



# ***The Safer Communities and Neighbourhoods Act***

**Yukon Presentation  
January 16<sup>th</sup> & 17<sup>th</sup>, 2006**

# Why was this Bill Created?

**This Bill will improve community safety by targeting and, if necessary, shutting down residential and commercial buildings and land that are habitually used for a “specified use”, or are fortified to the extent that they pose a threat to public safety.**

***Specified Use - the possession, growth, use, consumption, sale, transfer or exchange of alcohol, intoxicants or illegal drugs; child sexual abuse or activities related to child sexual abuse; prostitution or activities related to prostitution.***

***Fortified Building - a building protected by bulletproof material, explosive-resistant material on doors or windows, unrequired protective metal plating, armoured or reinforced doors, and metals bars on windows or doors.***

***Habitual Use - customary, usual, of the nature of habit.***

# What will this Bill Do?

- **Promote community safety by targeting and cleaning up properties that:**
  - **Negatively effect the health, safety or security of one or more persons in a community or neighbourhood; and/or**
  - **Interfere with the peaceful enjoyment of one or more properties in a community or neighbourhood.**
- **Hold property owners accountable for “specified activities” regularly taking place on their property.**

# Purpose of Bill Cont'd

- **Give courts the authority to vacate a property, terminate a lease agreement, close a property for up to 90 days, or direct any other measure required to prevent specified activities from reoccurring on a property.**

# Examples



**Drug Trafficking - Downtown area of Regina**

# Examples



**Before**



**After**

## **Fortified Building – North Central Area of Regina**

# Examples



**Drug house/shooting gallery – North Central area of Regina**

# What Does the Fortified Buildings Part Do?

- **Authorizes the Minister of Justice to appoint inspectors to investigate a complaint of a fortified building.**
- **Authorizes the Director to make an Order that requires the owner to remove fortifications.**

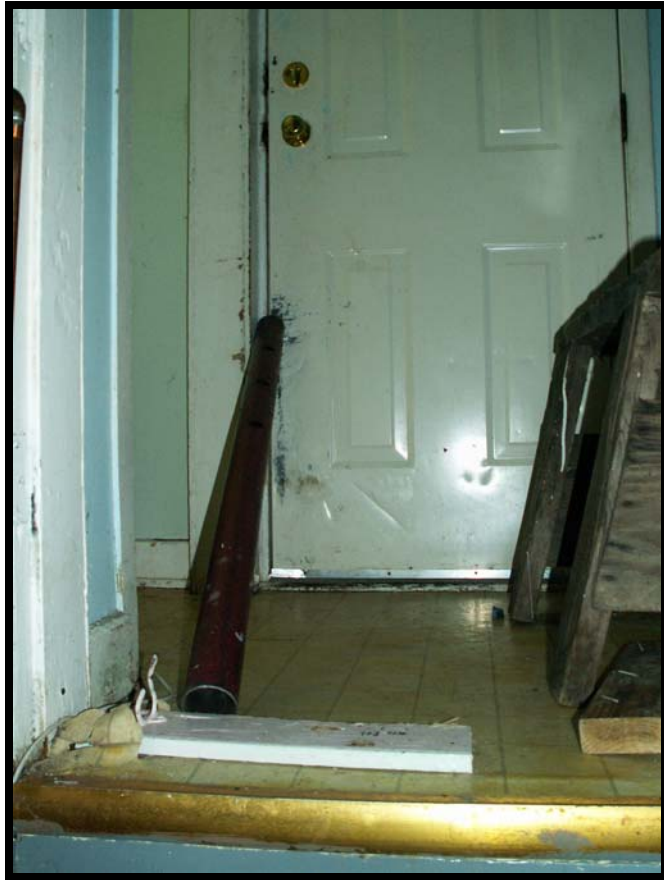


# Examples



**Fortified Buildings – North Central area of Regina**

# Examples



**Fortified Houses – North Central area of Regina**

# How Does this Relate to the *Residential Tenancies Act?*

- Unless another Act expressly states otherwise, *The Safer Communities and Neighbourhoods Act* prevails over *The Residential Tenancies Act*.

# Definition of Terms

**Complainant** – a person who has made a complaint to the director.

**Intoxicating substance** - alcohol, illegal drugs, glues, adhesives, cements, cleaning solvents, thinning agents, gasoline/petroleum products, nail polish removers, aerosol products, etc.

# Definition of Terms Cont'd

**Owner** - a person who is the registered owner of title to the property; a person who is entitled to be the registered owner of title to the property; a person shown as the owner of the property in the municipal tax roll records of the property; a person who manages or receives rents from the property; a guardian; a property decision-maker; an executor, administrator or trustee; an attorney under a power of attorney.

# Definition of Terms Cont'd

**Property** - a building and the land on which it is located or land on which no building is located.

**Respondent** - the owner named as a respondent.

**Resident** - an individual who has a right to occupy residential property as his/her residence, but does not own the property.

# How does the process work?

## Complaint

Concerned citizen makes confidential complaint to the Director of Community Operations. That person believes that their community or neighbourhood is being negatively affected by activities on or near a property in that community and those activities indicate the property in question is being utilized for a “specified use”.

# How does the process work?

- **Director conducts an investigation to determine the validity of the complaint.**
- **If the complaint is determined to be frivolous or vexatious, the Director may not act on the complaint.**
- **All attempts will be made to resolve the matter informally.**
- **The Director may also send a warning letter to the owner of the property, its occupant, or any other person the Director deems appropriate.**



# How does the process work?

## **Action is Decided Upon by Director**

If the complaint has validity and “specified activities” are an immediate threat to the health, safety and security of occupants or people in the neighbourhood/community, the Director has the ability to resolve the matter informally or seek a Community Safety Order from Queen’s Bench.

# Can I Vary an Order?

- **Before the date of closure, the respondent may apply to the court to set aside the part of the order requiring the property to be closed.**
- **On the application of a respondent, tenant or Director, the court may do one or more of the following**
  - **set aside the order if the activities have ceased and won't likely resume; and/or**
  - **set aside or vary the order if it is necessary to allow the property to be used again.**

# Property Closure Procedures

- **The Director can enter the property without the consent of the owner or occupant to close it and keep it closed.**
- **The Director can take any measures necessary to safely and effectively close the property, including:**
  - **ordering all occupants of property to leave it immediately;**
  - **attaching locks or other security devices;**
  - **erecting fences;**
  - **changing or terminating utility services; or**
  - **making interior or exterior alterations to the property so that it is not a hazard while it is closed.**

# What Happens to Occupants?

- **All occupants of a property that is closed by a Community Safety Order will leave it immediately, even if they have not been previously served with an order that requires the Director to close the property.**
- **If an occupant does not comply with a request to leave, the Director can obtain the assistance of a peace officer to remove them from the property.**
- **After leaving the property, and while the property is closed, no occupant can enter or occupy the property without the Director's consent.**

# Who Takes Care of the Costs?

- **The respondent pays the Minister of Finance the cost of closing, securing and keeping the property closed.**
- **The Director is not responsible for the removal or cost of removal of anything attached to or erected at the property, or the reversal or cost of reversal of anything done to or at the property to close it or keep it closed.**
- **The respondent may, within 30 days after receiving a copy of the certificate of costs owed to the Crown, make written requests to the Director to reconsider the amount of the costs and expenses. The Director may withdraw the certificate, vary the costs, or confirm the certificate.**

# Can I Appeal the Costs?

- **A respondent may appeal the costs set out in the certificate to the court within:**
  - **30 days after the date the certificate was filed; or**
  - **30 days after the Director has notified the respondent of his/her decision on a request to reconsider expenses owed.**
- **On hearing an appeal, the court may issue an order:**
  - **confirming the amount of costs set out in the certificate;**
  - **amending the amount of costs set out in the certificate;**
  - **quashing the certificate; or**
  - **doing any other things the court considers appropriate.**

# Confidentiality of Complaint

- **No person, including the Director, can, without written consent of the complainant:**
  - **disclose the identity of the complainant or any information by which the complainant or may be identified to another person, court, government institution, local authority or law enforcement agency;**
  - **disclose or produce the complaint, or any other document or thing by which the complainant may be identified to another person, court, government institution, local authority or law enforcement agency.**

# What About Transferring Property?

- **A person who transfers a legal or beneficial interest in property to another person, or gives right of occupancy of property to another person, after being served with an application or community safety order or becoming aware of an application or community safety order, must inform the other person about the application or community safety order before completing the transfer or giving right of occupancy.**



# Registration of Interest

- **If a Community Safety Order is issued on a property, it flags it as a problem address with land titles so buyers know that it is a problem property before purchasing it. This prevents the owner from selling a property to get out of the action set against them.**

# What is an Offence?

- **No person shall:**
  - **remove, deface, or interfere with a Community Safety Order without the Director's consent;**
  - **fail to vacate a property closed under a Community Safety Order without the Director's consent;**
  - **enter or re-enter a property that is closed under a Community Safety Order without the Director's consent;**
- or**
- **fail to comply with a Community Safety Order.**

# What are the Penalties for an Offence?

- **Every person who is guilty of an offence is liable on summary conviction:**
  - **for a first offence:**
    - in the case of an individual, a fine of not more than \$10,000, to imprisonment for not more than one year or both; and
    - in the case of a corporation, a fine of not more than \$25,000.
  - **for a second or subsequent offence:**
    - in the case of an individual, a fine of not more than \$25,000, to imprisonment for a term not more than one year or both; and
    - in the case of a corporation, a fine or not more than \$100,000.

# ***The Safer Communities and Neighbourhoods Investigation Unit***

## Offices Locations

- ❑ 200-1874 Scarth Street, Regina
- ❑ 8<sup>th</sup> Fl, 122 - 3<sup>rd</sup> Avenue North, Saskatoon
- ❑ Toll free number  
1-866-517-2337