

The Municipality Improvements Assistance (Saskatchewan) Act

Repealed

by Chapter 15 of the *Statutes of Saskatchewan, 2013*
(effective May 15, 2013).

Formerly

Chapter M-30 of *The Revised Statutes of Saskatchewan, 1978*
(effective February 26, 1979) as amended by the *Statutes of
Saskatchewan, 1983, c.77; 1983-84, c.63; 1988-89, c.55;
1989-90, c.5 and 54; 2002, c.C-11.1 and S-35.02; and
2005, c.M-36.1 and S-35.03.*

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 M-30

An Act to implement the provisions of the Municipal Improvements Assistance Act of Canada

Short title

1 This Act may be cited as *The Municipality Improvements Assistance (Saskatchewan) Act*.

Interpretation

2 In this Act:

- (a) “**municipality**” includes any board, commission or agency duly authorized to act on behalf of one or more municipalities in the construction and operation of a self-liquidating project within the meaning of the principal Act;
- (b) “**principal Act**” means the *Municipal Improvements Assistance Act* (Canada).

R.S.S. 1978, c.M-30, s.2; 1983, c.77, s.49; 2005,
c.M-36.1, s.445.

Power to borrow moneys

3 Notwithstanding the provisions of any other Act, but subject to the provisions of this Act, a municipality may by bylaw borrow from the Minister of Finance of Canada moneys that he is authorized to lend under the principal Act, and may also by bylaw authorize the mayor, overseer or reeve and the clerk or secretary treasurer, as the case may be:

- (a) to enter into an agreement with the minister in conformity with the principal Act and the regulations thereunder;
- (b) to execute and deliver any covenant, promissory note, debenture, mortgage, hypothec, charge or other instrument, and to perform or do any other act or thing, necessary for the purpose of implementing this Act, the principal Act and the regulations thereunder.

R.S.S. 1978, c.M-30, s.3.

Approvals dispensed with

4 A money bylaw passed under section 3 shall not require the sanction of the Saskatchewan Municipal Board nor a reference to the persons entitled to vote on money bylaws, and the bylaw may be passed in the same manner as an ordinary bylaw.

R.S.S. 1978, c.M-30, s.4; 1989-90, c.5, s.10.

Approval of Lieutenant Governor in Council

5 All intended applications by municipalities to the Minister of Finance of Canada for loans shall be forwarded to the Clerk of the Executive Council for submission to the Lieutenant Governor in Council, and the Lieutenant Governor in Council may approve or refuse approval of any application.

R.S.S. 1978, c.M-30, s.5.

Approval re waterworks, etc.

6 If an application is for the purpose of establishing or extending, improving or renewing a system of waterworks or of constructing, extending, altering, improving or renewing a common sewer or sewer system, the application is not to be approved until, as the case requires:

(a) the approval of the minister responsible for the administration of *The Environmental Management and Protection Act, 2002* is obtained pursuant to that Act; or

(b) the approval of the Saskatchewan Watershed Authority is obtained pursuant to *The Saskatchewan Watershed Authority Act, 2005*.

2002, c.S-35.02, s.131; 2005, c.S-35.03, s.109.

Use of moneys borrowed

7 Moneys borrowed by a municipality under the authority of this Act shall be used only for the purpose for which they are borrowed.

R.S.S. 1978, c.M-30, s.7.

Trust fund to be established by municipality

8(1) Revenues from the waterworks system, gas plant, electric light system or other works constructed or extended, improved or renewed, in whole or in part, from the proceeds of the loan shall, to the extent mentioned in subsection (2), be held by the council and the treasurer of the municipality concerned as a separate trust fund distinct from all other funds of the municipality.

(2) The council shall cause the treasurer to place and the treasurer shall place in the fund so much of such revenues as is required to liquidate instalments payable by the municipality to the Minister of Finance of Canada as they fall due, and all such instalments shall be paid out of the fund.

R.S.S. 1978, c.M-30, s.8.

General municipal levy

9 If the revenue from the waterworks system, gas plant, electric light system or other works constructed, or extended, improved or renewed, are not sufficient to meet an instalment, the amount of the deficit shall be paid into the said fund from the general revenues of the municipality.

R.S.S. 1978, c.M-30, s.9.

Provincial guarantee

10 The Lieutenant Governor in Council may, subject to such terms and conditions as are deemed expedient, guarantee the repayment of moneys borrowed or to be borrowed by a municipality pursuant to this Act and the principal Act, together with the interest accruing thereon, and may deliver to the municipality an undertaking, in such form as the Minister of Finance of Canada may require, that the province will guarantee to the Government of Canada the payments for interest on and amortization of the loan.

R.S.S. 1978, c.M-30, s.10.

Charge on revenues

11(1) In consideration of a guarantee given or to be given under section 10 the municipality shall covenant with the Government of Saskatchewan, represented by the Minister of Finance, as set forth in form A in the schedule to this Act.

(2) The Lieutenant Governor in Council may authorize the Minister of Finance to assign to the Minister of Finance of Canada the charge granted to the Minister of Finance by such covenant.

R.S.S. 1978, c.M-30, s.11.

Mortgage on property

12(1) As security for repayment by a municipality of moneys paid by the province under a guarantee so given, the Lieutenant Governor in Council may require the municipality concerned to give and upon such request the municipality shall give, in favour of the Minister of Finance, representing Her Majesty in right of Saskatchewan, a first mortgage, in form B in the schedule to this Act, on the works to be constructed or the works to be extended, improved or renewed, in whole or in part, from the proceeds of moneys borrowed by the municipality:

Provided that, if such security is taken by the Minister of Finance of Canada under the authority of the principal Act, that security shall have priority over any security taken by the Minister of Finance.

(2) The Lieutenant Governor in Council may authorize the Minister of Finance to assign to the Minister of Finance of Canada any mortgage given in favour of the Minister of Finance under subsection (1).

R.S.S. 1978, c.M-30, s.12.

Projects outside municipality authorized

13 Constructions, extensions, improvements or renewals by a municipality from the proceeds of a loan may be either within or outside the municipality or partly within and partly outside the municipality.

R.S.S. 1978, c.M-30, s.13.

Other borrowing powers not limited

14 Debentures issued by a municipality as security for a loan, as required by the principal Act, shall not limit the borrowing power of a municipality under any statute in force relating thereto.

R.S.S. 1978, c.M-30, s.14.

Penalty for violation of section 8

15 A member of the council of a municipality or any officer thereof who fails to comply with section 8 is guilty of an offence and liable on summary conviction to a fine of not less than \$100 nor more than \$500 and in default of payment to imprisonment for a term not exceeding two months.

R.S.S. 1978, c.M-30, s.15.

Penalties for wrongful expenditure

16(1) If a municipality applies moneys borrowed under this Act otherwise than as hereby required, the members of council who vote for such application shall be jointly and severally liable for the amount diverted and that amount may be recovered by the municipality by action in any court of competent jurisdiction.

(2) If the municipality, upon the request in writing of a ratepayer or of the holder of any of the debentures of the municipality, refuses or neglects for one month to bring an action therefor, the action may be brought either by any ratepayer on behalf of himself and other ratepayers or by any debenture holder.

(3) The members of council who vote for the application mentioned in subsection (1) shall be disqualified from holding any municipal office for two years.

R.S.S. 1978, c.M-30, s.16.

Application of certain Acts

17 The provisions of *The Cities Act* or *The Municipalities Act*, where not inconsistent with the provisions of this Act, the principal Act or the regulations thereunder, apply insofar as may be necessary for the purpose of carrying out the last mentioned provisions according to their true intent.

R.S.S. 1978, c.M-30, s.17; 1988-89, c.55, s.22;
2002, c.C-11.1, s.395; 2005, c.M-36.1, s.445.

Power to alter forms

18 The Lieutenant Governor in Council may by regulation alter, amend or cancel the forms contained in the schedule and substitute new forms in place of those cancelled.

R.S.S. 1978, c.M-30, s.18; 1989-90, c.54., s.7.

Power to enforce special frontage tax

19(1) For the purpose of assisting in the payment of debentures issued by a municipality under this Act for the purpose of constructing, extending, improving or renewing a waterworks system, the municipality may by bylaw provide for the assessment and collection of a special tax or rate in each year not exceeding four mills on the dollar of the assessed value inclusive of improvements of the several properties fronting or abutting on the street in, through and along which the water mains are laid, as well as upon all other properties which may enjoy the advantage of the use of water from the said main, distant not more than 300 feet therefrom, for the purpose of protection against fire, whether or not the owners use the water for general purposes.

(2) Notwithstanding anything in any other Act or in any bylaw to the contrary, an assessment of a special tax or rate made under a bylaw passed under the authority of *The Municipal Public Works Act* and any remission or allowance made under the authority of that Act to the owner or occupant of any property shall cease when an assessment of a special tax or rate is made upon the same property under a bylaw passed pursuant to subsection (1), and the assessment made under the last mentioned bylaw shall be substituted therefor.

R.S.S. 1978, c.M-30, s.19.

Power Corporation

20(1) The Saskatchewan Power Corporation may act on behalf of one or more municipalities in the construction and operation of self-liquidating projects under the principal Act.

(2) The corporation may, when authorized to do so by an order of the Lieutenant Governor in Council, borrow from the Minister of Finance of Canada moneys that he is authorized to lend under the principal Act, and may enter into an agreement or agreements with the said minister in conformity with the principal Act and the regulations thereunder.

(3) The corporation may, when authorized to borrow money under subsection (2), execute and deliver any covenant, promissory note, debenture, mortgage, hypothec, charge or other instrument, and perform and do any other act or thing, necessary for the purpose of implementing this Act, the principal Act and the regulations thereunder.

(4) The corporation may, with the approval of the Lieutenant Governor in Council, enter into agreements with one or more municipalities that obtain a loan or loans under the principal Act, providing for the construction and operation of electric light and power generating plants, transmission lines and distribution systems, the capital cost of which is to be provided in whole or in part by means of loans under the principal Act, the agreements to be in such form as may be approved by the Lieutenant Governor in Council.

(5) Sections 3, 4, 6 and 14 to 17 do not apply to the corporation, and in its application to the corporation section 8 shall be read with the substitution of the word "corporation" for "council" and the word "accountant" for "treasurer".

R.S.S. 1978, c.M-30, s.20.

MUNICIPALITY IMPROVEMENTS ASSISTANCE
(SASKATCHEWAN)

SCHEDULE

FORM A
[Section 11]

CHARGE

Under *The Municipal Improvements Assistance (Saskatchewan) Act*.

Application having been made by _____,
(insert here name of the municipality)

hereinafter referred to as the municipality, to the Minister of Finance of Canada for a

loan of _____ dollars (\$ _____), principal amount to enable the municipality to pay the cost of a self-liquidating project as defined in the *Municipal Improvements Assistance Act*, (Canada) described as follows:

(Insert here complete description of self-liquidating project)

in accordance with the plans and specifications submitted to the Minister of Finance.

And application also having been made by the municipality to the Government of the Province of Saskatchewan requesting the province to give it an undertaking to guarantee to the Government of Canada the payments for interest on and amortization of the said loan to the municipality.

In consideration of the said loan and the undertaking by the Province of Saskatchewan to guarantee payment of the same, the municipality hereby grants to the Minister of Finance of the Province of Saskatchewan, his successors or assigns, a first charge upon all revenues derived from the waterworks system (*or as the case may be*) of the municipality, which system is to be extended, improved or renewed (*or as the case may be*) out of the proceeds of the loan.

And the municipality hereby undertakes to place so much of such revenues from such waterworks system (*or as the case may be*) in a separate trust fund distinct from all other funds of the municipality as is required to liquidate instalments payable by the municipality to the Minister of Finance of Canada as they fall due and to pay all such instalments out of the fund.

In the event of the revenues from the waterworks system (*or as the case may be*) not being sufficient to meet an instalment when due, the municipality hereby undertakes to pay the amount of the deficit into said fund from the general revenues of the municipality.

And the municipality hereby agrees that if default is made in payment of any sum so due such sum shall be deemed to be and shall be a specialty debt due to the Minister of Finance of the Province of Saskatchewan, his successors or assigns, from the municipality of such nature that a *mandamus* will be granted to enforce the payment thereof, and an action may be brought accordingly, in which a *mandamus* may be claimed.

And the municipality further agrees that where it makes default for a period of twenty-one (21) days in payment of any sum due on or in respect of any security issued under the *Municipal Improvements Assistance Act* (Canada) or under *The Municipal Improvements Assistance (Saskatchewan) Act*, the Minister of Finance of the Province of Saskatchewan, his successors or assigns, or the persons entitled to such amount, may, instead of or in addition to bringing an action or actions, apply to the court of competent jurisdiction for the appointment of a receiver, and any receiver so appointed (subject to any direction which may be given by the court) shall from time to time raise, as hereinafter mentioned, by or out of the revenues of the waterworks system (*or as the case may be*) or the tax rate, as herein provided, sufficient money to pay the amount, the payment of which is in default, and all sums due while he is receiver on or in respect of any such security together with all costs, charges and expenses incurred in or about the appointment of such receiver and the execution of his duties hereunder, including a proper remuneration for his trouble, and shall render to the municipality the balance, if any, remaining in his hands after making the said payments.

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The receiver shall, for the purposes aforesaid, have the same power as the defaulting municipality of collecting the revenues from the waterworks systems (*or as the case may be*) or levying the tax rate, and the receiver shall have such access to or use of the books of accounts, records, vouchers, documents and other papers as he may require.

The municipality hereby authorizes the Minister of Finance of the Province of Saskatchewan to assign, transfer and set over to whomsoever he may desire all the benefits and advantages to be derived from this charge.

In witness whereof the municipality has hereunto affixed its corporate seal under the hands of its proper officers.

[SEAL]

FORM B
[Section 12]
MORTGAGE

Under *The Municipal Improvements Assistance (Saskatchewan) Act*.

Whereas the _____,
(*insert here the name of municipality*)

hereinafter referred to as the "municipality" under the provisions of the *Municipal*

Improvements Assistance Act, (Canada) entered into an agreement dated the _____ day
of _____, 19 _____, with the Minister of Finance of Canada to
make a loan to the municipality to pay the whole or any part of the cost of self-liquidating project as defined
in the *Municipal Improvements Assistance Act*, (Canada), described as follows:

(*Insert here complete description of self-liquidating project*)

in accordance with the plans and specifications submitted to the Minister of Finance.

And whereas the municipality has obtained an undertaking from the Government of the Province of Saskatchewan to guarantee to the Government of Canada the payment for interest on and amortization of the loan.

Now therefore the (*insert here name of municipality*) being registered as owner of an estate in fee simple in possession of all that piece of land described as follows: All and singular that certain piece or parcel of land situated in the Province of Saskatchewan in the Dominion of Canada, being composed of (*insert here full description of lands*) in consideration of the said loan and of the said undertaking to give the said guarantee agreement hereby covenants with the Minister of Finance of Saskatchewan, his successors or assigns, as follows:

1 That the said municipality will within 21 days after a request in writing by the said Minister of Finance, his successors or assigns shall have been given personally to the secretary treasurer, clerk or other official of the municipality or left for or posted in a prepaid letter addressed to the said secretary treasurer, clerk or other official, at the office of the said municipality, pay to the Minister of Finance all or every sums or sum of money in respect of which the Minister of Finance shall for the time being be under any liability in respect of the said guarantee, and also will on such request as aforesaid pay to the Minister of Finance, his successors or assigns, all and every sums or sum of money, costs, charges and expenses which the Minister of Finance shall have paid, sustains or been put to under or by reason of the said guarantee, with interest thereon respectively at the rate of two per cent per annum from the time of each payment.

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2 During the currency of this mortgage which shall continue in full force and effect until the full amount of the loan of the municipality and interest thereon has been fully paid and satisfied the municipality shall insure and keep the premises hereinbefore described insured against loss or damage by fire, storm or tempest to its full insurable value in one or more insurance companies, mutual or otherwise, doing business in Canada, and shall duly pay all premiums and other sums payable for that purpose, and shall produce to the Minister of Finance, his successors and assigns, for inspection when and if required every such policy of insurance and the receipt for the last premium payable thereunder.

3 The municipality further covenants and agrees that in default of payment of any sum or sums on demand as hereinbefore set forth and if such default continues for the space of one calendar month, proceedings for foreclosure may be taken in addition to all other remedies.

4 It is hereby declared and agreed that any fixture or improvement hereafter put upon the said premises shall be part of the realty and form a part of this security, and shall not be removed therefrom during the continuance of the mortgage.

5 The municipality further covenants with the Minister of Finance as follows:

- 1 that the municipality has good title to the said land.
- 2 that the municipality has the right to mortgage the land.
- 3 that on default the Minister of Finance shall have quiet possession of the land.
- 4 that he shall have such possession free from all encumbrances.
- 5 that the municipality will execute such further assurance on the land as may be requisite.
- 6 that the municipality has done no act to encumber the land.

And for the better securing to the Minister of Finance, his successors or assigns, the payment in manner aforesaid, the municipality hereby mortgages to the Minister of Finance, his successors or assigns, all its estate and interest in the said land.

The Minister of Finance, his successors or assigns may, at any time without leave, grant, assign and transfer all his right, title and interest in this mortgage and in the land described therein.

In witness whereof the municipality has hereunto affixed its corporate seal under the

hands of its proper officers the _____ day of _____, 19 _____.

[SEAL]

R.S.S. 1978, c.M-30, Schedule.