

# *The Home Improvement Program Regulations*

*Repealed*

by Chapter S-24 Reg 8 (effective July 9, 2003).

*Formerly*

Chapter S-24 Reg 2 (effective August 28, 1987)  
as amended by Saskatchewan Regulations 74/89 and 16/90.

## **NOTE:**

**This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.**

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## CHAPTER S-24 REG 2

### *The Saskatchewan Housing Corporation Act*

#### TITLE

##### Title

- 1 These regulations may be cited as *The Home Improvement Program Regulations*.

#### INTERPRETATION

##### Interpretation

- 2 In these regulations:

- (a) “**Act**” means *The Saskatchewan Housing Corporation Act*;
- (b) “**applicant**” means an applicant for a grant or loan, as the case may be;
- (c) “**grant**” means a grant provided for in section 3;
- (d) “**household**” means the applicant and:
  - (i) the spouse of the applicant;
  - (ii) a person who occupies the residence with respect to which the application is made as a:
    - (A) joint owner; or
    - (B) tenant under a lease agreement; or
  - (iii) both of the persons mentioned in subclauses (i) and (ii);but does not include a spouse from whom the applicant:
  - (iv) is living separate and apart by reason of a court order or legally enforceable separation agreement; or
  - (v) has been living separate and apart for a period of at least three months where the applicant and the applicant’s spouse have manifested an intention to end their husband wife relationship;
- (e) “**lender**” includes the corporation and any of the following lenders, unless the corporation specifically excludes any such lender for the purpose of these regulations:
  - (i) a chartered bank;
  - (ii) a credit union incorporated, continued or registered pursuant to *The Credit Union Act, 1985*;
  - (iii) a trust corporation or loan corporation as defined in *The Trust and Loan Corporations Act*;

- (f) “**loan**” means a loan provided for in section 3;
- (g) “**owner**” includes:
  - (i) the registered owner of the property;
  - (ii) a purchaser under an agreement for sale of the property;
  - (iii) an Indian as defined in the *Indian Act* (Canada), as amended from time to time, where the property is situated on an Indian Reserve;
  - (iv) the lessee or tenant under a lease agreement in a form acceptable to the corporation, the term of which is at least 10 years;
  - (v) a person who can provide evidence satisfactory to the corporation that he is the beneficial owner of, or that he has a lifetime interest in, the property;
  - (vi) the owner of a mobile home;
  - (vii) a person who the corporation deems to be the owner of the property for the purposes of these regulations;
- (h) “**spouse**” includes a common-law spouse.

4 Sep 87 cS-24 Reg 2 s2; 10 Dec 89 SR 74/89 s3.

## GRANT AND LOAN REQUIREMENTS

### Program established

**3** The Home Improvement Program is established to provide grants or loans to applicants in respect of eligible work performed on eligible residences in accordance with these regulations.

4 Sep 87 cS-24 Reg 2 s3.

### Eligible residence

**4** A dwelling unit is an eligible residence if it is located in Saskatchewan and if the applicant:

- (a) **Repealed.** 10 Dec 89 SR 74/89 s4.
- (b) occupies the dwelling unit as his principal residence; and
- (c) is the owner of the dwelling unit.

4 Sep 87 cS-24 Reg 2 s4; 10 Dec 89 SR 74/89 s4.

### Eligible work

**5(1)** Subject to subsection (2), eligible work is any repair, rehabilitation or improvement that:

- (a) constitutes a fixture, addition or improvement of a permanent nature to an eligible residence; or

- (b) is considered by the corporation to be consistent with the intention of the Act.
- (2) Eligible work does not include any work:
- (a) in the case of a grant:
- (i) that the corporation considers necessary to complete the construction of a dwelling unit; or
- (ii) that has been commenced or completed prior to the corporation's written approval of the work, except in any circumstances that the corporation may allow;
- (b) in the case of a loan, that has been commenced or completed prior to the approval of the loan by the lender, except in any circumstances that the corporation may allow; or
- (c) in the case of a grant or loan, in respect of which the applicant receives grants, loans, subsidies or other assistance from the Government of Saskatchewan or Government of Canada, except in any circumstances that the corporation may allow.
- (3) Labour performed or to be performed with respect to eligible work described in subsection (1) constitutes eligible work to any extent that the corporation may approve.

4 Sep 87 cS-24 Reg 2 s5.

**Application**

- 6(1) Each applicant shall submit:

- (a) in the case of a grant, to the corporation; or
- (b) in the case of a loan, to the lender;

a completed application in the form provided by the corporation, together with any cost estimates that the corporation may require with respect to the work proposed to be done.

- (2) Each applicant shall state on the application form:

- (a) the Saskatchewan Health Services Card number issued for the purpose of:
- (i) *The Saskatchewan Hospitalization Act*; or
- (ii) *The Saskatchewan Medical Care Insurance Act*;

for each member of his or her household who is not a member of the Canadian Armed Forces or the Royal Canadian Mounted Police; and

- (b) the legal description of the eligible residence.

- (3) In the case of an applicant who does not have a Saskatchewan Health Services Card, the corporation may request the applicant to provide his Social Insurance Number assigned under the *Canada Pension Plan (Canada)*, as amended from time to time, or the authority of any other Act of Parliament.

(4) The corporation shall not make grants to applicants pursuant to these regulations with respect to applications received by the corporation on or after March 6, 1990.

(5) Lenders shall not make loans to applicants pursuant to these regulations with respect to applications received by lenders on or after March 6, 1990.

4 Sep 87 cS-24 Reg 2 s6; 10 Dec 89 SR 74/89 s5;  
16 Mar 90 SR 16/90 s3.

**Eligibility on divorce or separation**

7(1) Notwithstanding subsection 12(3), where:

- (a) a household consists of an applicant and the applicant's spouse;
- (b) the household has received the maximum amount for a loan prescribed in that subsection;
- (c) the applicant and the applicant's spouse:
  - (i) are divorced;
  - (ii) are living separate and apart by reason of a court order or a legally enforceable separation agreement; or
  - (iii) have been living separate and apart for a period of at least three months where the applicant and the applicant's spouse have manifested an intention to end their husband and wife relationship; and
- (d) the applicant or the applicant's spouse form a new household;

the new household may apply for, in accordance with any terms and conditions that the corporation considers advisable, and may be eligible to receive another loan with respect to another eligible residence.

(2) Where:

- (a) a household consists of an applicant and the applicant's spouse;
- (b) the household has received a grant pursuant to these regulations; and
- (c) the applicant and the applicant's spouse:
  - (i) are divorced;
  - (ii) are living separate and apart by reason of a court order or a legally enforceable separation agreement; or
  - (iii) have been living separate and apart for a period of at least three months where the applicant and the applicant's spouse have manifested an intention to end their husband and wife relationship;

the applicant and the applicant's spouse, unless sufficient supporting documentation satisfactory to the corporation is provided and the corporation is satisfied that an unequal division is appropriate, are deemed to have received one-half of the grant funds received by the household.

(3) Where:

- (a) two or more persons form a household; and
- (b) any or all of those persons has received a grant pursuant to these regulations;

the household formed, for the purpose of determining the amount of a grant for which that household is eligible, is deemed to have received the sum of all of the grants received by each of the members of the household.

10 Dec 89 SR 74/89 s6.

**Proof of ownership**

8 Each applicant shall confirm, as required by the corporation or the lender, his ownership or interest in the eligible residence.

4 Sep 87 cS-24 Reg 2 s8.

**Power to inspect**

9(1) The corporation or the lender, as the case may be, may inspect the eligible residence to ensure that the eligible work is carried out in reasonable conformity with the eligible work specified in the application.

(2) Neither the corporation nor the lender, as the case may be, is liable to the applicant for any defect in inspection or failure to inspect or departure from the work specified in the application.

4 Sep 87 cS-24 Reg 2 s9.

## GRANTS

**Amount**

10(1) No grant payable with respect to one application shall exceed \$1,500 or one half of the cost of the eligible work, whichever is less.

(2) The total amount of all grants payable to an applicant shall not exceed \$1,500.

(3) The total amount of all grants payable to a household shall not exceed \$1,500.

(4) The total amount of all grants payable in respect of an eligible residence shall not exceed \$1,500 unless:

- (a) the eligible residence is sold in good faith and for full consideration; and
- (b) the new owner meets the other requirements of these regulations.

4 Sep 87 cS-24 Reg 2 s10.

**Payment**

11(1) Subject to subsection (2), the grant is payable to the applicant:

- (a) on completion of the eligible work;
- (b) on presentation to the corporation of invoices or bills, satisfactory to the corporation, in respect of the eligible work; and

- (c) after any inspection of the eligible residence that the corporation may consider necessary.
- (2) No grant shall be paid unless all invoices and bills are received by the corporation on or before April 30, 1990.

4 Sep 87 cS-24 Reg 2 s11; 16 Mar 90 SR 16/90 s4.

## LOANS

### Amount

- 12(1) No loan made with respect to one application shall exceed \$10,000 or the estimated cost of the eligible work, whichever is less.
- (2) The total amount of all loans made to an applicant shall not exceed \$10,000.
- (3) The total amount of all loans made to a household shall not exceed \$10,000.
- (4) The total amount of all loans made in respect of an eligible residence shall not exceed \$10,000 unless:
  - (a) the eligible residence is sold in good faith and for full consideration; and
  - (b) the new owner meets the other requirements of these regulations.

4 Sep 87 cS-24 Reg 2 s12.

### Loan agreement

- 13 When the lender approves an application for a loan, it shall so advise the applicant and the applicant shall:
  - (a) enter into a loan agreement in a form provided by the corporation;
  - (b) execute a promissory note in a form provided by the lender securing repayment of the loan, together with any other documentation that the lender may require; and
  - (c) execute or authorize the execution of any caveats or other security instruments that may be required by the corporation.

4 Sep 87 cS-24 Reg 2 s13; 10 Dec 89 SR 74/89 s7.

### Terms

- 14(1) Each loan:
  - (a) shall bear interest at a rate of not more than 6% per annum;
  - (b) shall be for a term of up to 10 years;
  - (c) shall have an amortization period of not more than 10 years; and
  - (d) is repayable by equal payments of blended principal and interest with payments to be made monthly.

(2) The date of commencement of blended payments of principal and interest on a loan shall be no later than one month following the date of the first advance of the loan proceeds.

4 Sep 87 cS-24 Reg 2 s14.

**Unused loan proceeds**

**15** If an applicant:

- (a) has not completed the eligible work:
  - (i) on or before September 5, 1990; or
  - (ii) within any other period of time that is prescribed in the loan agreement required pursuant to section 13;
 whichever is sooner;
- (b) has completed the eligible work but has not used the full amount of the loan proceeds;

the corporation may direct the lender to demand immediate repayment of the portion of the loan not used on eligible work and that portion of the loan is immediately due and payable or to take any other action that the corporation considers appropriate in the circumstances.

4 Sep 87 cS-24 Reg 2 s15; 10 Dec 89 SR 74/89 s8; 16 Mar 90 SR 16/90 s5.

**False statement; misuse of proceeds**

**16** When it is discovered that a statement made in an application for a loan is false in any material respect or that the applicant has used the proceeds of a loan other than for the purpose specified in the application, the lender:

- (a) may demand immediate repayment of the loan;
- (b) may take any other action that it considers proper in the circumstances;
- (c) shall immediately report the situation to the corporation; and
- (d) shall take any action or further action that the corporation may require.

4 Sep 87 cS-24 Reg 2 s16.

**Applicant in default**

**17** When an applicant is in default in respect of any payment under a loan, the lender may declare the loan due and payable and shall take any steps that it considers advisable, or that the corporation may require, to effect collection of the loan whether by legal proceedings or otherwise.

4 Sep 87 cS-24 Reg 2 s17.

**Powers of corporation as guarantor**

**18** When the corporation has guaranteed the repayment of any loan and the loan guarantee is called, the corporation has the same powers with respect to the applicant and the loan as those conferred on a lender by sections 15 to 17.

4 Sep 87 cS-24 Reg 2 s18.

**Reports**

**19** Each lender shall furnish the corporation with any information relating to loans administered by the lender that the corporation may reasonably request.

4 Sep 87 cS-24 Reg 2 s19.

**Duties of lender**

**20** The lender shall attend, with due diligence and care and in accordance with the specifications that the corporation may prescribe, to all matters related to the loan, including:

- (a) assessing, for eligibility, the application for a loan and estimates submitted pursuant to these regulations;
- (b) approving and making the loan;
- (c) administering of the loan;
- (d) collecting the repayment of the loan; and
- (e) executing and registering any caveats or other security instruments that may be required by the corporation.

4 Sep 87 cS-24 Reg 2 s20; 10 Dec 89 SR 74/89 s9.

**Loan guarantee, etc.**

**21** When a loan is made by a lender other than the corporation, the corporation may:

- (a) pay to the lender an administration fee in respect of the loan in any amount that the corporation considers appropriate;
- (b) guarantee, to the lender, repayment of the loan on any terms and conditions that the corporation considers appropriate; or
- (c) pay to the lender any amount that the corporation considers appropriate to compensate the lender for reducing the interest rate on the loan to 6%.

4 Sep 87 cS-24 Reg 2 s21.