



Plain Language Summary for Bill 49: *Safer Communities and Neighbourhoods Act*

The Government of the Northwest Territories (GNWT) Department of Justice is proposing to introduce the *Safer Communities and Neighbourhoods Act*, commonly referred to as the SCAN Act.

The Northwest Territories (NWT) has some of the highest crime and victimization rates in Canada. The NWT does not currently have SCAN legislation, and the Minister of Justice's mandate letter for the 20th Assembly included developing this legislation. The primary goal of SCAN legislation is to improve community safety by targeting properties where illegal activities are taking place, rather than focusing solely on the individuals involved. It is designed to empower residents across the NWT by allowing them to report problem residences endangering their community.

SCAN legislation will provide civil mechanisms to stop illegal activities that occur habitually at residential rental properties ("rental premises" as defined in the *Residential Tenancies Act*) and negatively affect the safety of the community and the wellbeing of residents. The proposed Bill is based, in part, on current best practices from other jurisdictions like Yukon with shared Northern circumstances, or like Saskatchewan with specific elements that work in the NWT context and scale. The Bill proposes a unique, made-in-the-NWT SCAN system.

1. What the Act does

Building on complaints from local people (see 3 below), the Act provides a new way to deal with rental premises where people are continually disturbing or endangering their neighbours with illegal activities like drug dealing. This may involve partnership with governments, agencies and neighbourhood organizations to promote the development of safe and peaceful communities,

The Act empowers a new SCAN team to carry out responsibilities including:

- initiating its own complaint,
- investigating any complaint received,
- sending or posting a community safety warning,
- resolving the complaint by agreement or informal action,
- applying to a Rental Officer for a Community Safety Order,
- dismissing an unfounded or frivolous complaint,
- providing general information and assistance to landlords. A landlord may make a complaint to the SCAN team or may make an application to a Rental Officer under the *Residential Tenancies Act*.

Where required for public or investigator safety, RCMP will be called upon to assist.

2. Definitions

The Act defines new statutory positions of "Director", "Investigator" and "Contract Investigator".

The Act describes the specific illegal activities (referred to in the Act as "specified use activities") at rental premises that can form the basis of a SCAN complaint, some of which include:

- use, consumption, selling, manufacturing, etc., of liquor, cannabis, intoxicating or controlled substances in contravention of applicable territorial or federal legislation;
- sexual abuse or exploitation of a child or related activities;

- obtaining of sexual services or related activities;
- committing or promoting a criminal organization offence;
- accommodation, aid or support to a gang or criminal organization.

3. Confidential complaints

The Act allows for persons to make a SCAN complaint, and for SCAN investigations to be conducted regarding:

- any illegal activities at a rental premises that occur habitually and adversely affect the community or neighborhood, or
- activities at a rental premises that create a serious and immediate threat to the health, safety or security of residents.

The Act requires that all complaints be kept strictly confidential. The identity of the complainant is not revealed, and the complainant is not required to be involved in any investigative or other proceedings that may follow from their complaint.

4. Orders by the Rental Officer

A Rental Officer can only issue a Community Safety Order that meets the SCAN-specific criteria above.

When the SCAN team applies for an order to a Rental Officer, the application must be served on the other parties (tenant, landlord). The factual allegations in the application are the results of the SCAN investigation, which may be different from the facts in the original complaint.

Where an application for a Community Safety Order must be heard on an urgent basis, the Act allows the Rental Officer to shorten the timelines for service within the *Residential Tenancy Act* timelines, subject to any procedural fairness owed to the parties.

The Act sets out the remedies that a Rental Officer may include in a Community Safety Order such as to:

- prohibit any tenant or other resident from contributing to or permitting the illegal activities,
- require the tenant or other resident to vacate the premises,
- terminate the tenancy agreement,
- prohibit the tenant or other resident from re-entering or re-occupying the premises.

Where a Community Safety Order is in place that terminates a tenancy agreement, either the landlord or the Director may apply for a separate order evicting the tenant, if required.

5. Protection of vulnerable persons

The Act requires that before making a Community Safety Order, a Rental Officer must consider:

- whether there are any residents who did not cause or contribute to the illegal activities,
- whether there are children residing in the rental premises.

After an order has been made for a resident to vacate rental premises, the Director must determine whether the resident has alternative accommodation, and if not, the Director must help in finding alternative accommodation that they think is reasonable. If the resident caused or contributed to the illegal activities, the Director may help but is not required to do so.

The Director must, without delay, notify Child and Family Services if there are children in premises under a SCAN investigation or application, and the Director believes that the health, safety or security of the children is at risk.



6. Appeal options

As a first option, a resident or the Director may **apply for an order to be varied or set aside**. If the resident applies, the Rental Officer must consider whether the resident caused or contributed to the illegal activities, whether the activities have ceased, and whether the resident or their household will suffer excessive hardship if the order is not varied or set aside.

Consistent with the *Residential Tenancies Act*, the SCAN Act sets a 14-day timeline to **appeal** a SCAN order to a Judge of the Supreme Court of the NWT.

7. Offences

The Act establishes that any contravention of the Act or future regulations constitutes an offence with fines and/or imprisonment according to whether the offence is a first offence and whether it was committed by an individual or a corporation. Fines range from \$5,000 to \$50,000, and imprisonment (individuals only) is for a maximum of one year.

8. Protected information and records

In line with other legislation, the Act allows for the mutual sharing of specific information and records with RCMP, public bodies, local governments (including Indigenous governments and organizations) and others.

The Act requires that any information gathered from, and records created through, investigation must be kept confidential except

- to make an application for an order or an appeal under the Act,
- to prosecute an offence under the *Criminal Code* or another federal or territorial Act, or
- for the purposes of an application/proceeding under the *Civil Forfeiture Act* (see separate public safety Bill 45, *Civil Forfeiture Act*).

9. Accountability

The legislation requires an annual report to be prepared and submitted to the Minister for tabling in the Legislative Assembly and lists the specific information that should be included in the report.

For additional information or questions, contact:

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