

The Provincial Mediation Board Act

being

Chapter P-33 of *The Revised Statutes of Saskatchewan, 1978* (effective February 26, 1979) as amended by the *Statutes of Saskatchewan, 1979-80, c.92; 1980-81, c.9; 1988-89, c.50; 1996, c.37 and 63; 1998, c.P-42.1; 2000, c.L-5.1; 2002, c.R-8.2; 2006, c.R-22.0001; 2013, c.27; 2014, c.E-13.1; 2015, c.21; and 2022, c.41.*

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 P-33

An Act to facilitate Negotiations between Certain Persons, and respecting Certain Tax Proceedings

Short title

1 This Act may be cited as *The Provincial Mediation Board Act*.

Interpretation

2 In this Act:

(a) “**board**” means the Provincial Mediation Board appointed under the authority of this Act;

(b) “**debtor**” means a person, partnership or body corporate and politic other than a municipal corporation, a school district or the provincial health authority as defined in *The Provincial Health Authority Act*.

R.S.S. 1978, c.P-33, s.2; 2002, c.R-8.2, s.91;
2022, c 41, s.11.

Board

3(1) The Provincial Mediation Board, consisting of one or more members as may be determined by the Lieutenant Governor in Council, is continued.

(2) The Lieutenant Governor in Council shall appoint the member or members of the board and specify the number of members that shall constitute a quorum.

(3) Each member shall hold office during the pleasure of the Lieutenant Governor in Council, shall receive such remuneration as is approved by the Lieutenant Governor in Council and shall perform such duties, in addition to the duties assigned by this Act, as may be prescribed by the Lieutenant Governor in Council.

(4) Vacancies caused by death, resignation or otherwise may be filled by the Lieutenant Governor in Council, but a vacancy shall not impair the power of the remaining members or member to act. In any such case the signature of one member shall be sufficient.

(5) In the case of the absence of a member of the board, or his inability to act, or in the case of a vacancy in the office, the remaining members or member shall exercise the powers of the board.

(6) The Lieutenant Governor in Council shall designate one of the members of the board to be chairperson. If there is only one member he or she shall be deemed to be chairperson.

(7) In the absence of the chairperson, all orders, rules, regulations and other documents may be signed by any one member, and when so signed shall have the like effect as if signed by the chairperson.

(8) When it appears that a member other than the chairperson has acted for and in the place of the chairperson, it shall be conclusively presumed that he or she has so acted in the absence or disability of the chairperson.

(9) If there is only one member of the board the Lieutenant Governor in Council may appoint some person to take the place of that member when absent for any cause; and the person so appointed shall, while acting, possess all the powers, exercise all functions and perform all the duties of the board, and subsection (7) applies to him accordingly.

(10) When a member is interested in a matter before the board, the Lieutenant Governor in Council may appoint some disinterested person to act as a member with respect to that matter only, and the Lieutenant Governor in Council may also appoint a person to act during the absence or disability of a member.

(11) The staff of the board consists of a secretary and any other employees that are considered necessary for the proper conduct of the business of the board, and *The Public Service Act, 1998*, *The Public Service Superannuation Act* and *The Superannuation (Supplementary Provisions) Act* apply to the staff of the board.

(12) The salaries of the members of the board and the expenses of the board are to be paid out of moneys appropriated by the Legislature for the purpose.

R.S.S. 1978, c.P-33, s.3; 1980-81, c.9, s.2; 1998, c.P-42.1, s.42; 2015, c.21, s.38 and s.64.

Duties

4 The board shall perform the duties assigned to it by the Lieutenant Governor in Council.

R.S.S. 1978, c.P-33, s.4.

Delegation of powers

5(1) The board may appoint a person or persons to act at each judicial centre in the province as it deems advisable for the purpose of facilitating the administration of this Act and may, subject to the approval of the Lieutenant Governor in Council, confer upon persons so appointed, and upon any member or members of the board, the powers it deems expedient, including power to make orders that the board is authorized to make.

(2) All orders made pursuant to powers conferred by the board under subsection (1) shall have the same force and effect as if made by the board.

R.S.S. 1978, c.P-33, s.5.

Agreements between debtors and creditors

6(1) Upon receipt of an application in writing by or on behalf of a debtor or any of his creditors, the board shall confer with and advise the debtor or his creditor and shall endeavour to bring about an amicable arrangement for payment of the debtor's indebtedness without recourse being had to legal proceedings, and for that purpose the board shall inquire into the validity of claims made against the debtor and his ability to pay his just debts, either presently or in the future, and shall endeavour to effect an agreement between the debtor and his creditors to provide for the settlement of the said debts, either in full or by a composition.

(2) An agreement effected between a debtor and his creditors, made by or through the agency of the board, may be contained wholly or in part in letters written by or to the board; and the agreement shall be valid and enforceable at law, although without consideration, and may alter, modify or rescind in whole or in part the terms of any mortgage, contract or agreement theretofore subsisting between the parties, or by the terms of which the rights of any of the parties may be affected.

(3) If an agreement has been concluded pursuant to this section, the board may request the creditor to pay to the board a fee in the amount prescribed in the regulations made pursuant to section 6.1.

R.S.S. 1978, c.P-33, s.6; 1996, c.37, s.3.

Regulations

6.1 The Lieutenant Governor in Council may make regulations respecting the amount of the fee payable by creditors for services provided by the board pursuant to section 6.

1996, c.37, s.4.

Consent of board required for certain tax proceedings and effect of consents on certain orders

7(1) No proceeding shall be taken to obtain title to land under section 24 of *The Tax Enforcement Act*, except with the prior written consent of the board given after the expiration of the period of six months mentioned in that section.

(2) Where, after the board has under subsection (1) consented to the taking of proceedings in respect of the land described in the consent, the board makes an order under subsection (1) of section 10 prohibiting the making or continuation of proceedings for title to the land and an interest based on the board's order is registered against the title pursuant to section 11, no proceedings respecting a request for title to the land shall be taken or continued except with the further written consent of the board.

(3) Where a consent is given under subsection (1) or (2) and there is then in force an order:

(a) that was made before the twenty-eighth day of March, 1963, under a provision similar to section 10; and

(b) that applies to the land described in the consent;

that order shall, insofar as it applies to the land described in the consent, be deemed to have been rescinded.

R.S.S. 1978, c.P-33, s.7; 1988-89, c.50, s.3; 2000, c.L-5.1, s.438.

Board's responsibility toward municipality

7.1(1) Where a municipality gives the board notice of the municipality's intention to take proceedings to acquire title to land, the municipality shall, at the time it gives notice to the board, provide the board with a copy of the results from the search of the title obtained by the municipality pursuant to subsection 23(1) of *The Tax Enforcement Act*.

(2) The Lieutenant Governor in Council may, by regulation, prescribe a fee that must be paid by the municipality at the time that it gives notice to the board.

1988-89, c.50, s.4; 1996, c.63, s.21; 2000, c.L-5.1, s.439.

Power to impose conditions on municipality

8(1) The board may, as a condition precedent to giving its consent under subsection (1) or (2) of section 7, require that the municipality in which the land is situated:

(a) enter into an agreement for sale, lease option agreement or other agreement with the assessed owner of the land, or with any other person designated by the board who has a legal or equitable interest in the land, on terms approved by the board and to take effect upon the issue of title to the municipality under section 24 of *The Tax Enforcement Act*;

(b) undertake to pay to the person shown by the records of the Land Titles Registry to be the registered owner of title immediately prior to the issuing of title to the municipality under section 24 of *The Tax Enforcement Act*, the balance remaining, if any, after the proceeds of the sale have been distributed in accordance with section 33 of *The Tax Enforcement Act*.

(2) Where an agreement approved by the board is entered into pursuant to a requirement of the board under clause (a) of subsection (1), the municipality shall not, in respect of the land affected by the agreement, thereafter be bound by the restrictive provisions of section 31 of *The Tax Enforcement Act*.

R.S.S. 1978, c.P-33, s.8; 1988-89, c.50, s.5; 2000, c.L-5.1, s.440.

Power to relieve municipality from certain provisions of *The Tax Enforcement Act*

9 Where the board has given its consent pursuant to subsection 7(1) or (2) without requiring the municipality to enter into an agreement pursuant to section 8, the board may, at the request of the municipality, by order made before or after title to the land affected by the consent is issued pursuant to section 24 of *The Tax Enforcement Act*, relieve the municipality with respect to that land from the restrictive provisions of section 31 of *The Tax Enforcement Act* on the condition that the council of the municipality will enter into an agreement for sale, lease option agreement or other agreement, on terms approved by the board, with:

(a) the assessed owner of the land or with the person who was the assessed owner immediately before the issuance of the title; or

(b) any other person named in the order who then has, or who immediately before the issuance of title had, a legal or equitable interest in the land.

2000, c.L-5.1, s.441.

Power to postpone final application for title

10(1) The board may from time to time, of its own motion or upon the request of a person entitled under section 19 or 20 of *The Tax Enforcement Act* to redeem land, by order prohibit the making or continuation of final application for title to the land until after a date to be stated in the order.

(2) Where a request is made by a person entitled to redeem land for an order under subsection (1), the board may, as a condition precedent to making the order, require payment by that person to the treasurer of the municipality in which the land is situated of such portion of the amount required to redeem the land as the board deems proper.

(3) Notwithstanding subsections (1) and (2), this section does not apply to proceedings pursuant to *The Tax Enforcement Act* with respect to a parcel of land described in subsection 26(1) of that Act.

R.S.S. 1978, c.P-33, s.10; 1988-89, c.50, s.7.

Registration of interest based on section 7 or 10

11 Immediately after a consent is given pursuant to subsection 7(1) or (2) or an order is made pursuant to subsection 10(1), the board shall register an interest based on the consent or order, attaching a copy of the consent or order, in the Land Titles Registry against the affected titles.

2000, c.L-5.1, s.442.

Effect of consents under s.7 on certain orders of board

12 Where a consent is given under subsection (1) or (2) of section 7 and there is then in force an order made under section 10 that applies to the land described in the consent, that order shall, insofar as it applies to the land described in the consent, be deemed to have been rescinded.

R.S.S. 1978, c.P-33, s.12.

Notice to board of commencement of action

13 The registrar of the Court shall promptly, after the commencement of any of the following, give notice to the board of the proceeding stating the names of the parties to the proceeding, the parties' solicitors and the nature of the proceeding:

- (a) an action for foreclosure of a mortgage on land or sale or possession of the mortgaged premises;
- (b) an action for specific performance or cancellation of an agreement for sale of land or for sale or possession of land sold under an agreement;
- (c) an action for the recovery of money if the amount or balance claimed exceeds \$100, other than an action founded on tort, an action for alimony or an action for the recovery of moneys payable under a separation agreement.

2022, c 41, s.11.

Power to prohibit proceedings by landlord

14(1) The board may at any time and from time to time, of its own motion or upon application by any person, by order, subject to such terms and conditions as the board deems fit:

- (a) prohibit any or all proceedings under *The Landlord and Tenant Act* during a period of time stated in the order;
- (b) prohibit any action by a landlord for the recovery of possession of land from a tenant during a period of time stated in the order;
- (c) prohibit the execution by a sheriff of any writ of possession during a period of time stated in the order;

where in its opinion serious hardship to the tenant or his family would otherwise ensue.

(2) In the case of land let or occupied solely for the purpose of husbandry, agriculture or horticulture, subsection (1) applies only with respect to the residence and other buildings on that land and to the land surrounding those buildings and used in connection therewith not exceeding two acres and any land necessary for reasonable access thereto.

(3) A copy of an order made under clause (a), (b) or (c) of subsection (1) shall forthwith be forwarded by the board:

- (a) in the case of an order under clause (a), to the local registrar of the Court of Queen's Bench at the judicial centre nearest to which the land lies;
- (b) in the case of an order under clause (b), to the local registrar of the Court of Queen's Bench at the judicial centre nearest to which the land lies;
- (c) in the case of an order under clause (c), to the sheriff at the judicial centre nearest to which the land lies.

(4) This section does not apply to any proceedings or action taken or any writ of possession issued pursuant to *The Residential Tenancies Act, 2006*.

R.S.S. 1978, c.P-33, s.14; 1979-80, c.92, s.78;
2006, c.R-22.0001, s.98.

Inquiries

15 The board may make such inquiries as it deems necessary with respect to any matter within its jurisdiction under this Act or any other Act and for the purpose of conducting an inquiry the board shall have all the powers conferred on a commission by sections 11, 15 and 25 of *The Public Inquiries Act, 2013* .

R.S.S. 1978, c.P-33, s.15; 2013, c.27, s.32.

Proof of service by post

16 Proof that any letter or package containing any document mailed by post prepaid by the board or a person appointed under section 5 was properly addressed and put into the post office and of the time when it was so put in and of the time requisite for its delivery in the ordinary course of post, shall be evidence of the fact and time of the receipt of the letter or package by the person to whom it was addressed.

R.S.S. 1978, c.P-33, s.16.

Documents as evidence

17 All documents purporting to be issued or person appointed under section 5 pursuant to this Act, by the board shall be received in evidence and shall be deemed to have been so issued unless the contrary is shown.

R.S.S. 1978, c.P-33, s.17.

Non-liability for *bona fide* acts

18 Neither the board nor a member of the board nor a person appointed under section 5 nor a person acting under its or his instructions, or under the authority of this Act or any regulations thereunder, shall be personally liable for any loss or damage suffered by any person by reason of any thing in good faith done, or omitted to be done, pursuant to or in the exercise or supposed exercise of the powers conferred by this Act or such regulations.

R.S.S. 1978, c.P-33, s.18.

References in Acts, etc., to *The Debt Adjustment Act* and Debt Adjustment Board

19 A reference in an Act, regulation, order in council or other document to *The Debt Adjustment Act* or the Debt Adjustment Board shall be deemed a reference to this Act and to the Provincial Mediation Board, respectively; and where by an Act, regulation, order in council or other document a power is conferred or a duty is imposed on the Debt Adjustment Board, the power may be exercised and the duty shall be performed by the Provincial Mediation Board.

R.S.S. 1978, c.P-33, s.19.

Penalty

20 If a person makes wilful default in complying with an order, direction or condition made, given or imposed by the board under the authority of this Act or any other Act or by a person appointed under section 5 or violates any of the provisions of this Act or the regulations, that person is guilty of an offence and liable on summary conviction to a fine not exceeding \$250 and in default of payment to imprisonment for a term not exceeding three months or to both.

R.S.S. 1978, c.P-33, s.20; 2022, c41, s.11.

Tabling of reports

21(1) In every fiscal year, the board shall, in accordance with section 13 of *The Executive Government Administration Act*, prepare and submit to the minister:

(a) a report respecting its business and affairs during the previous fiscal year; and

(b) a financial statement showing its business during the previous fiscal year in any form that may be required by Treasury Board.

(2) The minister shall, in accordance with section 13 of *The Executive Government Administration Act*, lay before the Legislative Assembly the reports and statements received by the minister pursuant to subsection (1).

1996, c.37, s.5; 2014, c.E-13.1, s.62.