

The Provincial Disaster Assistance Program Regulations, 1993

Repealed

by Chapter E-8.1 Reg 2 (effective April 1, 2010).

Formerly

Chapter E-8.1 Reg 1 (effective August 1, 1993) as amended
by Saskatchewan Regulations [44/97](#), [108/2000](#) and [47/2008](#).

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.

Table of Contents

	PART I		
	Title and Interpretation		
1	Title	12	Assistance to park authorities
2	Interpretation	13	Assistance to individuals
	PART II	14	Assistance to hospitals
	Procedure	15	Assistance to charitable organizations
3	Designation of eligible assistance areas	16	Assistance to educational institutions
4	Criteria for assistance	17	Assistance to small business
5	Claims	18	Assistance to primary agricultural enterprises
6	Limitation on filing claim	19	Assistance to departments, etc.
7	Eligible claimant to file		PART IV
8	Limitation on assistance		Payment of Disaster Assistance
8.1	Compliance costs	20	Maximum amount of assistance
9	Minister may require proof	21	Amount of assistance
	PART III	22	Amount of assistance to local government authorities
	Disaster Compensation Claims	23	Ineligible assistance for reducing risk of future damage, etc.
10	Assistance for immediate action or remedy	24	Ineligible assistance for normal losses, operating expenses, etc.
11	Assistance to local government authorities	25	Ineligible assistance for losses covered by insurance
		26	Ineligible assistance for loss in flood hazard area

CHAPTER E-8.1 REG 1
The Emergency Planning Act

PART I
Title and Interpretation

Title

1 These regulations may be cited as *The Provincial Disaster Assistance Program Regulations, 1993*.

Interpretation

2(1) In these regulations:

(a) **“charitable organization”** means a corporation, organization, foundation, society or association that is:

(i) a registered charity within the meaning of the *Income Tax Act* (Canada); or

(ii) incorporated or continued pursuant to *The Non-profit Corporations Act, 1995* for the purpose of providing social, charitable or recreational services;

(b) **“disaster”** means an occurrence of nature that causes substantial loss of or damage to property;

(c) **“disaster assistance”** means a payment made pursuant to Part IV;

(d) **“disaster compensation claim”** means an amount of compensation for loss, damage, cost or expense claimed in accordance with Part III;

(e) **“educational institution”** means:

(i) a school, a registered independent school or a university, as defined in *The Education Act, 1995*;

(ii) a regional college as defined in *The Regional Colleges Act*; or

(iii) the Saskatchewan Institute of Applied Science and Technology, as continued pursuant to *The Saskatchewan Institute of Applied Science and Technology Act*;

that is eligible to receive an operating grant pursuant to any of those Acts or regulations made pursuant to any of those Acts;

(f) **“eligible assistance area”** means an area that is designated pursuant to section 3;

- (g) **“eligible claimant”** means:
- (i) the board of education of a school division or the board of management or board of governors of, or any other person owning or operating, an educational institution;
 - (ii) a charitable organization;
 - (iii) a department, board or commission of the Government of Saskatchewan;
 - (iv) a district health board, or the board of governors or board of managers of, or any other person owning or operating, a hospital in Saskatchewan;
 - (v) an individual who resides in Saskatchewan;
 - (vi) a local government authority;
 - (vii) an owner of a small business who resides in Saskatchewan;
 - (viii) an owner or operator of a primary agricultural enterprise who resides in Saskatchewan;
 - (ix) any person who provides an immediate remedy, or who undertakes an immediate action, that is necessary because of, or during the period of, a disaster; or
 - (x) a park authority;
- but does not include a large business;
- (h) **“large business”** means an incorporated industrial, commercial, financial or utility enterprise or undertaking that is operated for profit, but does not include a small business or a primary agricultural enterprise;
- (i) **“local government authority”** means:
- (i) an urban municipality as defined in *The Urban Municipality Act, 1984*;
 - (ii) a rural municipality within the meaning of *The Rural Municipality Act, 1989*;
 - (iii) a northern municipality as defined in *The Northern Municipalities Act*; or
 - (iv) the Saskatchewan portion of the City of Lloydminster;
- (j) **“park authority”** means:
- (i) a regional park authority as defined in *The Regional Parks Act, 1979*;
 - (ii) the Wascana Centre Authority, the Meewasin Valley Authority, and the Wakamow Valley Authority; or
 - (iii) in the case of a provincial park constituted pursuant to *The Parks Act*, the member of the Executive Council responsible for the administration of that Act;

(k) **“primary agricultural enterprise”** means a farming operation, business or undertaking where:

- (i) the principal occupation of the owner or operator is farming; and
- (ii) the owner or operator derives his or her principal source of income from the operation of his or her farming operation, business or undertaking;

(l) **“rateable assessment”** means the most recent revised taxable assessment of land and improvements as equalized by the Saskatchewan Assessment Management Agency and confirmed by a certificate issued by that Agency;

(m) **“restore”** means to restore:

- (i) to a condition that existed immediately before a disaster; or
- (ii) in the case of a disaster occurring on or after April 1, 2005, to restore to a condition:
 - (A) that complies with any requirement of an Act or regulation, an Act or regulation of the Parliament of Canada or a bylaw of a municipality that was in force on the date of the disaster; and
 - (B) except as provided in paragraph (A), that existed immediately before the disaster;

(n) **“small business”** means a business operated for profit where the owner or the majority shareholder:

- (i) is directly involved in the day-to-day operation of the business; and
- (ii) derives his or her principal source of income from the operation of the business;

but does not include a primary agricultural enterprise;

(o) **“substantial loss or damage”** means:

- (i) subject to subsection (2), a loss of or damage to property owned by or under the control of a local government authority in an amount that exceeds the lesser of:

- (A) a three-mill levy on the taxable assessments of the local government authority according to its 1996 rateable assessment; and

- (B) \$1,000,000;

- (ii) a loss of or damage to uninsurable property of eligible claimants in an area in which a local government authority or a park authority has jurisdiction, other than a property described in subclause (i), in a total amount that exceeds \$25,000; or

- (iii) a loss of or damage to uninsurable property of one eligible claimant, other than a local government authority, in an amount that exceeds \$5,000;

(p) **“uninsurable property”** means property that, in the opinion of the minister, is not ordinarily insurable at a reasonable premium.

(2) For disasters occurring after 1997, “**substantial loss or damage**” means, for the purposes of subclause (1)(o)(i), a loss of or damage to property owned by or under the control of a local government authority in an amount that exceeds the lesser of:

- (a) a levy on the most recent taxable assessments of the local government authority, using the number of mills that, when multiplied by the most recent total provincial taxable assessment of land and improvements, yields an amount approximately equivalent to the amount that would have been determined by multiplying the total provincial taxable assessment of land and improvements in 1996 by a three-mill levy; and
- (b) \$1,000,000.

16 Jly 93 cE-8.1 Reg 1 s2; 27 Jne 97 SR 44/97
s3; 5 Jan 2001 SR 108/2000 s.3; 20 Jne 2008 SR
47/2008 s3.

PART II Procedure

Designation of eligible assistance areas

3(1) When a disaster occurs in an area:

- (a) a local government authority or a park authority having jurisdiction in the area may request, by resolution; or
- (b) in the case of the member of the Executive Council responsible for the administration of *The Parks Act*, that member of the Executive Council may request in any manner that he or she considers appropriate;

that the minister designate the area as an eligible assistance area.

(2) When the minister receives a request in accordance with subsection (1) and is reasonably satisfied that the area has suffered substantial loss or damage, the minister may, in the minister’s absolute discretion, designate the area as an eligible assistance area.

16 Jly 93 cE-8.1 Reg 1 s3.

Criteria for assistance

4 No disaster assistance is payable unless:

- (a) the loss, damage, cost or expense for which a disaster compensation claim is filed is incurred in an eligible assistance area;
- (b) a disaster compensation claim is filed within the time limit prescribed in subsection 6(1);
- (c) an eligible claimant provides proof and does all the other things described in subsection 6(2) within the time limit prescribed in that subsection; and
- (d) a disaster compensation claim has been approved.

16 Jly 93 cE-8.1 Reg 1 s4.

Claims

- 5(1) A disaster compensation claim is to be made on a form to be supplied by the minister in accordance with any procedures that the minister may prescribe.
- (2) The minister may prescribe any procedures to be followed in making a disaster compensation claim.

16 Jly 93 cE-8.1 Reg 1 s5.

Limitation on filing claim

- 6(1) A disaster compensation claim is to be filed with the minister within six months from the occurrence of the disaster to which the disaster compensation claim relates, or within any further time that the minister may allow.
- (2) Within 12 months from the occurrence of the disaster to which the disaster compensation claim relates, or within any further time that the minister may allow, an eligible claimant shall:
- (a) provide proof, satisfactory to the minister, of the eligible claimant's entitlement to disaster compensation; and
 - (b) do all things that the minister considers necessary to support, to the minister's satisfaction, the eligible claimant's claim.

16 Jly 93 cE-8.1 Reg 1 s6.

Eligible claimant to file

- 7(1) Subject to subsections (2) and (3), an eligible claimant shall file his or her own disaster compensation claim.
- (2) An agent for an eligible claimant may file a disaster compensation claim for an eligible claimant where:
- (a) the eligible claimant is absent or unable to file the disaster compensation claim; and
 - (b) the minister is satisfied with the explanation for the eligible claimant's absence or inability to file.
- (3) Only one disaster compensation claim may be filed in relation to a disaster in the case of:
- (a) a primary agricultural enterprise that is a partnership, corporation or co-operative;
 - (b) a small business that is a partnership or corporation; or
 - (c) a park authority.

16 Jly 93 cE-8.1 Reg 1 s7.

Limitation on assistance

- 8 No disaster assistance is payable for any work done or for any cost, expense or liability incurred prior to approval of the disaster compensation claim.

16 Jly 93 cE-8.1 Reg 1 s8.

Compliance costs

8.1(1) In this section, “**compliance cost**” means, in relation to the restoration of a service or property that is damaged because of a disaster, a cost incurred to comply with a requirement described in paragraph 2(1)(m)(ii)(A), to the extent that the cost exceeds the cost of restoring the service or property to the condition that existed immediately before the disaster.

(2) Subject to subsection (3), nothing in these regulations precludes any person from including compliance costs in a disaster compensation claim.

(3) No disaster compensation claim is to include any cost or expense that may be incurred:

- (a) to raise the profile of any street, lane, road, highway, bridge, culvert or other public structure beyond what is needed to restore it; or
- (b) to improve any street, lane, road, highway, bridge, culvert or other public structure in any other way beyond what is needed to restore it.

20 Jne 2008 SR 47/2008 s4.

Minister may require proof

9 The minister may require a local government authority to furnish proof satisfactory to the minister that any disaster assistance is spent only in repairing, restoring or replacing any of the items identified by the local government authority in the disaster compensation claim for which the disaster assistance is paid.

16 Jly 93 cE-8.1 Reg 1 s9.

PART III

Disaster Compensation Claims

Assistance for immediate action or remedy

10 Notwithstanding section 8, any person who or any local government authority or park authority that:

- (a) undertakes any immediate action; or
- (b) provides an immediate remedy;

that is necessary because of, or during the period of, a disaster may make a disaster compensation claim in the amount required to compensate the person, local government authority or park authority for any costs or expenses incurred in undertaking the immediate action or providing the immediate remedy.

16 Jly 93 cE-8.1 Reg 1 s10.

Assistance to local government authorities

11(1) A local government authority may make a disaster compensation claim in the amount required to enable the local government authority to restore any local community services or any property of the local government authority that is damaged because of a disaster, including any costs and expenses incurred in:

- (a) any necessary clearing of debris or wreckage from:
 - (i) channels and streams;
 - (ii) the inflow and outflow of sewers and storm drains to permit reasonable functioning of the sewer and storm drain system; and
 - (iii) water supply reservoirs;
- (b) removing any building or building debris or any tree or tree limb that is a source of danger to public safety;
- (c) restoring health and sanitation facilities;
- (d) restoring any street, road, bridge, sidewalk, wharf or dock;
- (e) restoring any dike, levee and drainage facility, including flood control and irrigation systems;
- (f) removing any emergency works and restoring any sites on which the emergency works were located;
- (g) restoring any public library, jail or welfare institution, police station, fire station, public building or public bathing beach, zoo, park or other public recreational facility or any other local government or other building that is provided for and maintained by the local government authority and intended for and used by the public, together with any equipment relating to the building or facility that the minister determines to be reasonably necessary to the function that the building or other facility is intended to serve;
- (h) restoring any municipal public utility; and
- (i) employing an inspection and appraisal service of a planning and design system for the purpose of determining the restoration or replacement cost of any property or facility for which disaster assistance may be paid.

(2) **Repealed.** 20 Jne 2008 SR 47/2008 s5.

16 Jly 93 cE-8.1 Reg 1 s11; 20 Jne 2008 SR 47/
2008 s5.

Assistance to park authorities

12(1) A park authority may make a disaster compensation claim in the amount required to enable the park authority to restore any park services or any property of the park authority that is damaged because of a disaster, including any costs and expenses incurred in:

- (a) any necessary clearing of debris or wreckage from:
 - (i) channels and streams;

- (ii) the inflow and outflow of sewers and storm drains to permit reasonable functioning of the sewer and storm drain system; and
 - (iii) water supply reservoirs;
 - (b) removing any building or building debris or any tree or tree limb that is a source of danger to public safety;
 - (c) restoring health and sanitation facilities;
 - (d) restoring any street, road, bridge, sidewalk, wharf or dock;
 - (e) restoring any dike, levee and drainage facility, including flood control and irrigation systems;
 - (f) removing any emergency works and restoring any sites on which the emergency works were located;
 - (g) restoring any public building, public bathing beach, zoo, park or other public recreational facility that is provided for and maintained by the park authority and intended for and used by the public, together with any equipment relating to the building or facility that the minister determines to be reasonably necessary to the function that the building or other facility is intended to serve;
 - (h) restoring a sewer, water or light infrastructure owned by the park authority, or for which the park authority is responsible; and
 - (i) employing an inspection and appraisal service of a planning and design system for the purpose of determining the restoration or replacement cost of any property or facility for which disaster assistance may be paid.
- (2) **Repealed.** 20 Jne 2008 SR 47/2008 s6.

16 Jly 93 cE-8.1 Reg 1 s12; 20 Jne 2008 SR 47/
2008 s6.

Assistance to individuals

13(1) For the purposes of this section, an individual's family consists of:

- (a) the individual's legal or common law spouse;
 - (b) the individual's children, including children with respect to whom the individual stands in the place of a parent, who are:
 - (i) unmarried and under the age of 18 years; or
 - (ii) unmarried, 18 years of age or more and in full-time attendance at an educational institution; and
 - (c) any other member of the individual's family who is, in the opinion of the minister, financially dependent on the individual.
- (2) An individual may make a disaster compensation claim in accordance with subsection (3) with respect to property mentioned in subsection (3):
- (a) that is owned by the individual or the individual's family; and
 - (b) that has been damaged by a disaster.

(3) An individual may make a disaster compensation claim in the amount required:

- (a) to restore any dwelling, including a mobile home, that is the principal residence of the individual or the individual's family;
- (b) to restore any garage or driveway on the grounds on which the dwelling described in clause (a) is situated;
- (c) to restore or replace any appliance, furnishing, clothing or other personal property that is necessary to the health or reasonable comfort of the individual or the individual's family; and
- (d) to restore or replace any other personal property or other building essential to the individual's livelihood.

(4) An individual may make a disaster compensation claim in the amount required to clean up any debris on the grounds on which the dwelling described in clause (3)(a) is situated.

(5) No disaster compensation claim may be made by an individual for any real property that is damaged in a disaster where the individual agrees to sell the property to the Crown in right of Saskatchewan.

27 Jne 97 SR 44/97 s4.

Assistance to hospitals

14 A district health board or the board of governors, board of management or any person who owns or operates a hospital may make a disaster compensation claim in the amount required to restore any real or personal property relating to the operation of the hospital that has been damaged or destroyed by a disaster, including an amount that is necessary to restore:

- (a) any building that is used to provide patient services by the hospital;
- (b) any building that is used to provide living accommodation for employees of the hospital; and
- (c) any equipment, appliance, furnishing, clothing or other personal property or fixture that is essential to enable the hospital to provide patient services.

16 Jly 93 cE-8.1 Reg 1 s14.

Assistance to charitable organizations

15 The board of governors, board of management or any person who owns or operates a charitable organization may make a disaster compensation claim in the amount required to restore any real or personal property relating to the operation of the charitable organization that has been damaged or destroyed by a disaster, including an amount that is necessary to restore:

- (a) any building that is used to provide charitable services by the charitable organization;
- (b) any building that is used to provide living accommodation for employees of the charitable organization; and
- (c) any equipment, appliance, furnishing, clothing or other personal property or fixture that is essential to enable the charitable organization to provide community services.

16 Jly 93 cE-8.1 Reg 1 s15.

Assistance to educational institutions

16 The board of education, board of governors, college board or any other person who owns or operates an educational institution may make a disaster compensation claim in the amount required to restore any real or personal property relating to the operation of the education institution that has been damaged or destroyed by a disaster, including an amount that is necessary to restore:

- (a) any building that is used to provide an educational service or that is used as living or office accommodation for students, teachers or other employees of the educational institution; and
- (b) any equipment, appliance, furnishing, clothing or other personal property or fixture that is essential to enable the educational institution to provide educational services.

16 Jly 93 cE-8.1 Reg 1 s16.

Assistance to small business

17 An owner of a small business may make a disaster compensation claim in the amount required to restore:

- (a) any real property that:
 - (i) is occupied for the purposes of the small business;
 - (ii) is damaged or destroyed by a disaster; and
 - (iii) in the case of:
 - (A) a small business that is incorporated, is owned by the small business or that the small business is legally liable to repair or replace; or
 - (B) a small business that is not incorporated, is owned by the owner of the small business or that he or she is legally liable to repair or replace; and
- (b) any equipment, furnishing, tool, stock-in-trade or other personal property or fixture that is essential to the carrying on of the small business and that:
 - (i) is damaged or destroyed by a disaster; and
 - (ii) in the case of:
 - (A) a small business that is incorporated, is owned by the small business or that the small business is legally liable to repair or replace; or
 - (B) a small business that is not incorporated, is owned by the owner of the small business or that he or she is legally liable to repair or replace.

16 Jly 93 cE-8.1 Reg 1 s17.

Assistance to primary agricultural enterprises

18 An owner or operator of a primary agricultural enterprise may make a disaster compensation claim in the amount required:

(a) to restore:

- (i) any farm building, including a dwelling, or any fence, corral or other structure;
- (ii) any appliance, furnishing or other household personal property contained in a farm dwelling;
- (iii) any clothing; and
- (iv) any machine, tool or supply;

that is damaged or destroyed by a disaster and that is used in and essential to the business of the primary agricultural enterprise; and

(b) to compensate for:

- (i) any loss of:
 - (A) livestock or greenhouse plants, calculated according to the actual value immediately before the disaster; and
 - (B) produce or livestock feed in storage on the premises of the primary agricultural enterprise at the time of a disaster, calculated according to its actual value immediately before the disaster;

that is actually sustained by an owner or operator of the primary agricultural enterprise as the direct result of a disaster; and

- (ii) any cost of filling and shaping, by earthwork, of gullies and of repairing by earthwork of any damage caused by a disaster to farm access roads on any land of the primary agricultural enterprise, but only where:
 - (A) the damage caused by the disaster exceeds any damage that is caused by, or may be anticipated from, normal spring occurrences;
 - (B) the repairs are approved by any agency or department of the Government of Saskatchewan that may be authorized by the minister to give such approval;
 - (C) the owner or operator files with the minister receipts for the work of filling, shaping or repairing gullies or work on farm access roads; and
 - (D) the earthwork is done within four quarter sections of land.

Assistance to departments, etc.

19(1) Subject to subsection (2), the minister may pay disaster assistance to a department, board or commission of the Government of Saskatchewan.

(2) The Lieutenant Governor in Council may, by order:

- (a) designate the departments, boards or commissions of the Government of Saskatchewan that have sustained damage because of a disaster to which the minister shall pay disaster assistance;
- (b) specify the amount of disaster assistance; and
- (c) impose any conditions on the payment of disaster assistance that the Lieutenant Governor in Council considers appropriate.

16 Jly 93 cE-8.1 Reg 1 s19.

PART IV
Payment of Disaster Assistance

Maximum amount of assistance

20(1) Subject to subsections (2) and (3), the maximum amount of disaster assistance that may be paid by the minister to an eligible claimant, other than a local government authority, is:

- (a) for flood clean-up:
 - (i) for labour, the product of:
 - (A) the actual number of hours of clean-up, to a maximum of 40 hours; and
 - (B) the rate approved by the minister; and
 - (ii) for equipment use, the lesser of:
 - (A) the actual cost, to a maximum of 40 hours for equipment rental; and
 - (B) \$1,000; and
- (b) for plow wind or tornado clean-up:
 - (i) for labour, the product of:
 - (A) the actual number of hours of clean-up, to a maximum of 140 hours; and
 - (B) the rate approved by the minister; and
 - (ii) for equipment use, the lesser of:
 - (A) the actual cost, to a maximum of 140 hours for equipment rental; and
 - (B) \$3,000.

PROVINCIAL DISASTER
ASSISTANCE PROGRAM

E-8.1 REG 1

(2) Subject to subsection (3), the maximum amount of disaster assistance that may be paid by the minister to an eligible claimant other than a local government authority is:

- (a) \$100,000 per disaster compensation claim with respect to a disaster that occurred before April 1, 2005; and
- (b) \$160,000 per disaster compensation claim with respect to a disaster that occurs on or after April 1, 2005.

(3) Notwithstanding subsections (1) and (2) and notwithstanding section 21, there is no limit on the amount of disaster assistance that may be paid by the minister to an eligible claimant that is:

- (a) a department, board or commission of the Government of Saskatchewan; or
- (b) a park authority that is the member of the Executive Council responsible for the administration of *The Parks Act*.

27 Jne 97 SR 44/97 s5; 5 Jan 2001 SR 108/2000 s4; 20 Jne 2008 SR 47/2008 s7.

Amount of assistance

21 Subject to section 20, the amount of disaster assistance payable to an eligible claimant, other than a local government authority, is equal to 80% of the eligible claimant's disaster compensation claim.

5 Jan 2001 SR 108/2000 s5.

Amount of assistance to local government authorities

22(1) In this section, "**net disaster compensation claim**" means the amount of the disaster compensation claim of a local government authority minus the lesser of:

- (a) \$1,000,000; or
- (b) subject to subsection (3), the equivalent of a three-mill levy by the local government authority on its taxable assessments, as determined by using the 1996 rateable assessment for the local government authority.

(2) Subject to subsection (3), the amount of disaster assistance payable to a local government authority is equal to the total of:

- (a) 50% of the portion of its net disaster compensation claim that is less than a three-mill levy on the taxable assessments of the local government authority according to its 1996 rateable assessment;
- (b) 75% of the portion of its net disaster compensation claim that is equal to or greater than a three-mill levy but less than a six-mill levy on the taxable assessments of the local government authority according to its 1996 rateable assessment; and
- (c) 90% of the portion of its net disaster compensation claim that is equal to or greater than a six-mill levy on the taxable assessments of the local government authority according to its 1996 rateable assessment.

(3) For disasters occurring after 1997, all references in clause (1)(b) and subsection (2) to a three-mill levy or a six-mill levy, based on the taxable assessments of a local government authority, are replaced with a levy based on the number of mills that, when multiplied by the most recent total provincial taxable assessment of land and improvements, yields an amount approximately equivalent to the amount that would have been determined by multiplying the total provincial taxable assessment of land and improvements in 1996 by a three-mill levy or a six-mill levy, as the case may be.

16 Jly 93 cE-8.1 Reg 1 s22; 27 Jne 97 SR 44/97
s6.

Ineligible assistance for reducing risk of future damage, etc.

23 No disaster assistance is payable:

- (a) for any loss of or damage to, or cost or expense of, a project or activity that is designed, undertaken or performed primarily for the purpose of:
 - (i) abating or reducing the risk of loss or damage from any future disaster; or
 - (ii) providing financial, material or other economic assistance to any area of Saskatchewan, other than any assistance for which a disaster compensation claim may be made; or
- (b) where:
 - (i) any damages or compensation sustained by an eligible claimant are recoverable at law; or
 - (ii) an eligible claimant is eligible for compensation, other than compensation provided pursuant to these regulations, under a compensation program operated by the Government of Canada, the Government of Saskatchewan or a local government authority.

16 Jly 93 cE-8.1 Reg 1 s23.

Ineligible assistance for normal losses, operating expenses, etc.

24(1) No disaster assistance is payable to an eligible claimant for:

- (a) any loss, cost or expense where the risk or the loss, cost or expense is normal, usual or incidental to the business, calling or enterprise of the eligible claimant;
- (b) any operating cost or expense; or
- (c) any loss of or damage to, or cost or expense incurred or expended for any matter or thing that is not, in the opinion of the minister, essential to the restoration of a home, means of livelihood or essential community service.

(2) For the purposes of clause (1)(c), the loss of or damage to, or cost or expense incurred or expended for the following are deemed to be non-essential to the restoration of a home, means of livelihood or essential community service:

- (a) summer cottages;
- (b) boat houses;
- (c) docks;
- (d) pleasure boats, other than an eligible claimant's stock-in-trade;
- (e) trailers, other than an eligible claimant's stock-in-trade;
- (f) recreation vehicles and equipment, other than an eligible claimant's stock-in-trade;
- (g) flowers, shrubs, trees and grass, other than the stock-in-trade of a tree nursery or greenhouse operation;
- (h) jewellery, other than an eligible claimant's stock-in-trade;
- (i) art works, other than an eligible claimant's stock-in-trade;
- (j) antiques, other than an eligible claimant's stock-in-trade; or
- (k) field shelter belts, subject to subsection (3).

(3) No disaster assistance is payable to an eligible claimant for any loss of or damage to field shelter belts except as may be claimed as clean-up expenses pursuant to section 20.

16 Jly 93 cE-8.1 Reg 1 s24; 27 Jne 97 SR 44/97 s7.

Ineligible assistance for losses covered by insurance

25 Notwithstanding any other provision of these regulations, no disaster assistance is payable to an eligible claimant for any loss or damage that, in the opinion of the minister, might have been covered under a contract or other instrument of insurance at a reasonable premium rate, whether or not:

- (a) the eligible claimant is insured at the time of the disaster; or
- (b) any insurance proceeds are collectable.

16 Jly 93 cE-8.1 Reg 1 s25.

Ineligible assistance for loss in flood hazard area

26(1) In this section, "**agreement**" means the "Agreement Respecting Flood Damage Reduction" made between the Government of Canada and the Government of Saskatchewan and dated April 13, 1977, as amended from time to time, or any successor agreement to that Agreement.

(2) Where any loss or damage is sustained, or any cost or expense is incurred, in any area that has been designated as a flood hazard area pursuant to the agreement, the amount of disaster assistance that is payable is any amount that is permitted by the agreement.

16 Jly 93 cE-8.1 Reg 1 s26.

