

The Provincial Disaster Assistance Program Regulations, 2011

being

[Chapter E-8.1 Reg 2](#) (effective April 1, 2010) as amended by the
Statutes of Saskatchewan, 2014, c.S-32.21.

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 E-8.1 REG 2
The Emergency Planning Act

PART I
Title and Interpretation

Title

1 These regulations may be cited as *The Provincial Disaster Assistance Program Regulations, 2011*.

Interpretation

2(1) In these regulations:

- (a) **“Act”** means *The Emergency Planning Act*;
- (b) **“agricultural operation”** means a small business that derives revenues from carrying on farming operations;
- (c) **“assistance”** means:
 - (i) disaster assistance;
 - (ii) assistance respecting a mitigation project mentioned in section 11; or
 - (iii) assistance respecting a temporary relocation mentioned in section 12;
- (d) **“business day”** means a day other than a Saturday, Sunday or holiday;
- (e) **“claim”** means:
 - (i) a disaster assistance claim;
 - (ii) a claim for a mitigation project made pursuant to section 11; or
 - (iii) a claim for temporary relocation made pursuant to section 12;
- (f) **“communal organization”** means a congregation, as defined in section 143 of the *Income Tax Act* (Canada), including the congregation’s business agencies, as defined in that section, for which a trust is deemed to be created pursuant to that section;
- (g) **“date of the disaster”** means the date specified by the minister pursuant to section 4;
- (h) **“disaster”** means an occurrence of nature that causes substantial loss of or damage to property;

- (i) **“disaster assistance”** means a payment made pursuant to Part IV but does not include:
 - (i) assistance respecting a mitigation project mentioned in section 11; or
 - (ii) assistance respecting a temporary relocation mentioned in section 12;
- (j) **“disaster assistance claim”** means an amount of compensation for a loss, damage, cost or expense claimed in accordance with Part III but does not include:
 - (i) a claim respecting a mitigation project mentioned in section 11; or
 - (ii) a claim respecting a temporary relocation mentioned in section 12;
- (k) **“educational institution”** means any of the following institutions that is eligible to receive operating grants or funding pursuant to any of the Acts mentioned in subclauses (i) to (iii), the regulations made pursuant to any of those Acts, *The Post-Secondary Education and Skills Training Act* or the regulations made pursuant to that Act:
 - (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*;
 - (iii) the Saskatchewan Polytechnic, as continued pursuant to *The Saskatchewan Polytechnic Act*;
 - (iv) the Saskatchewan Indian Institute of Technologies continued pursuant to *The Saskatchewan Indian Institute of Technologies Act*;
 - (v) the First Nations University of Canada, Inc., St. Thomas More College, Luther College or Campion College;
- (l) **“eligible assistance area”** means an area that is designated pursuant to section 3;
- (m) **“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 non-profit organization;
 - (iii) a department, ministry, secretariat, office, board or commission of the Government of Saskatchewan;
 - (iv) a regional health authority or affiliate within the meaning of *The Regional Health Services Act*, or the board of governors or board of managers of a health care facility in Saskatchewan;

- (v) an individual who resides in Saskatchewan;
 - (vi) a local government authority;
 - (vii) an owner of a small business or a communal organization that is a small business; or
 - (viii) a park authority;
- (n) **“health care facility”** means a facility designated pursuant to section 10 of *The Regional Health Services Act*;
- (o) **“local government authority”** means:
- (i) a municipality; or
 - (ii) the City of Lloydminster with respect to the Saskatchewan portion of the City of Lloydminster;
- (p) **“mitigation project”** means enhancements that are undertaken within specific repair or rebuilding projects to reduce vulnerability to future disasters;
- (q) **“non-profit organization”** means a corporation, organization, foundation, society or association that:
- (i) is a registered charity within the meaning of the *Income Tax Act* (Canada);
 - (ii) is incorporated or continued pursuant to an Act or an Act of the Parliament of Canada for the purpose of providing social, charitable or recreational services; or
 - (iii) in the opinion of the minister, provides a service or benefit to the community on a not-for-profit basis;
- (r) **“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 or 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;
- (s) **“restore”** means to restore to a condition that existed immediately before a disaster and that complies with any requirement of an Act, a regulation made pursuant to an Act, an Act of the Parliament of Canada, a regulation made pursuant to an Act of the Parliament of Canada or a bylaw of a municipality that was in force on the date of the disaster;

(t) **“small business”** means, subject to subsection (2), a business operated in Saskatchewan for profit if:

(i) the annual gross revenues within Saskatchewan for the business were at least \$4,000 and not more than \$2,000,000:

(A) for the year before the year in which the disaster occurred; or

(B) when averaged for the three years before the year in which the disaster occurred; and

(ii) the business employed not more than the equivalent of 20 full-time employees;

and includes a communal organization that meets the requirements of subsection (3);

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

(i) in the case of a local government authority, a loss of or damage to property owned by or under the control of the local government authority in an amount that exceeds 0.10% of its taxable assessment;

(ii) in the case of a park authority, a loss of or damage to property owned by or under the control of the park authority in an amount that exceeds:

(A) in the case of a park authority other than a regional park, 0.10% of the gross revenues of the park authority for the fiscal year of the park authority before the disaster occurred; or

(B) in the case of a park authority that is a regional park, 0.10% of its taxable assessment;

(iii) a loss of or damage to uninsurable property of eligible claimants within the boundaries of the local government authority or park authority, other than a property described in subclause (i) or (ii), in a total amount that exceeds \$25,000; or

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

(v) **“taxable assessment”** means:

(i) subject to subclause (ii), with respect to a local government authority, the most recent revised taxable assessment of land and improvements within the boundaries of the local government authority as equalized by the Saskatchewan Assessment Management Agency and confirmed by a certificate issued by that Agency;

(ii) with respect to a local government authority that is a taxing rural municipality as defined by *The Municipal Tax Sharing (Potash) Act*, the most recent revised taxable assessment of land and improvements within the boundaries of the taxing rural municipality as equalized by the Saskatchewan Assessment Management Agency and confirmed by a certificate issued by that Agency:

(A) less the potash mine assessments, as defined in that Act, within the taxing rural municipality; and

(B) including any amounts paid by the Municipal Potash Tax Sharing Administration Board to the taxing rural municipality pursuant to *The Municipal Tax Sharing (Potash) Act*;

(iii) with respect to a park authority that is a regional park, the most recent revised taxable assessment of land and improvements within the boundaries of the park authority as equalized by the Saskatchewan Assessment Management Agency and confirmed by a certificate issued by that Agency;

(w) **“temporary relocation”** means a period not longer than the temporary relocation period during which the eligible claimant who is an individual or that is a small business or non-profit organization:

(i) in the case of an individual, cannot, as a result of the disaster for which the eligible claimant has filed a claim, inhabit his or her principal residence; or

(ii) in the case of a small business or non-profit organization, cannot, as a result of the disaster for which the eligible claimant has filed a claim, utilize:

(A) any building that is essential to the operation of the small business or non-profit organization; or

(B) personal property that is essential to the operation of the small business or non-profit organization at the location where the personal property was used before the disaster;

(x) **“temporary relocation period”** means a period of:

(i) six months; or

(ii) any period longer than six months that the minister may permit if the minister is satisfied that the conditions described in subclause (w)(i) or (ii) continue beyond six months for reasons that were reasonably beyond the control of the eligible claimant submitting a claim for temporary relocation pursuant to section 12;

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

(2) For the purposes of these regulations, if a business has been in operation for less than one year, the minister may accept the business as a small business if the business provides the minister with evidence satisfactory to the minister to establish that, if the business had been in operation for a full year, it would have met the conditions set out in clause (1)(t).

(3) For the purposes of these regulations, a communal organization is to be considered as a small business in a year only if the communal organization provides the minister with evidence satisfactory to the minister to establish that the maximum revenues of the communal organization in the year do not exceed the product of:

- (a) the number of participating members of the congregation, as defined in section 143 of the *Income Tax Act* (Canada), who provide work for or services to the communal organization in the year; and
- (b) \$100,000.

8 Apr 2011 cE-8.1 Reg 2 s2; 2014, c.S-32.21, s.39.

PART II Procedures

Designation of eligible assistance areas

3(1) If a disaster occurs in an area, the following may apply to the minister to have the area designated as an eligible assistance area:

- (a) subject to subsection (2), a local government authority or a park authority having jurisdiction in the area; 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.
- (2) A request pursuant to subsection (1) by a local government authority or park authority must be made by resolution and in any form that the minister may require.
- (3) A request by the member of the Executive Council mentioned in clause (1)(b) must be made in writing.
- (4) A request pursuant to this section must be made within:
- (a) one month after the disaster occurred; or
 - (b) any period longer than one month that the minister may permit if the minister is satisfied that there were reasonable grounds for the delay in submitting the request.
- (5) If the minister receives a request in accordance with this section and is satisfied that the area has suffered substantial loss or damage, the minister may designate the area as an eligible assistance area.

8 Apr 2011 cE-8.1 Reg 2 s3.

PROVINCIAL DISASTER
ASSISTANCE PROGRAM

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Date of disaster

4(1) If the minister designates an area as an eligible assistance area pursuant to section 3, the minister shall specify the date of the disaster in the designation.

(2) In determining the date of the disaster for the purposes of this section, the minister shall consider:

(a) if the request pursuant to section 3 has been made by a local government authority or park authority, any information provided by the local government authority or park authority; and

(b) any additional information that the minister considers reliable and appropriate.

8 Apr 2011 cE-8.1 Reg 2 s4.

No assistance payable until conditions met

5(1) No assistance to an eligible claimant is payable unless all of the following conditions are met:

(a) the loss, damage, cost or expense for which a claim is filed is incurred in an eligible assistance area;

(b) a claim is filed within the time limit prescribed in subsection 7(1);

(c) an eligible claimant provides the evidence required by subsection 7(2) and does all the other things specified in that subsection within the time limit prescribed in subsection 7(3);

(d) the minister is satisfied that the claim complies with these regulations and approves the claim.

(2) Notwithstanding subsection (1), the minister may make an advance payment to an eligible claimant for a portion of the amount that is claimed by the eligible claimant and that the minister considers appropriate if the minister is satisfied that:

(a) the requirements of clauses (1)(a) to (c) are met; and

(b) the eligible claimant requires assistance as soon as possible.

8 Apr 2011 cE-8.1 Reg 2 s5.

Claims

6(1) A claim must be made on a form to be supplied by the minister and in accordance with any procedures that the minister may specify.

(2) If the minister specifies procedures to be followed in making a claim pursuant to subsection (1), the minister shall cause the procedures to be posted on the ministry's website and to be made known to the public in any manner that the minister considers appropriate.

8 Apr 2011 cE-8.1 Reg 2 s6.

Rules respecting filing of claims

- 7(1) A claim must be filed with the minister within:
- (a) six months after the date of the disaster; or
 - (b) any period longer than six months that the minister may permit if the minister is satisfied that there were reasonable grounds for the delay in submitting the claim.
- (2) Subject to subsection (3), an eligible claimant shall:
- (a) provide evidence, satisfactory to the minister, of the eligible claimant's entitlement to assistance and the amount of the assistance claimed; and
 - (b) do all other things that the minister considers necessary to support, to the minister's satisfaction, the eligible claimant's claim.
- (3) An eligible claimant must do the things specified in subsection (2) within:
- (a) 12 months after the date of the disaster; or
 - (b) any period longer than 12 months that the minister may permit if the minister is satisfied that there were reasonable grounds for the delay in doing the things specified in that subsection.
- (4) On receipt of a claim and if the minister is satisfied that the eligible claimant has complied with these regulations and that the claim is complete, the minister may:
- (a) approve the application; and
 - (b) provide assistance to the eligible applicant in accordance with these regulations.

8 Apr 2011 cE-8.1 Reg 2 s7.

Filing of claim

- 8(1) Subject to subsection (2) and section 16, an eligible claimant shall file the eligible claimant's own claim.
- (2) An agent for an eligible claimant may file a claim for an eligible claimant if:
- (a) the eligible claimant is absent or unable to file the claim; and
 - (b) the minister is satisfied with the explanation for the eligible claimant's absence or inability to file.
- (3) In addition to a disaster assistance claim:
- (a) an eligible claimant may file a separate claim for a mitigation project pursuant to section 11; and
 - (b) an eligible claimant mentioned in section 12 may file a separate claim for a temporary relocation pursuant to that section.

8 Apr 2011 cE-8.1 Reg 2 s8.

Claims limited to restoration

9 No disaster assistance claim shall include any cost or expense respecting any property beyond what is needed to restore the property.

8 Apr 2011 cE-8.1 Reg 2 s9.

Minister may require evidence respecting use of assistance

10(1) The minister may require an eligible claimant to whom assistance has been paid to provide the minister, within the period specified by the minister, with evidence satisfactory to the minister that the assistance was spent only for the purpose for which the assistance was provided as set out in the eligible claimant's claim.

(2) No eligible claimant on whom a requirement has been imposed pursuant to subsection (1) shall fail to comply with that requirement within the period specified by the minister.

8 Apr 2011 cE-8.1 Reg 2 s10.

**PART III
Claims****Assistance for mitigation projects**

11(1) An eligible claimant may make a claim for a mitigation project but only if, before the mitigation project is undertaken, the eligible claimant has obtained the written approval of the minister to undertake the mitigation project.

(2) On receipt of an application pursuant to this section and if the eligible claimant provides the minister with evidence satisfactory to the minister that the enhancements proposed in the application will reduce vulnerability to future disasters, the minister may approve the claim and provide assistance to the eligible claimant in accordance with these regulations.

8 Apr 2011 cE-8.1 Reg 2 s11.

Assistance for temporary relocation

12(1) An eligible claimant who is an individual or that is a small business or non-profit organization may make a claim to recover any costs incurred due to a temporary relocation.

(2) Any of the following eligible claimants may make a claim to recover any costs incurred due to a temporary relocation for the purpose of continuing to provide its services during the temporary relocation period:

- (a) 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;
- (b) a department, ministry, secretariat, office, board or commission of the Government of Saskatchewan;
- (c) a regional health authority or affiliate within the meaning of *The Regional Health Services Act*, or the board of governors or board of managers of a health care facility in Saskatchewan;

- (d) a local government authority;
 - (e) a park authority.
- (3) On receipt of an application pursuant to this section and if the eligible claimant provides the minister with evidence to satisfy the minister that the conditions described in subclause 2(1)(w)(i) or (ii) exist, the minister may approve the claim and provide assistance to the eligible claimant in accordance with these regulations.

8 Apr 2011 cE-8.1 Reg 2 s12.

Disaster assistance for immediate action

13 Notwithstanding any other provision of these regulations, an eligible claimant may make a disaster assistance claim in the amount required to compensate the eligible claimant for any costs or expenses incurred in undertaking an immediate action or providing an immediate remedy if the eligible claimant provides the minister with evidence satisfactory to the minister that the immediate action or immediate remedy was necessary because of, or during the period of, a disaster.

8 Apr 2011 cE-8.1 Reg 2 s13.

Disaster assistance to local government authorities

14 A local government authority may make a disaster assistance 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 or drainage facility, including flood control and irrigation systems;
- (f) removing any emergency works or restoring any sites on which the emergency works were located;

- (g) restoring any public library, 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, or a planning and design service, for the purpose of determining the restoration or replacement cost of any property or facility for which disaster assistance may be paid.

8 Apr 2011 cE-8.1 Reg 2 s14.

Disaster assistance to park authorities

15 A park authority may make a disaster assistance 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 or 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, or a planning and design service, for the purpose of determining the restoration or replacement cost of any property or facility for which disaster assistance may be paid.

8 Apr 2011 cE-8.1 Reg 2 s15.

Disaster assistance respecting individuals, families and residences

16(1) For the purposes of this section:

- (a) **“dwelling”** includes a mobile home;
- (b) **“family”**, with respect to an individual, means, subject to subsection (11):
 - (i) the individual’s spouse;
 - (ii) the individual’s children, including children with respect to whom the individual is a legal guardian, who are:
 - (A) unmarried and under the age of 18 years;
 - (B) unmarried, 18 years of age or more and in full-time attendance at an educational institution; or
 - (C) unmarried and 18 years of age or more and with respect to whom the individual provides the minister with evidence satisfactory to the minister to establish that they are dependent on the individual or the individual’s spouse; and
 - (iii) any other relative of the individual or the individual’s spouse who is, in the opinion of the minister, dependent on the individual or the individual’s spouse;
- (c) **“relative”**, with respect to an individual, means:
 - (i) a parent;
 - (ii) a brother or sister;
 - (iii) a grandparent;
 - (iv) a grandchild;
 - (v) an aunt or uncle; or
 - (vi) a niece or nephew;
- (d) **“spouse”**, with respect to an individual, means the individual’s spouse or another individual with whom the individual has cohabited as a spouse in a relationship of some permanence.

(2) Subject to subsections (3) and (4), a disaster assistance claim may be made by an individual in an amount required:

(a) to restore a dwelling and any utilities, lines, pipes or services appurtenant to the dwelling that have been damaged or destroyed by a disaster and that the individual establishes to the satisfaction of the minister:

(i) in the case of the dwelling, is the principal residence of the individual or a member of the individual's family; and

(ii) in the case of the dwelling and the appurtenances, are owned by the individual;

(b) to restore any garage or driveway that has been damaged or destroyed by a disaster and that is on the grounds on which a dwelling described in clause (a) is situated;

(c) to restore any personal property that has been damaged or destroyed by a disaster, that, at the time of the disaster is located in the dwelling described in clause (a) and that is necessary to the health or essential comfort of:

(i) the individual; or

(ii) a member of the individual's family; and

(d) to restore any other personal property that has been damaged or destroyed by a disaster and that is essential to the livelihood of:

(i) the individual; or

(ii) a member of the individual's family.

(3) Subject to subsection (5), only one disaster assistance claim pursuant to subsection (2) must be made respecting each dwelling that is a permanent residence and the personal property that, at the time of the disaster, is owned by the family and located in the dwelling.

(4) The individual who makes the disaster assistance claim pursuant to subsection (2):

(a) is to be considered as making the application as the agent for any member of the individual's family whose personal property, at the time of the disaster, is located in the dwelling; and

(b) in his or her disaster assistance claim, must identify who is the owner of the dwelling and of each item of personal property that is the subject of the disaster assistance claim.

(5) Subject to subsections (6) and (7), a disaster assistance claim may be made by an individual who is a tenant in an amount required:

(a) to restore any personal property that has been damaged or destroyed by a disaster, that, at the time of the disaster is located in the dwelling described in clause (2)(a) and that is necessary to the health or essential comfort of the individual; and

(b) to restore any other personal property that has been damaged or destroyed by a disaster and that is essential to the livelihood of the individual.

- (6) For the purposes of this section, not more than one disaster assistance claim may be submitted on behalf of all tenants who reside in the same rental unit in the dwelling mentioned in subsection (2) respecting the items of personal property that, at the time of the disaster, are owned by the tenants and are located in the dwelling.
- (7) The individual who makes the disaster assistance claim pursuant to subsection (6) is to be considered as making the application as the agent for any other tenant who resides in the same rental unit and whose personal property at the time of the disaster, is located in the dwelling.
- (8) For the purposes of clause (2)(a), the individual shall supply the minister with any information the minister may reasonably require to satisfy the minister that the dwelling is the principal residence of the individual or a member of the individual's family.
- (9) An individual may make a disaster assistance claim in the amount required to clean up any debris on the grounds on which a dwelling that is a permanent residence is situated.
- (10) No individual shall make a disaster assistance claim for any real property damaged in a disaster that the individual has agreed to sell to the Crown in right of Saskatchewan.
- (11) A communal organization may make a disaster assistance claim pursuant to subsection (2) on behalf of its members and, if it does so:
- (a) the communal organization is deemed to be an individual owning the dwellings of those persons whom the communal organization establishes to the satisfaction of the minister are members of the communal organization;
 - (b) the dwellings mentioned in clause (a) are to be considered as the principal residences of the members of the communal organization; and
 - (c) members of the communal organization are deemed to be family members of the communal organization.

8 Apr 2011 cE-8.1 Reg 2 s16.

Disaster assistance to health care facility

17(1) In this section, “**health services**” means health services within the meaning of *The Regional Health Services Act*.

(2) Subject to subsection (3), a regional health authority or affiliate within the meaning of *The Regional Health Services Act*, or the board of governors, board of management or any other person that owns or operates a health care facility may make a disaster assistance claim in the amount required to restore any real or personal property that relates to the operation of the health care facility and 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 health services by the health care facility;

- (b) any building that is used to provide living accommodation for employees of the health care facility; and
 - (c) any equipment, appliance, furnishing, clothing or other personal property or fixture that is essential to enable the health care facility to provide health services.
- (3) No claim shall be made pursuant to this section with respect to a health care facility unless the health care facility is operated on a not-for-profit basis.

8 Apr 2011 cE-8.1 Reg 2 s17.

Disaster assistance to non-profit organizations

18 The board of governors, board of management or any person that owns or operates a non-profit organization may make a disaster assistance claim in the amount required to restore any real or personal property that relates to the operation of the non-profit organization and that has been damaged or destroyed by a disaster, including an amount that is necessary to restore:

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

8 Apr 2011 cE-8.1 Reg 2 s18.

Disaster assistance to educational institutions

19 The board of education, board of governors, college board or any other person that owns or operates an educational institution may make a disaster assistance claim in the amount required to restore any real or personal property that relates to the operation of the educational institution and 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.

8 Apr 2011 cE-8.1 Reg 2 s19.

Disaster assistance to small businesses

20(1) Subject to subsection (2), an owner of a small business or a communal organization that is a small business may make a disaster assistance claim in the amount required:

- (a) to restore 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;
 - (B) a small business that is not incorporated, is owned by the owner of the small business or that the owner is legally liable to repair or replace; or
 - (C) a small business that is a communal organization, is the property of the trust deemed to be created for the communal organization pursuant to section 143 of the *Income Tax Act* (Canada); and
- (b) to restore 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;
 - (B) a small business that is not incorporated, is owned by the owner of the small business or that the owner is legally liable to repair or replace; or
 - (C) a small business that is a communal organization, is the property of the trust deemed to be created for the communal organization pursuant to section 143 of the *Income Tax Act* (Canada).

(2) In the case of an agricultural operation, an owner of the agricultural operation or a communal organization that carries on business as an agricultural operation may make a disaster assistance claim in the amount required:

- (a) to restore any of the following that is damaged or destroyed by a disaster and that is used in and essential to the business of the agricultural operation:
 - (i) any farm building, including a dwelling that is not the principal residence of the owner or, in the case of a communal organization, a member of the communal organization;
 - (ii) any fence, corral or other structure; and
 - (iii) any machine, tool or supply;
- (b) to restore, replace or repair any clothing; and
- (c) to compensate for:
 - (i) any loss that is actually sustained by the owner of the agricultural operation or the communal organization as the direct result of the loss of any of the following due to a disaster:
 - (A) livestock or greenhouse plants, vineyards, fruit trees or other similar plants that the minister is satisfied are used in the agricultural operation, calculated according to the actual value immediately before the disaster as determined by the minister;
 - (B) produce or livestock feed in storage on the premises of the agricultural operation at the time of a disaster, calculated according to its actual value immediately before the disaster; and
 - (ii) any cost of filling and shaping, by earthwork, of gullies and of repairing by earthwork any damage caused by a disaster to farm access roads on any land of the agricultural operation, but only if:
 - (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, department or ministry of the Government of Saskatchewan that may be authorized by the minister to give that approval;
 - (C) the owner or communal organization files with the minister receipts or other documentation satisfactory to the minister respecting the work of filling and shaping, by earthwork, gullies or repairing, by earthwork, damage or for work on farm access roads; and
 - (D) the earthwork is done within 12 quarter sections of land.

Disaster assistance to ministries

21(1) In this section and in sections 22 and 23, “**ministry**” means a department, ministry, secretariat, office, board or commission of the Government of Saskatchewan.

(2) Subject to subsection (3), the minister may pay disaster assistance to a ministry.

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

- (a) designate the ministries 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.

8 Apr 2011 cE-8.1 Reg 2 s21.

PART IV
Limits On and Amounts of Assistance

Amount of assistance

22(1) Subject to subsection (2) and sections 23 to 25, the amount of assistance that the minister may pay to an eligible claimant for a disaster assistance claim is equal to 95% of the amount that is set out in the eligible claimant’s claim submitted pursuant to Part II and that is approved by the minister.

(2) Subsection (1) does not apply to a disaster assistance claim submitted by or on behalf of:

- (a) a local government authority;
- (b) a park authority;
- (c) an educational institution;
- (d) a ministry; or
- (e) a health care facility.

(3) Subject to subsection (6) and to sections 23 and 24, the amount of assistance that the minister may pay to an eligible claimant that is a local government authority for a disaster assistance claim is equal to the amount that is approved by the minister less a deductible of 0.10% of the local government authority’s taxable assessment.

(4) Subject to subsections (5) and (6) and to sections 23 and 24, the amount of assistance that the minister may pay to an eligible claimant that is a park authority for a disaster assistance claim is equal to the amount that is approved by the minister less a deductible of:

- (a) in the case of a park authority that is not a regional park, 0.10% of the gross revenues of the park authority for the fiscal year of the park authority before the disaster occurred; or
- (b) in the case of a park authority that is a regional park, 0.10% of its taxable assessment.

(5) For the purposes of subsection (4), a park authority shall submit to the minister evidence satisfactory to the minister of:

- (a) subject to clause (b), its gross revenues for the fiscal year of the park authority before the disaster occurred; or
- (b) in the case of a park authority that is a regional park, its taxable assessment.

(6) If more than one disaster has occurred in a year within a local government authority's or park authority's boundaries and the local government authority or park authority submits a claim for each disaster, the deductible mentioned in subsection (3) or (4) is to be applied only to one claim in that year.

8 Apr 2011 cE-8.1 Reg 2 s22.

Maximum amounts of disaster assistance for specified matters and purposes

23(1) Subject to subsection (2), the maximum amount of disaster assistance that may be paid by the minister for that part of a disaster assistance claim made pursuant to subsection 16(2) is the lesser of:

- (a) \$240,000 per disaster assistance claim; and
- (b) the sum of the following as determined by the minister:
 - (i) the appraised value of the principal residence at the date of the disaster;
 - (ii) the personal property in the residence at the date of the disaster; and
 - (iii) if the minister approves replacing the principal residence in accordance with section 26, the costs of demolishing or removing the principal residence.

(2) If an individual owns more than one dwelling that is a permanent residence and that is eligible for disaster assistance and makes a disaster assistance claim for each dwelling and for the personal property located in each dwelling, the maximum amount of disaster assistance that the minister may pay for each of those claims is the amount mentioned in subsection (1).

(3) Subject to subsection (4), the maximum amount of disaster assistance that may be paid by the minister to a small business or non-profit organization is the lesser of:

- (a) \$500,000 per disaster assistance claim; and
- (b) the sum of the following as determined by the minister:
 - (i) the appraised value of the small business or non-profit organization; and
 - (ii) if the minister approves replacing any building or structure used by the small business or non-profit organization in accordance with section 26, the costs of demolishing or removing the building or structure.

(4) Without restricting the meaning of any word or phrase used in these regulations, if an individual owns one or more rental properties and the individual's rental income from those properties would qualify the individual as a small business pursuant to these regulations:

- (a) the individual is deemed to be a small business for the purposes of subsection (3); and
- (b) the maximum amount of disaster assistance that may be paid by the minister respecting a claim involving the rental property is the lesser of:
 - (i) for each rental unit in the rental property, the lesser of:
 - (A) \$240,000; and
 - (B) the appraised value of the rental unit as determined by the minister; and
 - (ii) \$500,000 for all the rental units.

(5) The maximum amount of disaster assistance that may be paid by the minister to an eligible claimant pursuant to subsections (1) to (4) with respect to that part of the claim relating to flood, plow wind or tornado clean-up is:

- (a) for labour, the product of:
 - (i) the lesser of:
 - (A) actual number of hours of clean-up, to a maximum of 300 hours; and
 - (B) the hours approved by the minister based on the claim submitted by the eligible claimant; and
 - (ii) the rate approved by the minister; and
- (b) for equipment use, the lesser of:
 - (i) the actual cost; and
 - (ii) \$10,000.

(6) Notwithstanding section 22, there is no limit on the amount of disaster assistance that may be paid by the minister to:

- (a) a park authority;
- (b) a ministry;
- (c) a health care facility;
- (d) an educational institution; or
- (e) a local government authority.

(7) The maximum amount that may be included in a disaster assistance claim by an agricultural operation for work undertaken pursuant to subclause 20(2)(c)(ii) is the assessed value of the quarter section of land that existed immediately before the date of the disaster.

Maximum assistance for mitigation project

24(1) The maximum amount of that may be paid to an eligible claimant for a mitigation project pursuant to section 11 is 15% of the estimated cost of structural repairs to restore the property that is the subject of the claim to a pre-disaster condition.

(2) For the purposes of subsection (1), the estimated cost of structural repairs is the cost as set out in the eligible claimant's claim and approved by the minister.

8 Apr 2011 cE-8.1 Reg 2 s24.

Assistance for temporary relocation

25(1) The maximum amount of assistance that may be paid to an eligible claimant for a temporary relocation pursuant to subsection 12(1) is \$30,000.

(2) The amount of assistance that the minister may pay to an eligible claimant for a temporary relocation pursuant to subsection 12(2) is equal to the amount that is approved by the minister based on the amount that the minister is satisfied is reasonably necessary to allow the eligible claimant to continue providing its services, including amounts that the minister approves as necessary to cover all or any of the following costs:

- (a) overtime or additional wages or salaries to staff;
- (b) the cost of renting or using other buildings.

8 Apr 2011 cE-8.1 Reg 2 s25.

Assistance for replacement

26(1) If these regulations provide that an eligible claimant may make a claim for restoring property, the eligible claimant may make a claim to replace that property.

(2) On receipt of a claim pursuant to this section, the minister may approve that claim and provide assistance but only if the eligible claimant satisfies the minister that the costs of restoring the property are greater than the appraised value of the property as at the day before the date of the disaster.

(3) For the purposes of this section:

- (a) the appraised value of the property is the appraised value as determined by the minister; and
- (b) the maximum amount of assistance respecting a claim is the maximum amount that is otherwise allowed for that category of claim as set out in sections 22 or 23.

8 Apr 2011 cE-8.1 Reg 2 s26.

Assessment or appraisals – minister to inform claimant

27 If the minister is required to make an assessment or appraisal or to determine an actual value pursuant to these regulations respecting an eligible claimant's claim:

- (a) the minister shall provide written notice to the eligible claimant of the assessment, appraisal or determination and any information that the minister considers appropriate respecting how the assessment, appraisal or determination was made;

- (b) on receipt of a written notice pursuant to clause (a), the eligible claimant may, within 10 business days or any longer period that the minister may permit, provide the minister with a written response to the assessment, appraisal or determination and request that the minister reconsider the assessment, appraisal or determination;
- (c) on receipt of a written response pursuant to clause (b), the minister shall consider the written response and:
 - (i) confirm the minister's original assessment, appraisal or determination;
 - (ii) vary the minister's original assessment, appraisal or determination;
 - or
 - (iii) make a new assessment, appraisal or determination; and
- (d) the minister shall provide the eligible claimant with a written notice respecting the minister's decision as soon as is reasonably practicable and may, in the written notice, include any information or reasons that the minister considers appropriate.

8 Apr 2011 cE-8.1 Reg 2 s27.

PART V

When Assistance Not Payable

No assistance re future damage

28 Notwithstanding any other provision of these regulations, no assistance is payable:

- (a) subject to section 11, for the 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 assistance claim may be made; or
- (b) if:
 - (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.

8 Apr 2011 cE-8.1 Reg 2 s28.

Ineligible assistance for normal losses, operating expenses, etc.

29(1) Notwithstanding any other provision of these regulations, no assistance is payable to an eligible claimant for:

- (a) any loss, cost or expense where 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) Without limiting the generality of clause (1)(c), the loss of or damage to, or cost or expense incurred or expended with respect to, the following is deemed to be non-essential to the restoration of a home, means of livelihood or essential community service:

- (a) seasonal 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;
- (k) field shelter-belt except as may be claimed as clean-up expenses pursuant to section 23.

8 Apr 2011 cE-8.1 Reg 2 s29.

No assistance if reasonable measures not taken

30 Notwithstanding any other provision of these regulations but subject to section 33, the minister may refuse to approve the claim or may reduce the amount of the assistance to which the eligible claimant may be otherwise entitled if the minister is satisfied on reasonable grounds that an eligible claimant has not:

- (a) taken sufficient measures to protect or fix any property that is the subject of a disaster assistance claim from further damage or deterioration; or
- (b) taken sufficient measures to repair any property that is the subject of a claim for temporary relocation pursuant to section 12 within a reasonable period.

8 Apr 2011 cE-8.1 Reg 2 s30.

Ineligible assistance for losses covered by insurance

31 Notwithstanding any other provision of these regulations but subject to section 33, no 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.

8 Apr 2011 cE-8.1 Reg 2 s31.

Minister to notify claimants if not eligible

32(1) Before the minister determines that a person who submits a claim is not an eligible claimant or that the person has not complied with section 30 or 31, the minister shall:

- (a) give the person notice of the minister's intended determination; and
 - (b) give the person an opportunity to provide written representations, within 10 business days after receiving the minister's written notice pursuant to clause (a), requesting the minister to reconsider the minister's intended determination and setting out the reasons for the request.
- (2) Nothing in this section requires the minister to give an oral hearing to any person.
- (3) On receipt of any written representations pursuant to clause (1)(b), the minister may:
- (a) withdraw the minister's intended determination; or
 - (b) confirm the minister's intended determination.
- (4) The minister shall notify the person who gave the written representations pursuant to clause (1)(b) as soon as is reasonably practicable after making a decision pursuant to subsection (3).

8 Apr 2011 cE-8.1 Reg 2 s32.

**PART VI
General****Assistance pursuant to federal-provincial agreements**

33(1) In this section, "**federal-provincial agreement**" means an agreement entered into pursuant to the Act between the minister and the Government of Canada respecting disasters.

(2) Notwithstanding any other provision of these regulations, if the minister has entered into a federal-provincial agreement, the minister may pay assistance to eligible claimants in accordance with and on the terms and conditions of the federal-provincial agreement.

8 Apr 2011 cE-8.1 Reg 2 s33.

Overpayments

34(1) The minister may declare any or all assistance paid to an eligible claimant to be an overpayment if, in the minister's opinion:

- (a) the eligible claimant has knowingly made a false or misleading statement with respect to a material fact on any claim or in any information or record provided to the minister pursuant to these regulations;
 - (b) the eligible claimant has omitted to make a statement to the minister or to provide any information or record to the minister, and that omission results in a statement with respect to a material fact being misleading; or
 - (c) the eligible claimant has failed to comply with these regulations.
- (2) If the minister declares any assistance to be an overpayment, the amount of the overpayment is deemed to be a debt due and owing to the Crown in right of Saskatchewan and may be recovered from the eligible applicant in any manner authorized pursuant to *The Financial Administration Act, 1993* or in any other manner authorized by law.

8 Apr 2011 cE-8.1 Reg 2 s34.

Payments not subject to seizure, etc.

35(1) Notwithstanding any other Act but subject to subsection (2), any assistance paid pursuant to these regulations:

- (a) is not subject to attachment, garnishment, seizure or other, similar legal process; and
 - (b) is not assignable.
- (2) Nothing in subsection (1) prevents the recovery of any overpayments by deducting the amount of the overpayment from future payments of assistance or by any other means authorized pursuant to these regulations.

8 Apr 2011 cE-8.1 Reg 2 s35.

PART VII
Repeal, Transitional and Coming into Force

R.RS. c.E-8.1 Reg 1 repealed

36 *The Provincial Disaster Assistance Program Regulations, 1993* are repealed.

8 Apr 2011 cE-8.1 Reg 2 s36.

Transitional

37(1) In this section, "**former regulations**" means *The Provincial Disaster Assistance Program Regulations, 1993* as those regulations existed before the coming into force of these regulations.

(2) Notwithstanding the repeal of the former regulations, the former regulations remain in force and apply to any claim for assistance respecting a disaster that occurred before April 1, 2010.

8 Apr 2011 cE-8.1 Reg 2 s37.

Coming into force

38 These regulations come into force on the day on which they are filed with the Registrar of Regulations, but are retroactive and are deemed to have been in force on and from April 1, 2010.

8 Apr 2011 cE-8.1 Reg 2 s38.