

PART XII
Legal Actions

DIVISION 1
Liability of Municipalities

Interpretation of Division

338.1 For the purposes of this Division, “municipality” includes a controlled corporation.

2007, c.32, s.14.

Non-liability if acting in accordance with statutory authority

339 Subject to this and any other Act, a municipality is not liable for damage caused by any thing done or not done by the municipality in accordance with the authority of this or any other Act unless the cause of action is negligence or any other tort.

2005, c.M-36.1, s.339.

Immunity against certain nuisance actions

340(1) A municipality is not liable in an action based on nuisance, or on any other tort that does not require a finding of intention or negligence, for any loss or damage arising, directly or indirectly, from any public works, including streets, or from the operation or non-operation of a public utility.

(2) A municipality is not liable for damages resulting from:

- (a) any interference with the supply of a public utility service if:
 - (i) the interference is necessary for the repair and proper maintenance of the public utility service; and
 - (ii) a reasonable attempt is made to notify the owners or occupants of land or buildings affected by the intended interference; or
- (b) the breaking or severing of a service pipe, service line or attachment.

2005, c.M-36.1, s.340; 2007, c.32, s.15.

Non-liability for discretion

341 A municipality that has the discretion to do something is not liable for, in good faith, deciding not to do the thing.

2005, c.M-36.1, s.341.

Snow on sidewalks

342(1) A municipality is only liable for personal injury caused by snow, ice or slush on sidewalks or extensions of sidewalks used as street or road crossings if the municipality is grossly negligent.

(2) A person who brings an action described in subsection (1) shall notify the municipality of the event that gives rise to the action within 30 days after the occurrence of the event.

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- (3) Failure to notify the municipality as required by subsection (2) bars the action unless:
- (a) there is a reasonable excuse for the lack of notice, and the municipality is not prejudiced by the lack of notice; or
 - (b) the municipality waives in writing the requirement for notice.
- (4) An action is not barred for failure to give notice pursuant to subsection (2) in case of the death of the person injured.

2005, c.M-36.1, s.342.

Repair of streets, roads, public places and public works

343(1) A municipality shall keep every street, road or other public place that is subject to the direction, control and management of the municipality, including all public works in, on or above the street, road or public place put there by the municipality or by any other person with the permission of the municipality, in a reasonable state of repair, having regard to:

- (a) the character of the street, road, public place or public work; and
- (b) the area of the municipality in which it is located.

(1.1) For the purposes of this section, a street, road or other public place is to be considered in a reasonable state of repair if those who use the street, road or other public place can, exercising ordinary care, do so with safety.

(2) Every municipality that receives or is entitled to receive tax loss compensation from the Rural Municipal Tax Loss Compensation Fund established pursuant to the terms of the Framework Agreement shall maintain, at the ordinary standard established for similar streets and roads within the municipality, all streets and roads within the municipality that are within, adjacent to or provide access to an Indian reserve:

- (a) that has been set apart pursuant to the terms of the Framework Agreement; and
- (b) for which tax loss compensation has been paid by Her Majesty in right of Canada and Her Majesty in right of Saskatchewan.

(3) For the purposes of subsection (2), “**Framework Agreement**” means:

- (a) the Saskatchewan Treaty Land Entitlement Framework Agreement dated September 22, 1992 and entered into by Her Majesty in right of Canada, Her Majesty in right of Saskatchewan and certain Indian bands with respect to the settlement of the outstanding treaty land entitlement claims of the Indian bands; and
- (b) the Nekaneet Treaty Land Entitlement Settlement Agreement dated September 23, 1992 and entered into by Her Majesty in right of Canada, Her Majesty in right of Saskatchewan and the Nekaneet Indian Band with respect to the settlement of the outstanding treaty land entitlement claim of the Nekaneet Indian Band.