as shown on the said plan BX 7109 and on plan BL 1197 to the said southerly limit of College Avenue as shown on plan FF 4253, thence westerly along the said southerly limit to the point of commencement;

Excepting:

- (a) all those portions of Broad Street shown on plans 61R26843 and 60R13698 and that portion of the surveyed roadway shown on plan BX 7109 lying east of the production southerly of the westerly radial limit of Broad Street shown on plan 61R26843; and
- (b) that portion of the surveyed roadway (Regina by-pass) shown on said plan FU 741 lying north of a line drawn parallel with and perpendicularly distant southerly 1896 feet from the north boundary of said section 5 and south-east of a line drawn parallel and/or concentric with and perpendicularly and/or radially distant south-easterly 66 feet from the north-westerly limits thereof and the productions thereof; and

PROVINCIAL CAPITAL COMMISSION

(c) that portion of the said surveyed roadway (Regina by-pass) shown on plan FU 741 lying between a line drawn parallel with and perpendicularly distant southerly 1896 feet from the north boundary of the said section 5 and the east boundary of the said section 6 excepting thereout that portion lying north-east of a line drawn at right angles to the north-westerly limit of the said roadway from a point distant north-easterly thereon 686.83 feet from an iron post marked R14 on said plan FU 741 and north-west of a line drawn parallel with and perpendicularly distant south-easterly 66 feet therefrom;

all plans aforementioned being of record in the land titles office for the Regina Land Registration District.

SCHEDULE B

[Section 7-20]

- 1 All that parcel of land within Wascana Centre known as parcel R.5., according to a plan of record in the land titles office of the Regina Land Registration District, 64R34291.
- 2 The following streets or roads, so far as they are within Wascana Centre, namely:
 - (a) Wascana Parkway, as shown on plans 66R01032 and 66R00799;
 - (b) Assiniboine Avenue;
 - (c) McDonald Street.
- 3 All streets and roads within that parcel of land within Wascana Centre known as parcel D, Plan FL 1542, as amended by Master of Titles Order No. 71R14173, comprised in a plan of record in the Land Titles Office for the Regina Land Registration District as No. 83R68665.
- 4 All references in this schedule to roads and streets are to be interpreted as references to such roads and streets as they may be respectively changed from time to time hereafter whether in name, boundaries or dimensions; and references to plans shall respectively be interpreted as references to amending plans filed from time to time in substitution for the plans hereinbefore referred to.