



Government Response

Property Rights Task Force Report



INTRODUCTION

The advice of Albertans received by the Property Rights Task Force is an invaluable contribution to the future of our province in the face of growth pressures and development. We have been given an opportunity to reinforce how important property rights are to Albertans and how they would like their property rights respected.

Alberta has taken several critical steps over the past few years to ensure it has planning processes in place to accommodate growth. The demands on our land resources are coming from all angles: oil and gas, forestry and mining, agriculture and recreation, housing and infrastructure are all in competition to use the land. We have responded with measures to ensure orderly development and planning, conservation of critical resources and protections for the land itself. What some Albertans did not see enough of in that work, however, was assurance that their individual interests were as protected as other interests.

PROGRESS TO DATE

We've already started to respond to Albertans' concerns about property rights and the pressures of growth.

On May 10, 2011, the Government of Alberta passed amendments to the *Alberta Land Stewardship Act* – to plan for the future needs of Albertans and manage growth, while respecting existing property rights. The amended *Alberta Land Stewardship Act* made a clear statement that government must respect the property and other rights of individuals. Importantly, it added that the law is to respect all existing appeal provisions in Alberta legislation and must not limit any existing rights to compensation.

The Government of Alberta also made amendments to the *Land Assembly Project Area Act* (LAPAA). Changes under this Act will ensure that landowners will receive all applicable compensation from the moment their land is designated as part of a project and they will be able to trigger that process when the timing makes sense for them.

In response to concerns about the Electric Statutes Amendment Act, the Alberta Utilities Commission suspended its review process and suspended hearings for two critical transmission projects before it. This was at the request of the Alberta government to allow the government to consider its overall approach to critical transmission infrastructure.

Further, the Alberta government announced the appointment of an independent panel of experts to review plans for the two high-voltage transmission lines between the Edmonton and Calgary regions and make recommendations to government considering previously received landowner feedback and consulting with specifically identified organizations representing landowners, electricity producers, and large and small consumers. The recommendations of that review are now under consideration of the Government.

THE PROPERTY RIGHTS TASK FORCE CONSULTATION

Albertans asked for an additional awareness of property rights. They have asked government for active consultation on plans to accommodate growth, for appropriate compensation where impacts are unavoidable and for full access to the courts and a stronger position in dealing with potential encroachments on their property.

Active Consultation

- We will take steps to improve engagement of Albertans in consultations regarding property rights. It is our Premier's view that we need to be more engaged with Albertans on new legislative initiatives. The Government of Alberta will review its engagement policies and procedures and make changes to ensure they are meaningful and responsive to the needs of Albertans. On legislation regarding property rights we will be more consistent, predictable and timely in our consultations, clearly stating the objective of all engagement activities and identifying what decisions are on the table.
- Specific to aged industrial infrastructure impacts on land, the Government will undertake a comprehensive review of the requirements for industry to reclaim, remediate land and remove unused infrastructure. This will include examination of the standards and guidelines which regulatory bodies use to apply those requirements.

Appropriate Compensation

- Government will review the Expropriation Act and the Surface Rights Act respectively, to consider ways and means to strengthen those acts relative property rights. This will also include the compensation guidelines applied by the Surface Rights Board and the Land Compensation Board, with the intention to both strengthen their processes and their enforcement powers.

Access to the Courts and Representation

- Landowners must have recourse to an independent tribunal, the courts or both for the purpose of determining full and fair compensation.
- The Government of Alberta will create a Property Rights Advocate Office. The office will help people determine the appropriate resolution mechanism - including the courts.
- The functions of the Property Rights Advocate Office will be to disseminate independent and impartial information about property rights to landowners, including information about the right to compensation where land is expropriated or where an owner claims to have suffered a compensable loss. This ensures that the Advocate can act beyond what is described as a loss, infringement or encroachment in the Expropriation Act.
- The Advocate will table annual reports.

CONCLUSION

Albertans expect their government to create grounds for prosperity and balance the impacts on individuals. Albertans also made it clear that government had to protect core values when making decisions in the public interest. We are indebted to the Albertans who made the effort to contribute to this review of land and property rights and help us establish the path forward. We appreciate the thoughtful, heartfelt and thorough feedback. Please visit www.propertyrights.alberta.ca and continue this work.

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