

## Planning, Development, and Building in Saskatchewan

### *Did you know....*

1. In Saskatchewan, there are non-prohibitive (i.e.: inexpensive) appeal mechanisms in place at the municipal and provincial level for community members who disagree with certain planning and development policy decisions made by council.
2. Council (of any municipality in any province) do not have the authority to impose any bylaw that is in conflict with provincial or federal law/ legislation. Any bylaw enacted or proposed by a municipality that is beyond its authority could be challenged in court, where it would be declared “*ultra vires*” and struck down.
3. When a new Zoning Bylaw or a Zoning Bylaw Amendment is adopted by a municipality in Saskatchewan, any existing development that is not compliant is allowed to remain as is, with certain considerations (See Part V Division 3 of the Planning and Development Act Non-Conforming Uses, Building, and Sites sections 88 to 93). There is no fine or penalty applied to uses, buildings, or sites that were approved under one bylaw but becoming non-conforming under a new bylaw or bylaw amendment.
4. In Saskatchewan, under the Construction Codes Act, SS 2021, c 9 Part 4 Section 16, local authorities (municipalities) are required to administer and enforce the Construction Codes Act (“*the Act*”) and regulations, through a locally adopted building bylaw and by appointing a building official.
  - a. The RM of Britannia No. 502 has appointed Jeff Sydoruk of JWS Inspection Services as the local building official.
  - b. The RM of Britannia No. 502 is in the process of adopting a building bylaw, Bylaw 20-2022. Bylaw 20-2022 is required to administer and enforce the Act and regulations (*without a building bylaw, the RM does not have the authority to issue building permits, which allow the RM to administer the Constructions Codes Act, which the RM is required to do under the Act*).
5. In Saskatchewan, under the Planning and Development Act, 2007, SS 2007, c P-13.2, local authorities (municipalities) can adopt Official Community Plan (“OCP”). As per section 31 of the Planning and Development Act, the purpose of an OCP is to provide a comprehensive policy framework to guide the physical, environmental, economic, social, and cultural development of the municipality or any part of the municipality.
  - a. In 2022, the RM of Britannia No. 502 adopted a new OCP through Bylaw 16-2021. This bylaw was developed by municipal administration and council, with input from the community over a three-year period. Consultant Crosby Hanna, located in Saskatoon, Saskatchewan, was contracted to assist with the process to ensure that all legislated requirements were met (i.e.: Statements of Provincial Interest and public notice). As per Saskatchewan legislation, an OCP must be developed in consultation with a Saskatchewan registered professional planner. The OCP is available on the RM of Britannia website: <https://rmbritannia.com/wp-content/uploads/2022/04/16-2021-OCP-Bylaw-April-13-2022.pdf>

6. In Saskatchewan, under the Planning and Development Act, 2007, SS 2007, c P-13.2, local authorities (municipalities) must adopt a Zoning Bylaw consistent with their OCP. As per section 45 of the Planning and Development Act, the purposes of a zoning bylaw are to control the use of land for providing for the amenity of the area within the council's jurisdiction and for the health, safety, and general welfare of the inhabitants of the municipality.
  - a. In 2022, the RM of Britannia No.502 adopted a new Zoning Bylaw (24-2021). The bylaw was developed by municipal administration and council, with input from the community over a three-year period. Consultant Crosby Hanna, located in Saskatoon, Saskatchewan, was contracted to assist with the process to ensure that all legislated requirements were met (i.e.: Statements of Provincial Interest and public notice). The zoning bylaw is available on the RM of Britannia website: <https://rmbritannia.com/wp-content/uploads/2022/04/24-2021-Zoning-Bylaw-April-13-2022.pdf>
7. The OCP and Zoning Bylaw are considered "living documents" that can be amended at the direction of council (developers can make application to change the bylaws, but the final decision is that of council), in response to the changing needs of the community it serves.
8. There are legislated public notice and consultation requirements for amendments and for new bylaws – the municipality's compliance with the legislated requirements are reviewed by Community Planning (Government of Saskatchewan Ministry of Government Relations) with the submission of each new bylaw or amendment that requires their final approval. If the RM has not met these legislated standards, the bylaw will not be approved by Community Planning, and the bylaw will be unenforceable.
9. Additional Information:
  - a. Link to Planning and Development Act: <https://canlii.ca/t/53p9x>
  - b. Link to Construction Codes Act: <https://canlii.ca/t/5579d>
  - c. Link to Government of Saskatchewan Community Planning, Land Use and Development: <https://www.saskatchewan.ca/government/municipal-administration/community-planning-land-use-and-development>
  - d. Link to Government of Saskatchewan Building and Technical Standards: <https://www.saskatchewan.ca/business/housing-development-construction-and-property-management/building-and-technical-standards>
  - e. Link to Appeals to the Government of Saskatchewan Municipal Board: <https://www.saskatchewan.ca/government/municipal-administration/appealing-decisions-made-by-municipalities>

If you have any questions or concerns, please contact the R.M. of Britannia No. 502 municipal office at 306-825-2610.