

2017

CHAPTER 7

An Act to amend *The Victims of Interpersonal Violence Act* and to make related amendments to *The Residential Tenancies Act, 2006*

(Assented to April 13, 2017)

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

Short title

1 This Act may be cited as *The Victims of Interpersonal Violence Amendment Act, 2017*.

SS 1994, c V-6.02 amended

2 *The Victims of Interpersonal Violence Act* is amended in the manner set forth in this Act.

Section 2 amended

3 Section 2 is amended:

(a) in clause (a):

(i) by striking out “or” after subclause (ii);

(ii) by adding “or” after subclause (iii); and

(iii) by adding the following subclause after subclause (iii):

“(iv) any other persons prescribed in the regulations”; **and**

(b) by adding the following clauses after clause (h):

“(h.1) **‘tenancy agreement’** means a fixed term tenancy agreement that is subject to *The Residential Tenancies Act, 2006*;

“(h.2) **‘tenant’** means a person who is a party to a tenancy agreement with a landlord respecting residential property”.

New sections 12.1 to 12.5

4 The following sections are added after section 12:

“Interpretation

12.1 For the purposes of sections 12.2 to 12.5, **‘authorized person’** means the authorized person appointed pursuant to section 12.2.

“Appointment of authorized person

12.2 The minister may appoint a person to act as the authorized person for the purposes of section 12.4.

“Form of certificate

12.3 A certificate issued by the authorized person must be in a form approved by the Director of Residential Tenancies pursuant to section 16 of *The Residential Tenancies Act, 2006*.

“Application for a certificate

12.4(1) A tenant or a person who is acting on behalf of the tenant and with the tenant’s consent may apply to the authorized person, in the manner and including the information required by the authorized person, for a certificate pursuant to subsection (2).

(2) The authorized person may issue a certificate to a tenant for the purposes of section 64.2 of *The Residential Tenancies Act, 2006* if:

- (a) the authorized person has received from the tenant:
 - (i) a copy of an emergency intervention order, a victim’s assistance order, a restraining order, a peace bond or any other court order that is in place to prevent a cohabitant of the tenant from contacting or communicating with the tenant or with a cohabitant of the tenant; or
 - (ii) a statement from a person described in subsection (4) acting in his or her professional capacity indicating that person’s opinion that the tenant or a cohabitant of the tenant has been the subject of interpersonal violence; and
- (b) the authorized person is satisfied that if the tenancy continues there is a risk from a cohabitant to the safety of the tenant or of a cohabitant of the tenant.

(3) The authorized person shall, after receiving an application pursuant to subsection (1):

- (a) issue a certificate pursuant to subsection (2); or
- (b) advise the tenant or the person who applied on behalf of the tenant that the certificate will not be issued.

(4) The following persons may provide a statement in accordance with subclause (2)(a)(ii):

- (a) a member, as defined in *The Social Workers Act*, of the Saskatchewan Association of Social Workers;
- (b) a member, as defined in *The Psychologists Act, 1997*, of the Saskatchewan College of Psychologists;
- (c) a duly qualified medical practitioner;
- (d) a practising member, as defined in *The Registered Nurses Act, 1988*, of The Saskatchewan Registered Nurses’ Association;
- (e) a practising member, as defined in *The Registered Psychiatric Nurses Act*, of the Registered Psychiatric Nurses Association of Saskatchewan;

- (f) a member of the Royal Canadian Mounted Police or a member of a police service as defined in *The Police Act, 1990*;
- (g) a person approved by his or her employer to provide statements pursuant to this section and who is employed:
 - (i) by an agency or organization to assist persons for whom the agency or organization provides accommodation in an emergency or transitional shelter because of homelessness or abuse; or
 - (ii) to provide support for victims of interpersonal violence;
- (h) any other person or member of a category of persons prescribed in the regulations.

“Authorized person not compellable

12.5 The authorized person and any person who provides a statement in accordance with subclause 12.4(2)(a)(ii) cannot be compelled in a court or in any other proceeding, including a hearing before a hearing officer pursuant to section 70 of *The Residential Tenancies Act, 2006*:

- (a) to give evidence about information obtained for the purposes of section 12.4; or
- (b) to produce any document or thing obtained for the purposes of this Act or Division 1.1 of Part V of *The Residential Tenancies Act, 2006*”.

Section 15 amended

5 Section 15 is amended:

- (a) by striking out “or” after clause (a);
- (b) by adding “or” after clause (b); and
- (c) by adding the following clause after clause (b):
 - “(c) with respect to a statement made pursuant to subclause 12.4(2)(a)(ii)”.

Section 16 amended

6 Section 16 is amended:

- (a) by adding the following clause after clause (a):
 - “(a.1) for the purposes of clause 2(a), prescribing other persons”;
- (b) by adding the following clause after clause (f):
 - “(f.1) for the purposes of clause 12.4(4)(h), prescribing persons or categories of persons”; and
- (c) by adding the following clauses after clause (g):
 - “(g.1) establishing an electronic registry of protection orders and establishing rules for any of the following:
 - (i) the content of the registry;
 - (ii) access to the information in the registry;

- (iii) privacy of the information in the registry;
- (iv) disclosure of the information in the registry;
- (v) operation of the registry;

“(g.2) respecting any other thing necessary to ensure the operation of the registry mentioned in clause (g.1) while protecting the victim and facilitating the enforcement of protection orders”.

SS 2006, c R-22.0001 amended

7(1) *The Residential Tenancies Act, 2006* is amended in the manner set forth in this section.

(2) **The following subclause is added after subclause 55(1)(a)(vi):**

“(vii) section 64.2”.

(3) **The following Division is added after section 64:**

“DIVISION 1.1
Victims of Interpersonal Violence

“**Interpretation of Division**

64.1 In this Division:

- (a) **‘authorized person’** means the authorized person as defined in section 12.1 of *The Victims of Interpersonal Violence Act*;
- (b) **‘interpersonal violence’** means interpersonal violence as defined in clause 2(e.1) of *The Victims of Interpersonal Violence Act*.

“**Ending tenancy for interpersonal violence**

64.2(1) A tenant may end a fixed term tenancy on grounds of interpersonal violence by giving notice in accordance with subsection (2).

(2) To end a tenancy pursuant to subsection (1), the tenant shall serve the landlord with:

- (a) a notice at least 28 days before the day that the tenancy is to end; and
- (b) a certificate in the approved form signed by the authorized person.

(3) A notice to end a tenancy pursuant to this section must:

- (a) be in writing;
- (b) be dated and identified as originating from the tenant giving the notice;
- (c) state the effective date of the end of the tenancy;
- (d) state that the grounds for ending the tenancy are interpersonal violence; and
- (e) be served no later than 90 days after the date on which the certificate mentioned in clause (2)(b) is issued.

- (4) If notice to end a tenancy is served pursuant to this section:
- (a) the tenant is responsible for payment of rent only until the end of the period of notice mentioned in clause (2)(a) and the rent payable during the notice period shall be prorated if necessary;
 - (b) the tenant shall not be subject to any liquidated damages or penalty pursuant to the tenancy agreement that would be due only because of early ending of the tenancy agreement; and
 - (c) on the written request of the tenant, the landlord shall apply the security deposit paid with respect to the residential premises in payment of the rent payable during the notice period mentioned in clause (2)(a).
- (5) If a tenancy is ended pursuant to this section, the tenancy agreement is ended for all of the tenants in the same residential premises.
- (6) If a tenancy is held by more than one tenant, the landlord must notify the other tenants that the tenancy agreement is being ended.
- (7) Nothing in subsection (5) or (6) prevents the other tenants and the landlord from entering into a new tenancy agreement.
- (8) Notwithstanding section 82.1, if the notice to end the tenancy pursuant to this section and the certificate mentioned in clause (2)(b) are not properly served on the landlord, the effective date of the end of the tenancy is the later of:
- (a) 28 days from the date on which the landlord received the notice and certificate; and
 - (b) the effective date set out in the notice.
- (9) Neither the landlord nor any other tenant mentioned in subsection (5) may apply to a court or to the director pursuant to section 70 for an order to set aside a notice given pursuant to this section.

“Requirement for confidentiality

64.3 A landlord shall ensure that any information received pursuant to this Division from or about a tenant is kept confidential unless the landlord is authorized by this Act or the regulations to disclose that information”.

(4) Section 81 is amended by adding the following clauses after clause (k.1):

“(k.2) establishing circumstances under which a landlord is authorized to disclose information pursuant to section 64.3;

“(k.3) respecting any other thing necessary to facilitate the operation of sections 64.1 and 64.2”.

Coming into force

8 This Act comes into force on proclamation.

