



Rural Municipality of Corman Park No. 344 Policy

Policy # TS-001

Policy Title: Compensation Claims for Crop Damage

Policy Objective:

To provide for the compensation of crop damages, incurred through the construction of any municipal public work.

Authority: (Resolution No. 41, January 21, 2013)

The Municipalities Act, 2005, c.M-36.1, s.346; 2007, c.32, s.18

Policy:

The Municipality shall compensate any land-owner that suffers crop damage or is unable to seed acres that are normally productive, due to the construction of any municipal public work.

Compensation rates for damaged or unseeded acres shall either be:

- a) Specified within a written Agreement to Enter Property between the land-owner and the Municipality; or
- b) Calculated using the Average Crop Prices and Yields as outlined by the Saskatchewan Department of Agriculture and the Unseeded Acreage coverage amount as outlined by the Saskatchewan Crop Insurance Corporation, current at the time damages were incurred, as follows:
 - a. DAMAGED AREA (in acres) X AVG CROP YIELD X AVG CROP PRICE
 - b. ELIGIBLE UNSEEDDED AREA (in acres) X UNSEEDDED ACREAGE COVERAGE AMOUNT
 - i. Where eligible acres are the acres that the land-owner normally seeds that remain unseeded by June 20 due to the construction of any municipal public work.

Claims shall be filed in writing on the Crop Damage Compensation Claim form provided by the Municipality, with particulars of the claim, within one year of the date that damages were sustained, or in the case of unseeded acres, by June 20th of the year following the year that the acres were left unseeded.

If the land-owner does not agree to the compensation rates, as provided above, they may seek any such remedy provided pursuant to Section 346 of the Municipalities Act, 2005.



BACKGROUND INFORMATION

Average Crop Prices

<http://www.agriculture.gov.sk.ca/markettrends>

Average Crop Yields by RM

<http://agriculture.gov.sk.ca/Default.aspx?DN=5e3d0f74-ef7a-49f5-a975-f340e11fa394>

Unseeded Acreage Coverage

<http://www.saskcropinsurance.com/Default.aspx?DN=0a142b95-203d-4504-9673-d5d2c568fe4c>

Liability for Damages-The Municipalities Act, 2005, c.M-36.1, s.346; 2007, c.32, s.18

346 (1) A municipality is civilly liable for damages if any land or improvements are injuriously affected by the exercise of any powers conferred on it in this or any other Act with respect to the construction of any municipal public work.

(2) The amount of damages for which a municipality is liable pursuant to subsection (1) is the extent of the amount of the injury done, less any increased value to other lands or improvements of the claimant resulting from the exercise of such powers.

(2.1) Notwithstanding subsection (1) and (2), every person is deemed not to suffer any damages, and, without restricting the generality of the foregoing, property is not to be injuriously affected or suffer any diminution of value by reason of denial or removal of access to a street, if other access exists or is provided.

(3) Subject to subsection (5), if the amount of compensation for damages is not agreed on, the amount is to be determined by a judge of the court, on application by either party.

(4) Subsections 7(2) and (3) of *The Municipal Expropriation Act* apply, with any necessary modification, to an application made pursuant to subsection (3).

(5) By agreement of all parties concerned, the amount of compensation may be determined by the award of three arbitrators appointed in the manner provided by subsection 8(1) of *The Municipal Expropriation Act*.

(6) Subsections 8(2), (3) and (4) of *The Municipal Expropriation Act* apply, with any necessary modification, to an arbitration conducted pursuant to subsection (5).

(7) Notwithstanding *The Limitations Act* but subject to subsection (8), a claim made by any person with respect to damages mentioned in this section is to be made in writing, with particulars of the claim, within one year after:

- a) The injury is sustained; or
- b) The injury becomes known to that person.

(8) In the case of a minor, a mentally incompetent person or a person of unsound mind, the claim is to be made within

- a) The longer of:
 - i. One year; and
 - ii. One year after the person ceases to be under a disability; or
- b) In case of a person's death while under disability, one year after the person's death.

(9) If a claim is not made in the manner and within the time limits mentioned in subsection (7) and (8), the right to compensation for damages is forever barred.