

# *The Rehabilitation Regulations*

*being*

Saskatchewan Regulations 265/72 (effective December 1, 1972) as amended by Saskatchewan Regulations 337/77 and [35/2011](#).

## **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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**SASKATCHEWAN REGULATION 265/72**  
under *The Rehabilitation Act*

Regulations made under the authority of *The Rehabilitation Act*.

**Title**

- 1** These regulations may be cited as *The Rehabilitation Regulations*.

10 Jne 2011 SR 35/2011 s3.

**Same**

- 2** In this regulation:

- (1) “**Act**” means *The Rehabilitation Act*;
- (2) “**assistance**” means aid in any form to or in respect of persons with an intellectual disability for the purpose of providing or providing for all or any of the following:
- (a) food, shelter, clothing, fuel, utilities, household supplies and personal requirements,
  - (b) prescribed items incidental to carrying on a trade or other employment and other prescribed special needs of any kind,
  - (c) care in a home for special care,
  - (d) travel and transportation,
  - (e) funerals and burials,
  - (f) health care services, and
  - (g) comfort allowances and other prescribed needs of residents or patients in hospitals or other prescribed institutions;
- (3) “**department**” means The Department of Social Services;
- (4) “**fee**” means the amount chargeable by the department in respect of each item of assistance or welfare services provided;
- (5) “**intellectual disability**” means a condition of arrested or incomplete development of mind whether arising from inherent causes or induced by disease or injury;
- (6) **Repealed.** 10 Jne 2011 SR 35/2011 s4.
- (7) “**minister**” means the Minister of Social Services;

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(8) **“person in need”** means

(a) a person with an intellectual disability sixteen years of age or older who has established, or on behalf of whom it has been established, in accordance with these regulations that he does not have sufficient income or resources available to him to enable him to pay the total fee for the assistance or welfare services which have been, are being or will be provided to or for him,

(b) the parent or guardian of a person with an intellectual disability under sixteen years of age who has established in accordance with these regulations that he does not have sufficient income or resources to enable him to pay the total fee for the assistance or welfare services which have been, are being or will be provided to or for the person with an intellectual disability under sixteen years of age;

(8.1) **“person with an intellectual disability”** means a person who is suffering from an intellectual disability to such a degree that:

(a) he requires care, supervision and control, or training, for his own protection or welfare or for the protection of others; or

(b) the intellectual disability contributes to or results in an obstruction of occupational performance.

(9) **“welfare services”** means services having as their object the lessening, removal or prevention of the causes and effects of intellectual disability or of the dependence of any person with an intellectual disability on public assistance, and, without limiting the generality of the foregoing includes

(a) rehabilitation services,

(b) casework, counselling, assessment and referral services,

(c) adoption services,

(d) homemaker, day care and similar services,

(e) community development services, and

(f) consulting, research and evaluation services with respect to welfare programs.

22 Dec 72 SR 265/72 s2; 10 Jne 2011 SR 35/  
2011 s4.

**“Designated Group”**

**3** Persons with an intellectual disability are hereby declared to be a group of persons in need of rehabilitation services.

22 Dec 72 SR 265/72 s3; 10 Jne 2011 SR 35/  
2011 s5.

**Services**

**4** The minister may make available to or for persons with an intellectual disability any item of assistance or welfare services he deems advisable.

22 Dec 72 SR 265/72 s4; ; 10 Jne 2011 SR 35/  
2011 s6.

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**Application for services**

**5(1)** Where a person with an intellectual disability has applied, or application has been made by any person on behalf of a person with an intellectual disability for assistance or welfare services any item of assistance or welfare services which the minister has made available to or for persons with an intellectual disability may be provided to or for that person with an intellectual disability.

(2) An application under subsection (1) must be made in accordance with these regulations.

22 Dec 72 SR 265/72 s5; 10 Jne 2011 SR 35/  
2011 s7.

**Minister Holding and Managing Property**

**6** The minister shall maintain and operate for purposes which are consistent with the Act and these regulations and which he deems necessary the property, together with the buildings and facilities situated on it, described in Schedule A.

22 Dec 72 SR 265/72 s6.

**Fees for Services**

**7(1)** The minister shall determine in accordance with reasonable principles and methods of accounting and cost analysis the fee for each item of assistance and welfare services which is made available.

(2) Where it is reasonably possible to do so the minister shall state the fee in terms of a cost per day or a cost per unit or a cost per service.

(3) The determination of the fee shall be made either before or as soon as reasonably possible after the item of assistance or welfare services has been made available and provided.

22 Dec 72 SR 265/72 s7.

**Liability to pay for assistance or Welfare Services**

**8(1)** Subject to sections 9 and 10 a person with an intellectual disability sixteen years of age or older shall be personally liable to pay to the department the fee for each item of assistance or welfare services which has been provided to or for him.

(2) Subject to subsection (3) and to Sections 9 and 10 the parent or guardian of a person with an intellectual disability under sixteen years of age shall be personally liable to pay to the department the fee for each item of assistance or welfare services which has been provided to or for the person with an intellectual disability under sixteen years of age.

(3) Subsection (2) does not apply to a person who becomes or is made guardian of a person with an intellectual disability under sixteen years of age by virtue of the office he holds.

22 Dec 72 SR 265/72 s8; 10 Jne 2011 SR 35/  
2011 s8.

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**Same**

**9(1)** Subject to section 10, a person in need within the meaning of clause 2(8)(a) shall be personally liable to pay to the department on account of the fee for each item of assistance or welfare services received by him provided that he may apply for assistance under *The Saskatchewan Assistance Act* if he has insufficient income and resources to enable him to pay.

(2) Subject to Section 10, a person in need within the meaning of clause 2(8)(b) shall be personally liable to pay to the department on account of the fee for each item of assistance or welfare services provided to or for the person with an intellectual disability under sixteen years of age whose parent or guardian he is, provided that he may apply for assistance under the *Saskatchewan Assistance Act* if he has insufficient income and resources to enable him to pay.

22 Dec 72 SR 265/72 s9; 10 Jne 2011 SR 35/  
2011 s9.

**Same**

**10** No person shall be liable to pay any amount on account of the fee of any item of assistance or welfare services which

- (a) he did not apply for, agree to receive, or agree could be provided,
- (b) is not reasonably incidental to an item which he did apply for, agree to receive or agree could be provided, and
- (c) was not provided as a result of an emergency.

22 Dec 72 SR 265/72 s10.

**Same**

**11** Any fee which any person is liable to pay under any of subsections 8(1), 8(2), 9(1) or 9(2) shall be a debt due to the Crown and may be recovered at the suit of the minister in any court of competent jurisdiction.

22 Dec 72 SR 265/72 s11.

**Applications in General**

**12** The minister may designate any officer, employee or representative of the department he deems necessary to be a person to receive, hear and decide upon applications which may be made under these regulations.

22 Dec 72 SR 265/72 s12.

**Same**

**13(1)** Subject to (2), any application which may be made under these regulations shall be made to a person designated by the minister pursuant to section 12.

(2) Where the minister has not designated a person pursuant to section 12, any application which may be made under these regulations shall be made to the minister.

22 Dec 72 SR 265/72 s13.

**Same**

**14** The person to whom an application is made under these regulations may take reasonable steps to obtain any information which is reasonably necessary for the purpose of enabling the application to be heard and decided upon and which the minister has authorized him to obtain.

22 Dec 72 SR 265/72 s14.

**Same**

**15** The person to whom an application under these regulations is made shall,

- (a) take reasonable steps to obtain information for the purpose of enabling him to decide upon the application,
- (b) hear and decide upon the application,
- (c) communicate his decision upon the application to the person who made the application, and
- (d) where he has decided that no item of assistance or welfare services can be provided in response to the application or that the person in respect of whom the application is made is not a person in need, provide the person who made the application with written reasons for his decision and shall also take reasonable steps to ensure that the person who made the application understands, insofar as he seems capable of understanding, the decision and the reasons for the decision.

22 Dec 72 SR 265/72 s15.

**Applications for Assistance and Welfare Services**

**16(1)** Any person who,

- (a) feels he is a person with an intellectual disability; or
- (b) wishes to apply on behalf of a person whom he feels is a person with an intellectual disability;

may apply for any item of assistance or welfare services which the minister has made available to or for persons with an intellectual disability.

(2) Where an application is made under subsection (1) by a person who feels he is a person with an intellectual disability or who wishes to apply on behalf of a person whom he feels is a person with an intellectual disability, the person to whom the application is made shall be provided with,

- (a) information about the health and medical history and condition of the person in respect of whom the application is made,
- (b) information about any education or training the person in respect of whom the application is made,
- (c) information about the identity and residence of the person in respect of whom the application is made and of any relative he may have,

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- (d) information about any employment and employer the person in respect of whom the application is made may have or have had, and
  - (e) a statement of the item or items of assistance or welfare services being applied for.
- (3) Where the report or any of the information which, under subsection (2) is to be provided to the person to whom the application under subsection (1) is made is not provided the person to whom the application is made may take reasonable steps to obtain the report or information.

22 Dec 72 SR 265/72 s16; 10 Jne 2011 SR 35/2011 s10.

**Same**

**17** Where an application has been made for assistance under The Saskatchewan Assistance Act the application shall be received, heard and decided upon in the same manner as an application for assistance within the meaning of The Saskatchewan Assistance Regulations.

22 Dec 72 SR 265/72 s17.

**Appeals**

- 18(1)** A person with an intellectual disability who feels that he is aggrieved by any decision, act or omission of an official employee, or representative of the department in the course of the application or administration of these regulations, has the right to appeal the decision and to obtain a review of the act or omission.
- (2) Any person who feels that he is aggrieved or who feels that a person with an intellectual disability is aggrieved or that the person with an intellectual disability would, if he were not a person with an intellectual disability, feel aggrieved by any decision, act or omission of an official, employee or representative of the department in the course of the application or administration of these regulations has the right to appeal the decision and to obtain a review of the act or omission on behalf of that person with an intellectual disability.
- (3) A person with an intellectual disability making an appeal or seeking a review under subsection (1) shall be represented by an advocate who shall be designated by the Saskatchewan Association for Community Living.
- (4) A person making an appeal or seeking a review under subsection (2) may be represented by an advocate of his own choosing.
- (5) An advocate does not have to be a barrister or solicitor and shall not be an official employee or representative of the department.
- (6) A fee for service may be paid to the advocate.
- (7) An appeal or review under subsection (1) or subsection (2) shall be made or sought in the same manner and to the same person or persons as an appeal by a recipient under sections 41 and 43 of The Saskatchewan Assistance Regulations.

(8) The person or persons to whom an appeal is made or from whom a review is sought under subsection (1) or subsection (2) may,

- (a) dismiss the appeal,
- (b) overrule the decision appealed and substitute for it the decision which ought to have been made.

(9) The rights of appeal provided by these regulations are in addition to any other right of action or right to seek a remedy which any person may have.

22 Dec 72 SR 265/72 s18; 10 Jne 2011 SR 35/  
2011 s11.

**General**

**19** Nothing in these regulations shall be deemed to authorize any act or omission which is contrary to law.

22 Dec 72 SR 265/72 s19.

**General – minister**

**20** The minister shall not seek to recover a debt arising under any of subsections 8(1), 8(2), 9(1) or 9(2) where the decision upon an appeal made or a review sought in accordance with section 18 is pending and that decision may affect the amount of the debt.

22 Dec 72 SR 265/72 s20.

**General – keeping information**

**21** The minister may prepare and maintain any records, statistics or sources of information in respect of matters pertaining to the application and administration of these regulations which he deems advisable.

22 Dec 72 SR 265/72 s21.

**Forms**

**22** The minister may cause to be prepared and provide any forms he deems advisable for the purpose of facilitating the application and administration of these regulations.

22 Dec 72 SR 265/72 s22.

**23 Repealed.** 25 Nov 77 SR 337/77 Schedule.

**Coming into force**

**24** These regulations shall come into effect on, and shall be deemed to have been in effect from December 1, 1972.

22 Dec 72 SR 265/72 s24.

SCHEDULE A

**1** The whole of section twenty (20), in township sixteen (16), in range twenty-six (26), west of the second meridian, in the Province of Saskatchewan, in the Dominion of Canada, containing six hundred and forty (640) acres, more or less, according to Dominion Government Survey thereof.

*Except:*

*Firstly:* All that portion which lies to the South and West of a surveyed line as said surveyed line is shown upon a Plan of Record in the Land Titles Office for the Moose Jaw Land Registration District as No. 70MJ03423.

*Secondly:* Out of the North East Quarter, Six and Thirty Nine Hundredths ( $6 \frac{39}{100}$ ) acres, more or less, and out of South East Quarter, Four and Twenty Three Hundredths ( $4 \frac{23}{100}$ ) acres, more or less, both taken for Right of Way of the Canadian National Railway as same is shown upon a Plan of Record in the said Land Titles Office as No. W. 235.

*Thirdly:* Out of the North East Quarter, Ten and Thirty Hundredths ( $10 \frac{30}{100}$ ) acres, more or less, shown as parcel "A", and Twenty Six Hundredths ( $26/100$ ) of an acre shown as Parcel "B", both taken for a Roadway as same is shown upon a Plan of Record in the said Land Titles Office as No. 67MJ12400

As to the NE & SE:

Minerals included

As to the NW & SW:

Minerals in the Crown.

**2** All those portions of the South East quarter of Section twenty nine (29), in Township sixteen (16), in Range twenty six (26), west of the second meridian, in the Province of Saskatchewan, in the Dominion of Canada, shown as parcels "A" and "B" on a Plan of Record in the Land Titles Office for the Moose Jaw Land Registration District as No. CX 1021.

*Except:*

Six and Two Hundredths ( $6 \frac{2}{100}$ ) acres, more or less, shown as Parcel "Q"; One and Ninety Five Hundredths ( $1 \frac{95}{100}$ ) acres, more or less, shown as Parcel "R"; Fourteen and Eighty Nine Hundredths ( $14 \frac{89}{100}$ ) acres, more or less, shown as Parcel "U"; Fifty two Hundredths ( $52/100$ ) of an acre, more or less, shown as Parcel "V"; Four and Thirteen Hundredths ( $4 \frac{13}{100}$ ) acres, more or less shown as Parcel "W"; Two and Forty Two Hundredths ( $2 \frac{42}{100}$ ) acres, more or less, shown as Parcel "X" and Two and Twelve Hundredths ( $2 \frac{12}{100}$ ) acres, more or less, shown as Parcel "Z", all taken for a Roadway, as the same is shown upon a Plan of Record in the Land Titles Office for the Moose Jaw Land Registration District as No. 67MJ12400.

Minerals Included.

3 All that portion of Block Two (2), in an addition to the City of Moose Jaw, in the Province of Saskatchewan, in the Dominion of Canada, according to a plan of record in the Land Titles Office for the Moose Jaw Land Registration District as No. F.1789 which lies East of the Easterly Limit of the Canadian National Railway as the same is shown upon a Plan of Record in said Land Titles Office as No. B.N.8224.

*Except:*

- (1) The most Southerly Twenty (20) feet in perpendicular width throughout.
- (2) Six Hundredths (6/100) of an acre, more or less, taken for a Roadway, Parcel "V", as the same is shown upon a Plan of Record in said Land Titles Office as No. 67MJ12400.

4 The South West Quarter of Section Twenty Nine (29), in Township Sixteen (16) in Range Twenty Six (26), West of the Second Meridian, in the Province of Saskatchewan, in the Dominion of Canada, containing one hundred and sixty (160 acres), more or less, according to Dominion Government Survey thereof.

*Except:*

*Firstly:* All those portions of the said Quarter Section shown as Kingsway Park, in an Addition to the City of Moose Jaw, in the Province of Saskatchewan, in the Dominion of Canada, on a plan of record in the Land Titles Office for the Moose Jaw Land Registration District as No V.1328, as amended by Master of Titles Order No. 59MJ09221.

*Secondly:* All that portion of the said Quarter Section, bounded as follows: Commencing at a point on the Eastern boundary of the said Quarter Section which is One Thousand Six Hundred and Seventy (1670) feet North of the South East corner of the said Quarter Section, thence Westerly at right angles to the said Eastern boundary Four Hundred and Forty Nine and One Tenth (449 1/10) feet, thence Northerly and parallel to the Eastern boundary to the Northern boundary of the said Quarter Section, thence Easterly along the said Northern boundary Four Hundred and Forty Nine and One Tenth (449 1/10) feet, more or less, to the North East corner of the said Quarter Section, thence Southerly along the Eastern boundary to the place of commencement.

5 Parcel "A", in the City of Prince Albert, in the Province of Saskatchewan, in the Dominion of Canada, according to a Plan of Record in the Land Titles Office for the Prince Albert Land Registration District as No. 0.3372, as amended by the Master of Titles Order registered as No. 67PA16520(1).

*Excepting:*

All mines and minerals under that portion of Parcel "A" lying West of a line drawn parallel with and perpendicularly distant Easterly — 1245 — feet from the Easterly limit of 7th Avenue North East.

Minerals Included — as to balance

