

Standing Committee on Alberta's Economic Future

Final Report – Review of the *Property Rights Advocate Office 2019-2021 Annual Report*

Thirtieth Legislature
Fourth Session
January 2023



Standing Committee on Alberta's Economic Future

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STANDING COMMITTEE ON ALBERTA'S ECONOMIC FUTURE

January 2023

**To the Honourable Nathan Cooper
Speaker of the Legislative Assembly
of the Province of Alberta**

I have the honour of submitting, on behalf of the Standing Committee on Alberta's Economic Future, its final report in respect of its review of the *Property Rights Advocate Office 2019-2021 Annual Report*, pursuant to Government Motion 19 (agreed to by the Assembly on December 14, 2022).

Sincerely,

[original signed]

Glenn van Dijken, MLA
Chair, Standing Committee
on Alberta's Economic Future

Table of Contents

MEMBERS OF THE STANDING COMMITTEE ON ALBERTA'S ECONOMIC FUTURE ii

1.0 INTRODUCTION..... 1

2.0 COMMITTEE ACTIVITIES 1

3.0 RECOMMENDATIONS OF THE STANDING COMMITTEE ON ALBERTA'S ECONOMIC FUTURE ..2

**MEMBERS OF THE STANDING COMMITTEE ON ALBERTA'S ECONOMIC FUTURE
30th Legislature, Fourth Session**

Glenn van Dijken, MLA
Chair
Athabasca-Barrhead-Westlock (UC)

Nicole Goehring, MLA
Deputy Chair
Edmonton-Castle Downs (NDP)

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Grande Prairie (UC)

Hon. Richard Feehan, MLA
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Hon. Ric Mclver, MLA
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Drew Barnes, MLA
Cypress-Medicine Hat (IND)

Garth Rowswell, MLA
Vermilion-Lloydminster-Wainwright
(UC)

Hon. Deron Bilous, MLA
Edmonton-Beverly-Clareview (NDP)

Jason Stephan, MLA
Red Deer-South (UC)

Jon Carson, MLA
Edmonton-West Henday (NDP)

Jordan Walker, MLA
Sherwood Park (UC)

Substitutions Pursuant to Standing Order 56(2.1-2.4):

Hon. Leela Aheer, MLA*
Chestermere-Strathmore (UC)

Pat Rehn, MLA†
Lesser Slave Lake (UC)

Searle Turton, MLA‡
Spruce Grove-Stony Plain (UC)

* Substitution for Drew Barnes on January 10, 2023

† Substitution for Hon. Tracy Allard on January 10, 2023

‡ Substitution for Jordan Walker on January 10, 2023

1.0 INTRODUCTION

The Property Rights Advocate (the “Advocate”) is appointed under section 3 of the *Property Rights Advocate Act*, S.A. 2012, c. P-26.5, (the “Act”) as part of the Department of Agriculture and Irrigation. Pursuant to section 3(4) of the Act the functions of the Property Rights Advocate Office are:

- (a) to disseminate independent and impartial information about property rights to the public, including
 - (i) information to landowners about the right to compensation where land is expropriated or where landowners claim to have suffered a compensable taking, and about the procedure for any claim to compensation, and
 - (ii) information about proposed legislation and its likely effect on property rights;
- (b) to assist persons in determining the appropriate resolution mechanism, including the courts, through which they can have their property rights concerns addressed, including by directing them to appropriate resources that may be able to assist them;
- (c) to assist expropriating authorities or persons or entities that may be involved in a compensable taking in matters relating to expropriation, compensable taking and other matters related to property rights;
- (d) to review complaints under section 4;
- (e) to perform any other functions that are set out in the regulations.

Section 5 of the Act provides that the Advocate must report annually to the Speaker of the Legislative Assembly with respect to the work of the Property Rights Advocate Office. The report shall summarize the “activities of the Property Rights Advocate Office in that year” and make “any recommendations relating to property rights that the Property Rights Advocate considers appropriate.”

The Speaker of the Legislative Assembly must table each annual report in the Assembly as soon as practicable. In accordance with section 5(4) of the Act, once tabled, the Government must move a motion to refer the report to a committee of the Legislative Assembly. Pursuant to section 5(5) of the Act the committee undertaking the review “must report back to the Assembly within 60 days of the report being referred to it if it is then sitting or, if it is not sitting, within 15 days after the commencement of the next sitting.”

On December 14, 2022, the Assembly agreed to Government Motion 19, which referred the *Property Rights Advocate Office 2019-2021 Annual Report* to the Standing Committee on Alberta’s Economic Future for review.

2.0 COMMITTEE ACTIVITIES

The Committee met to conduct its review on January 10, 2023. At that meeting Peter J. Dobbie, KC, the Property Rights Advocate made a presentation to the Committee on the *Property Rights Advocate Office 2019-2021 Annual Report*.

The Committee posed questions about the Advocate’s annual report and related matters, including the functioning of the Property Rights Advocate Office with the passage of Bill 3, *Property Rights Statutes Amendment Act, 2022*, which abolished adverse possession; the impact of the merger of the Farmers’ Advocate Office and the Property Rights Advocate Office; agricultural lease lands; relationships between

the Property Rights Advocate Office and First Nations; mineral rights; the format of the Annual Report; and unimpeded access to leased land.

3.0 RECOMMENDATIONS OF THE STANDING COMMITTEE ON ALBERTA'S ECONOMIC FUTURE

At its meeting on January 10, 2023, the Committee expressed its appreciation for the work of the Advocate. The Committee made no recommendations with respect to the *Property Rights Advocate Office 2019-2021 Annual Report* and concluded its review through the following motion:

the Standing Committee on Alberta's Economic Future direct the Committee Clerk to prepare a draft report to the Legislative Assembly in relation to the Committee's review of the Property Rights Advocate Office 2019-2021 Annual Report, to be approved by the Chair and Deputy Chair, after its distribution to committee members.