



CITY OF NORTH BATTLEFORD
SASKATCHEWAN
BYLAW NO. XXXX

**A BYLAW OF THE CITY OF NORTH BATTLEFORD IN THE
PROVINCE OF SASKATCHEWAN TO REGULATE THE
REGISTRATION OF RESIDENTIAL RENTAL PROPERTIES
IN THE CITY OF NORTH BATTLEFORD.**

WHEREAS Section 6 of *The Cities Act, S.S. 2002, c.C-11.1*, provides, in part, as follows:

6. The power of a city to pass bylaws is to be interpreted broadly for the purposes of:
 - (a) providing a broad authority to its Council and respecting the Council's right to govern the city in whatever manner the Council considers appropriate, within the jurisdiction provided to the Council by law;
 - (b) enhancing the Council's ability to respond to present and future issues in the city.

AND WHEREAS Section 8 of *The Cities Act, S.S. 2002, c.C-11.1*, provides, in part, as follows:

8. (1) A city has a general power to pass any bylaw for city purposes that it considers expedient in relation to the following matters respecting the city:
 - (b) the safety, health and welfare of people and the protection of people and property;
 - (d) nuisances, including property, activities or things that affect the amenity of a neighbourhood;
 - (h) businesses, business activities and persons engaged in business; and,
 - (i) Services provided by or on behalf of the city, including establishing fees for providing those services.

AND WHEREAS Section 8 of *The Cities Act, S.S. 2002, c.C-11.1*, provides, in part, as follows:

8. (2) A city has the power to make bylaws respecting the enforcement of bylaws made pursuant to this or any other Act, including any or all of the following:
 - (a) creating offences, including continuing offences;
 - (i) providing for inspections to determine if bylaws are being complied with.

AND WHEREAS Section 8 of *The Cities Act, S.S. 2002, c.C-11.1*, provides, in part, as follows:

8. (3) Without restricting the generality of subsection (1), a power to pass bylaws given by this Act is to be interpreted as including the power to do all or any of the following:
 - (a) regulate or prohibit;
 - (c) provide for a system of licences, inspections, permits or approvals, including any or all of the following:
 - (i) establishing fees for the purpose of raising revenues to pay for the costs of administering regulating and enforcing the system of licences, inspections, permits or approvals;
 - (iii) prohibiting any development, activity, industry, business or thing until a licence, permit or approval has been granted or an inspection has been performed;
 - (iv) providing that terms and conditions may be imposed on any licence, permit or approval and setting out the nature of the terms and conditions and who may impose them;
 - (vi) setting out the conditions that must be met before a licence, permit or approval is granted or renewed, the nature of the conditions and who may impose them;
 - (vii) providing for the duration of licences, permits and approvals and their suspension or cancellation for failure to comply with a term or condition of the bylaw or for any other reason specified in the bylaw;

AND WHEREAS conditions contrary to the health, safety, welfare or protection of people may be found in residential rental properties and such conditions are contrary to the health and welfare of tenants in the City;

AND WHEREAS the Council of the City of North Battleford deems it necessary that to implement a residential rental property registry for the proactive inspection of all rental premises to ensure the minimum occupancy, building and fire safety standards are upheld.

AND WHEREAS the abatement of such conditions will improve the general welfare of the residents of the City

NOW THEREFORE, the Council of the City of North Battleford, enacts as follows:

PART I - INTERPRETATION

1 Short Title

- 1.1 This Bylaw may be cited as "The Registration of Residential Rental Properties Bylaw".

2 **Purpose**

- 2.1 The purpose of this bylaw is to ensure minimum standards of residential rental properties and rental units are maintained to improve the general, health, safety and welfare of the community through the regulation of residential rental properties.

3 **Severability**

- 3.1 In the event that any portion of this Bylaw is declared *ultra vires* by the Court of the King's Bench or Supreme Court of Canada, then such portion shall be deemed severed from the Bylaw to the extent and the remainder of this Bylaw shall continue in force and effect.
- 3.2 In the event of any conflict between the provisions of this Bylaw and those contained in any of the authorities set out above, the provisions of this Bylaw shall apply.
- 3.3 Where a provision of this Bylaw conflicts with the provision of another City Bylaw, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

4 **Definitions**

- 4.1 In this Bylaw:

- a) **"City"** means the City of North Battleford.
- b) **"City Manager"** means the person appointed by Council as administrative head of the City pursuant to Section 84 of the Cities Act and includes a person acting as his or her designate.
- c) **"Dwelling Unit"** means a separate set of living quarters, whether occupied or not, usually containing sleeping and sanitary facilities, and a kitchen or kitchen components. For the purposes of this definition, "kitchen components" include, but are not limited to, cabinets, refrigerators, sinks, stoves, ovens, microwave ovens or other cooking appliances and kitchen tables and chair.
- d) **"Home-Sharing Services"** means a business, licensed pursuant to the City of North Battleford's Business Licence Bylaw, that provides temporary lodging on a premises where persons may rent all, or part of a residential property for 30 consecutive days or less, including bed and breakfasts, airbnb's, and lodging arranged through home-sharing services.
- e) **"Inspector"** means:
 - (i) the Fire Chief, and any person appointed by the Fire Chief, to be an officer or employee of the City's Fire Department;
 - (ii) a Building Inspector;
 - (iii) a Peace Officer;
 - (iv) a Bylaw Enforcement Officer;
 - (v) a Health Inspector appointed by Saskatchewan Health Authority;

- (vi) a deputy or designate of a person, officer or employee referred to in Subsections (i) – (v); and,
 - (vii) other persons appointed by the City Manager by name or office, or otherwise to act in place of the persons, officers or employees referred to in Subsections (i) – (v).
- f) **“Long-Term Rental”** means the provision of a dwelling unit, or part thereof, that is suitable or intended for occupancy for dwelling, sleeping or lodging purposes for consecutive a period of 6 months or more, in exchange for rent or compensation for the occupancy.
- g) **“Operator”** means superintendent or property manager of a rental property, unit or premises who may take on some of the roles related to permitting occupancy but does not include an owner.
- h) **“Person”** means a corporation, partnership, or party and the personal or other legal representatives of a Person to whom the context can apply according to law.
- i) **“Registrar”** means the person designated by the City Manager to be the Registrar and includes their designate.
- j) **“Registration Fee”** means the applicable fee for a rental licence, or a renewed rental licence, as determined by the Registrar.
- k) **“Rent”** means money or other value payable in consideration of the right to possess or occupy residential premises.
- l) **“Rental Housing”** means a residential property, or a portion of a residential property, occupied by someone other than the owner, for which an occupant pays rent to the Owner and includes a short-term rental.
- m) **“Rental Unit”** means a living accommodation rented or intended to be rented to a tenant.
- n) **“Residential Rental Property Owner or Owner”** means a person, multiple persons or a business entity that has property title transferred to, recorded in, registered in, or otherwise carried in their name where the property is intended for use as a rental unit or residential rental property and includes and as the same meaning “owner” as defined in *The Cities Act*.
- o) **“Residential Rental Property or Premises”** means:
- (i) a building or related group of buildings in which one or more rental units or common areas are located;
 - (ii) the parcel or parcels of land on which the building, related group of buildings or common areas mentioned in subclause (i) are located;
 - (iii) the rental unit and common areas;
 - (iv) any other structure located on the parcel or parcels of land mentioned in subclause (ii); and,
 - (v) land intended to be used including use as a site for a mobile home used for residential purposes.

- p) **“Secondary Suite”** means a self-contained dwelling unit that is an accessory to, and located within, a building in which the principal use is a single, semi-detached, or two-unit dwelling, that is rented or intended to be rented to a tenant, with the exception of immediate family.
- q) **“Short Term Rental”** means a dwelling unit, or part thereof, that is suitable or intended for occupancy for dwelling, sleeping or lodging purposes as a temporary accommodation for a period of 30 consecutive days, on a month-to-month basis for a period of up to 6 months, in exchange for rent or compensation for the occupancy.
- r) **“Tenancy Agreement”** means an agreement, whether written or oral, expressed, or implied:
- (i) that is between a landlord and a tenant respecting possession of a rental unit and use of any common areas, services and facilities that are the subject of the agreement; and,
 - (ii) pursuant to which the tenant, or other person on the tenant’s behalf agrees to pay rent to possess the rental unit and to use any common areas, services and facilities that are subject to the agreement.
- s) **“Tenant”** includes:
- (i) the estate of a deceased tenant; and,
 - (ii) when the context requires, a former or prospective tenant.

4.2 References to any enactment in this Bylaw is a reference to the enactment and any regulation made under the enactment, as may be amended, re-enacted, or replaced, from time to time.

5 Application

- 5.1 All residential rental properties within the city limits of the City of North Battleford shall comply with all applicable legislation and Bylaws, as amended from time to time, including the following:
- a) *Construction Codes Act*;
 - b) *Fire Safety Regulations*;
 - c) *National Building Code Regulations*;
 - d) *National Energy Code for Buildings*;
 - e) *National Fire Code*;
 - f) *National Plumbing Code Regulations*;
 - g) *Residential Tenancies Act*;
 - h) Building Bylaw;
 - i) Noise Bylaw;
 - j) Maintenance and Occupancy of Property and Nuisance Abatement Bylaw; and,
 - k) Zoning Bylaw.

- 5.2 Subject to Subsection 5.4, this Bylaw applies to all Residential Rental Properties, Rental Units and Secondary Suites in North Battleford that are subject to the *Residential Tenancies Act* and a tenancy agreement.
- 5.3 Subject to Subsection 5.4, this Bylaw applies to all Short Term and Long Term Residential Rental Properties, as defined by this Bylaw.
- 5.4 This Bylaw does not apply to:
- a) property licensed by the Province of Saskatchewan under the *Saskatchewan Housing Corporation Act*;
 - b) *Apartment* buildings;
 - c) owner-occupied dwelling units with a land lease; or,
 - d) properties rented as home-sharing services, as defined by this Bylaw.
- 5.5 All rental housing shall be registered in accordance with this Bylaw.
- 5.6 Rental housing shall comply with all applicable legislation, bylaws, including Zoning Bylaws, of the City and any applicable development agreements.

6 General

- 6.1 No person shall:
- a) offer to rent or operate rental housing that is not registered under this Bylaw.
 - b) hold out unregistered rental housing as being registered under this Bylaw.
 - c) contravene or fail to comply with a requirement of registration under this Bylaw.

7 Application for Registration

- 7.1 An owner of rental housing shall submit an application for registration to the Registrar in a form and manner satisfactory to the Registrar.
- 7.2 An application to register rental housing or units shall require the following information for each property:
- a) the owner's name and contact information, including a mailing address, email address, and telephone number;
 - b) where the rental housing is managed, in whole or in part, by an operator, the operator's name and contact information, including a mailing address, email address, and telephone number;
 - c) the address of the rental housing;
 - d) a description of the rental housing;
 - e) proof of insurance for the rental housing; and,
 - f) any additional information required by the Registrar to assist in registering the rental housing.

- 7.3 Council may by resolution prescribe one or more fees for registration and inspection of residential rental properties.

8 Registration

- 8.1 The Registrar may register rental housing if the owner has completed the application form with all required information included.
- 8.2 An incomplete application for registration is deemed to be refused.
- 8.3 A registration is not transferable or assignable.
- 8.4 An owner shall ensure that the information provided under Section 7, including mailing address, email address, and phone number of the owner and operator, where applicable, is accurate at all times.
- 8.5 Any written communication or notification to an owner or operator from the City shall be deemed received by the owner or operator three days after it was sent.

9 Inspections

- 9.1 The Inspector, either alone or with an inspection team, may conduct inspections of residential rental housing or units to determine compliance with this Bylaw.
- 9.2 Where an inspection is required or conducted pursuant to this Bylaw:
- a) the Inspector may enter in or upon land or premises at a reasonable time without a warrant.
 - b) except in an emergency, the Inspector shall not enter a room or place being occupied as a residential rental unit or property, unless the entry is made in daylight hours and written notice of the time of entry is provided to the occupant or tenant at least twenty-four (24) hours in advance.
 - c) notwithstanding subsection 9.2b), the requirement service of written notice shall be provided and deemed executed in the following manner:
 - i) hand delivery by an Inspector to the occupant or tenant; or,
 - ii) if hand delivery is unsuccessful, the Inspector may place written notice in the mailbox or on the door of the property.
- 9.3 Pursuant to Section 10, no person shall obstruct a City of North Battleford Inspector or a designated officer who is authorized to conduct an inspection or a person who is assisting a bylaw inspector or designated officer.
- 9.4 Subject to Section 10, every person who contravenes an official inspection under this Bylaw is guilty of an offence and liable on summary conviction to the penalties prescribed.

10 Offence and Penalty

- 10.1 A person who:
- a) violates a provision of this Bylaw;
 - b) permits anything to be done in violation of this Bylaw; or

- c) obstructs or hinders any person in the performance of their duties under this Bylaw, is guilty of an offence.
- 10.2 Every person who commits an offence under this Bylaw shall be liable, upon summary conviction, to a penalty of not less than:
- a) for a first offence to a penalty of not less than two hundred dollars (\$250) and not more than one thousand dollars (\$1,000);
 - b) for a second offence to a penalty of not less than five hundred dollars (\$500) and not more than five thousand dollars (\$5,000); or,
 - c) for a third or any subsequent offence to a penalty of not less than one thousand (\$1,000) and not more than ten thousand dollars (\$10,000).
- 10.3 Every day during which an offence pursuant to Subsection 10.1 continues is a separate offence.

11 Effective Date

11. This Bylaw shall come into force and effect on final passing thereof.

Introduced and read a first time this ____ day of _____, 2024.

Read a second time this ____ day of _____, 2024.

Read a third time and adopted this ____ day of _____, 2024.

MAYOR

CITY CLERK