

APPLICATION FOR ROAD MAINTENANCE AGREEMENT DETERMINATION

Sections 22 and 22.1 – *The Municipalities Act*



**Saskatchewan
Municipal
Board**

This form constitutes the application for the "Determination of Road Maintenance" as required by subsection 22.1 (2) of *The Municipalities Act*.

ABOUT THE FORM

This form is to be completed when a party to:

- 1) An agreement for the maintenance of any municipal road entered into pursuant to section 22 of *The Municipalities Act*; or
- 2) A proposed agreement, in the case where a municipality has caused notice to be served on a person that an agreement is required pursuant to section 22 of *The Municipalities Act*.

requires the Saskatchewan Municipal Board (SMB) to make a determination respecting:

In the case of 1) above:

- Any issue involving any matter governed by the agreement

In the case of 2) above:

Either or both of the following issues –

- Whether or not a proposed agreement is required;
- The terms of the proposed agreement.

ADDITIONAL INFORMATION

For additional information on the road maintenance determination process, please contact:

Secretary, Road Maintenance Committee
Saskatchewan Municipal Board
480 – 2151 Scarth Street
REGINA SK S4P 2H8
Telephone: (306) 787-6221
Fax: (306) 787-1610

FOR FURTHER INFORMATION CALL THE COMMITTEE SECRETARY AT THE PHONE NUMBER INDICATED ABOVE.

Once the application is completed

- 1) The applicant party shall serve the written application complete with all required attachments on the Secretary, Road Maintenance Committee, Saskatchewan Municipal Board.
- 2) The applicant party shall serve the written application complete with all required attachments to the other party(ies).
- 3) If the applicant party does not comply with section 22.1 of *The Municipalities Act* in filing the application, the SMB may refuse the application.

- 4) The SMB may require the parties to provide the board with any information that it may reasonably require. The SMB may also require the parties to attend a hearing in person or by phone.
- 5) If an application is not refused, the SMB shall make its determination within 10 business days after the date it receives the application, unless:
 - The parties agree otherwise; or
 - The regulations made by the minister establish a longer period.

(Note: the application is deemed received when the SMB has determined that a perfected application has been received.)

What the SMB may determine

In the case of an agreement for the maintenance of any municipal road entered into pursuant to section 22 of *The Municipalities Act*

The board may make **an order** determining the issue in any manner that the board considers appropriate.

In the case of a proposed agreement in the case where a municipality has caused notice to be served on a person that an agreement is required pursuant to section 22 of *The Municipalities Act*

The board may make an order doing **all or any** of the following:

- Determining that a proposed agreement is not required.
- Setting out all or any of the terms of the agreement.
- Directing the parties to enter into an agreement.
- Making any other order that the board considers necessary or reasonable.

Effect of SMB determination

A determination of the SMB is:

- Binding on and shall be implemented by the parties.
- Final and there is no appeal to the Court of Appeal.

**APPLICATION FOR ROAD MAINTENANCE AGREEMENT DETERMINATION
TO SASKATCHEWAN MUNICIPAL BOARD PURSUANT TO *THE MUNICIPALITIES ACT***

Send this completed application form to:

Secretary, Road Maintenance Committee
Saskatchewan Municipal Board
480-2151 Scarth Street
REGINA SK S4P 2H8

CHECKLIST: Mark Appropriate Boxes

Included	N/A	Material Required
<input type="checkbox"/>		Completed Application
<input type="checkbox"/>	<input type="checkbox"/>	Copy of Written Agreement (Signed or Draft)
<input type="checkbox"/>		Map indicating haul route
Yes		
<input type="checkbox"/>		Copy of Application package submitted to other parties

Section I – PARTY INFORMATION

APPLICANT

Name		
Mailing Address	Town / City	Postal Code
Contact Person Name		Contact Person Position
Contact Person Telephone Number	Contact Person Fax Number	Contact Person Email Address

PARTY 1

Name		
Mailing Address	Town / City	Postal Code
Contact Person Name		Contact Person Position
Contact Person Telephone Number	Contact Person Fax Number	Contact Person Email Address

PARTY 2

Name		
Mailing Address	Town / City	Postal Code
Contact Person Name		Contact Person Position
Contact Person Telephone Number	Contact Person Fax Number	Contact Person Email Address

Section II – STATEMENT OF THE ISSUES IN DISPUTE

Provide a detailed listing of the issues in dispute. Reference sections of the agreement, where applicable.

Section III – STATEMENT OF DISCUSSION OF DISPUTE ISSUES BY THE PARTIES

Complete either Subsection A or B

Subsection A – Parties have discussed the issue(s) in dispute

Date(s) of Discussion

Outcomes of Discussion – include details of any facts or issues agreed to by the parties (attach additional pages, if required):

Section III – STATEMENT OF DISCUSSION OF DISPUTE ISSUES BY THE PARTIES (continued)

Subsection B – Parties have not discussed the issue(s) in dispute

Statement why no discussion has been held (*attach additional pages, if required*):

(This area is intentionally left blank for the applicant to provide a statement.)

Section IV – OTHER

Date council served notice that an agreement is required pursuant to Clause 22(1)(a) (*if more than one party and not served on the same date, identify the individual parties and the date they were served*)

The person on which notice is served:

Mark Appropriate Boxes

1. Is a producer or shipper of goods that are transported on streets or roads in the municipality and that, in the council's opinion, are significant in nature;
2. Wishes to use a street or road in the municipality for the purpose of transporting quantities of goods that, in the council's opinion, are significant in nature; or
3. Wishes to receive delivery of goods in quantities that, in the council's opinion, are significant in nature, the transportation of which requires the use of a street or road in the municipality.

<input type="checkbox"/> Applicant	<input type="checkbox"/> Party __	<input type="checkbox"/> Applicant	<input type="checkbox"/> Party __
<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	

Information with respect to the haul:

Type and amount of goods being hauled

Distance goods are being hauled

Type of road (if more than one indicate type and kms)