

Select Special Committee on Real Property Rights

Final Report

Thirtieth Legislature
Third Session
June 2022



COMMITTEES
OF THE LEGISLATIVE ASSEMBLY

Select Special Committee on Real Property Rights

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SELECT SPECIAL COMMITTEE ON REAL PROPERTY RIGHTS

June 2022

**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 Select Special Committee on Real Property Rights, the Committee's final report for consideration by the Legislative Assembly of Alberta.

Sincerely,

[original signed]

R.J. Sigurdson, MLA
Chair, Select Special Committee
on Real Property Rights

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**MEMBERS OF THE SELECT SPECIAL COMMITTEE ON REAL PROPERTY RIGHTS
30th Legislature, Third Session**

R.J. Sigurdson, MLA
Chair
Highwood (UC)

Brad Rutherford, MLA
Deputy Chair
Leduc-Beaumont (UC)

Michaela L. Frey, MLA
Brooks-Medicine Hat (UC)

Hon. Ronald Orr, MLA[§]
Lacombe-Ponoka (UC)

Hon. Kathleen T. Ganley, MLA
Calgary-Mountain View (NDP)

Garth Rowsell, MLA^{**}
Vermilion-Lloydminster-Wainwright (UC)

Laila Goodridge, MLA^{*}
Fort McMurray-Lac La Biche (UC)

Hon. Marlin Schmidt, MLA
Edmonton-Gold Bar (NDP)

David B. Hanson, MLA[†]
Bonnyville-Cold Lake-St. Paul (UC)

Heather Sweet, MLA
Edmonton-Manning (NDP)

Nicholas Milliken, MLA[‡]
Calgary-Currie (UC)

Glenn van Dijken, MLA^{††}
Athabasca-Barrhead-Westlock (UC)

Christian E. Nielsen, MLA
Edmonton-Decore (NDP)

Tany Yao, MLA^{‡‡}
Fort McMurray-Wood Buffalo (UC)

^{*} Committee member until August 15, 2021

[†] Acting Chair on March 25, 2022, and substitute for R.J. Sigurdson

[‡] Acting Deputy Chair on June 24, 2021

[§] Committee Member until October 25, 2021

^{**} Acting Deputy Chair on August 9, 2021

^{††} Committee member from October 25, 2021; substitute for Brad Rutherford on June 24, 2021; and substitute for Hon. Ronald Orr on October 20, 2021

^{‡‡} Committee member from October 25, 2021, and substitute for David Hanson on September 10, 2021

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

Hon. Tracy L. Allard, MLA*
Grande Prairie (UC)

Mickey K. Amery, MLA†
Calgary-Cross (UC)

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

Lorne Dach, MLA§
Edmonton-McClung (NDP)

Jasvir Deol, MLA**
Edmonton-Meadows (NDP)

Shane C. Getson, MLA††
Lac Ste. Anne-Parkland (UC)

Nathan T. Neudorf, MLA##
Lethbridge-East (UC)

Angela D. Pitt, MLA§§
Airdrie-East (UC)

Roger W. Reid, MLA***
Livingstone-Macleod (UC)

Marie F. Renaud, MLA†††
St. Albert (NDP)

Hon. Irfan Sabir, MLA###
Calgary-McCall (NDP)

Jason Stephan, MLA§§§
Red Deer-South (UC)

Members also in Attendance:

Drew Barnes, MLA****
Cypress-Medicine Hat (Ind)

Hon. Grant R. Hunter, MLA††††
Taber-Warner (UC)

Todd Loewen, MLA####
Central Peace-Notley (Ind)

Martin M. Long, MLA§§§§
West Yellowhead (UC)

Mark W. Smith, MLA*****
Drayton Valley-Devon (UC)

* Substitute for Hon. Ronald Orr on August 9, 2021

† Substitute for Laila Goodridge on August 9, 2021

‡ Substitute for Hon. Kathleen Ganley on August 9, 2021

§ Substitute for Hon. Kathleen Ganley on October 20, 2021, and for Heather Sweet on May 26, 2022

** Substitute for Hon. Marlin Schmidt on October 20, 2021

†† Substitute for Michaela Frey on March 25, 2022

Substitute for R.J. Sigurdson on August 9, 2021, and for Michaela Frey on May 26, 2022

§§ Substitute for Nicholas Milliken on August 9, 2021

*** Substitute for Laila Goodridge on July 8, 2021

††† Substitute for Heather Sweet on August 9, 2021

Substitute for Hon. Marlin Schmidt on August 9, 2021

§§§ Substitute for Glenn van Dijken on February 11, 2022

**** April 12, 2022, in Medicine Hat

†††† April 12, 2022, in Medicine Hat

October 20, 2021, and May 26, 2022

§§§§ March 25, 2022, in Edson

***** February 11, 2022

1.0 EXECUTIVE SUMMARY

At the start of its deliberations on May 26, 2022, the Committee expressed gratitude for the information it received from members of the public at public engagement meetings in Edmonton, Edson, St. Paul, Medicine Hat, Fort Macleod, Hanna, and Eckville in February, March, and April 2022. At these meetings the Committee received oral presentations from 62 people. The Committee noted that on several occasions individuals across the province voiced concerns related to surface rights issues. Based on its consultations, the Committee felt it necessary to include the *Surface Rights Act*, R.S.A. 2000 c. S-24 in the scope of the Committee's review for the purposes of its deliberations to ensure the completeness of its review.

During its deliberations on May 26, 2022, the Select Special Committee on Real Property Rights made the following recommendations pertaining to its mandate.

1. That the *Surface Rights Act* be amended to
 - (a) reduce the burden of legal costs incurred by an owner or occupier who appeals a compensation order or requests a review of a rate of compensation,
 - (b) establish an arbitration process in respect of disputes arising between an owner or occupier and an operator, and
 - (c) establish rules or a process that reduces the legal costs incurred by an owner or occupier who appeals a decision of the Land and Property Rights Tribunal to the Court of Queen's Bench.
2. That
 - (a) the Government review the average period of time the Land and Property Rights Tribunal requires to resolve a matter referred to it under the *Surface Rights Act*, and
 - (b) the *Surface Rights Act* be amended to enable the Lieutenant Governor in Council to prescribe timelines within which the Land and Property Rights Tribunal must resolve disputes brought before it.
3. That the Ministry of Justice and Solicitor General
 - (a) identify the textual changes to the Constitution of Canada that would be required to constitutionally entrench the protection of an individual's rights in respect of real property located in Alberta,
 - (b) identify the process and associated steps that would be taken to effect the changes identified in clause (a), and
 - (c) report its findings to the Legislative Assembly by July 15, 2023.
4. That the Government adopt the recommendations of the Alberta Law Reform Institute set out in its final report on Adverse Possession and Lasting Improvements to Wrong Land dated April 2020, summarized generally as follows:
 - (a) that the *Land Titles Act* be amended to abolish any future claims of adverse possession;

- (b) that the *Law of Property Act* be amended to provide that an assign does not have to prove the belief of the person who made an improvement; and
 - (c) that the *Limitations Act* be amended to provide for the following:

 - (i) no limitation period for a claim to recover possession of real property;
 - (ii) no limitation period for a claim respecting lasting improvements under the *Law of Property Act*; and
 - (iii) the continuation of the 10-year limitation period for a claim to recover possession of real property in respect of a claim based on adverse possession that commences before adverse possession is abolished.
5. That the Government examine its compensation process in respect of the expropriation of real property, specifically with respect to determining the fair market value of that property.
6. That the Government develop a comprehensive compensation structure by which owners of real property are compensated if regulatory changes result in the removal of reasonable uses of real property.

2.0 COMMITTEE MANDATE

On March 22, 2021, the Legislative Assembly passed Government Motion 69, which established the Select Special Committee on Real Property Rights (the “Committee”) and established its mandate.

Government Motion 69 states:

1. A Select Special Committee on Real Property Rights be established and consist of the following members: Mr. Sigurdson, Chair; Mr. Rutherford, Deputy Chair; Ms Ganley; Ms Glasgo; Ms Goodridge; Mr. Hanson; Mr. Milliken; Mr. Nielsen; Mr. Orr; Mr. Rowswell; Mr. Schmidt; and Ms Sweet.
2. The Committee’s mandate is limited to consideration of the following matters:
 - (a) whether the legal remedies available to a real property owner who is deprived of the use of their real property are adequate;
 - (b) whether the real property rights should be expanded, or in the case of an individual, constitutionally protected;
 - (c) whether the law of adverse possession should be abolished;
 - (d) whether the expropriation processes provided under the *Expropriation Act* are adequate;
 - (e) any other matter that the Committee decides is necessary to ensure the completeness of its review;
3. The Committee may, if it considers it relevant to its mandate, review any part of the following Acts, including any regulation made under that Act:
 - (a) *Alberta Bill of Rights*;
 - (b) *Alberta Land Stewardship Act*;
 - (c) *Expropriation Act*;
 - (d) *Land Titles Act*;
 - (e) *Law of Property Act*;
 - (f) *Limitations Act*;
 - (g) *Responsible Energy Development Act*;
 - (h) any other Act, a review of which the Committee determines is necessary to ensure completeness of its review;
4. During the course of its review, the Committee
 - (a) continues despite a prorogation of a Session of the 30th Legislature, and
 - (b) may, without leave of the Assembly, meet during a period when the Assembly is prorogued;
5. The Committee may, subject to the Chair’s approval, pay any reasonable costs necessary for the effective conduct of its responsibilities, specifically the costs of advertising, staff assistance, equipment and supplies, rent, travel, and other similar costs;
6. The Committee may, during the course of its review, utilize the services of any of the following:
 - (a) Legislative Assembly Office employees, or
 - (b) subject to the approval of the head of a department or an office of the Legislature, the public service employees of that department or office;
7. No later than December 15, 2021, the Committee must submit a report to the Assembly that sets out its recommendations, if any;
8. If the Assembly is not sitting on the day that the Committee completes its report, the Chair of the Committee must, as soon as practicable
 - (a) deposit the report with the Clerk in accordance with Standing Order 38.1, and
 - (b) provide a copy of the report to each Member of the Legislative Assembly.

On October 28, 2020, Bill 206, *Property Rights Statutes Amendment Act, 2020*, was introduced, received first reading, and was referred to the Standing Committee on Private Bills and Private Members' Public Bills.

Pursuant to Standing Order 74.2 the Standing Committee on Private Bills and Private Members' Public Bills recommended that Bill 206, *Property Rights Statutes Amendment Act, 2020*, proceed. On November 18, 2020, Bill 206 was reported to the Assembly.

On April 12, 2021, Bill 206, *Property Rights Statutes Amendment Act, 2020*, was referred to the Select Special Committee on Real Property Rights in accordance with Standing Order 78.1. However, Bill 206 was removed from the Order Paper when the second session of the Legislature was prorogued on February 21, 2022.

The Committee began its work on May 17, 2021.

On November 24, 2021, the Legislative Assembly agreed to Government Motion 106 to

extend the deadline by which the Select Special Real Property Rights Committee must submit its report to the Assembly in accordance with clause 7 of Government Motion 69 from December 15, 2021, to June 15, 2022.

On May 24, 2022, the Legislative Assembly agreed to Government Motion 28 to

extend the deadline by which the Select Special Real Property Rights Committee must submit its report to the Assembly from June 15, 2022, as set under Government Motion 106 of the Second Session, to June 30, 2022.

3.0 INTRODUCTION

This report is the result of the deliberations by the Select Special Committee on Real Property Rights, which occurred on May 26, 2022. It contains recommendations that were agreed to during the Committee's deliberations. For a complete record of the Committee's deliberations, please consult the transcripts of the Committee's meetings, which are posted online at assembly.ab.ca.

4.0 ACKNOWLEDGEMENTS

The Committee wishes to acknowledge the contributions of the individuals and organizations who provided written submissions and/or appeared before the Committee.

The Committee also wishes to acknowledge the assistance of technical support staff and Legislative Assembly Office support staff.

Technical Support Staff

Ministry of Justice and Solicitor General

Ms Kelly Hillier, Barrister and Solicitor

Ms Lisa Tchir, Assistant Deputy Minister, Legal Services Division

Farmers' Advocate Office and Property Rights Advocate Office

Mr. Peter Dobbie, QC, Farmers' Advocate and Property Rights Advocate

Legislative Assembly Office Support Staff

Ms Shannon Dean, QC, Clerk

Ms Teri Cherkewich, Law Clerk

Mr. Trafton Koenig, Senior Parliamentary Counsel

Ms Vani Govindarajan, Parliamentary Counsel

Dr. Philip Massolin, Clerk Assistant and Director of House Services

Ms Nancy Robert, Clerk of Journals and Committees

Dr. Sarah Amato, Research Officer

Dr. Melanie Niemi-Bohun, Research Officer

Mr. Warren Huffman, Committee Clerk

Ms Jody Rempel, Committee Clerk

Mr. Aaron Roth, Committee Clerk

Ms Rhonda Sorensen, Manager of Corporate Communications

Ms Janet Laurie, Supervisor of Corporate Communications

Ms Jeanette Dotimas, Communications Consultant

Mr. Michael Nguyen, Communications Consultant

Ms Tracey Sales, Communications Consultant

Ms Janet Schwegel, Director of Parliamentary Programs

Ms Amanda LeBlanc, Deputy Editor of *Alberta Hansard*

Hansard staff

Security staff

5.0 COMMITTEE ACTIVITIES

The Select Special Committee on Real Property Rights met on May 17, May 31, June 24, July 8, August 9, September 10, October 20, and December 21, 2021, and February 11, February 16, March 25, April 1, April 12, April 13, April 14, and May 26, 2022.

During its meetings on May 17 and May 31, 2021, the Committee determined the scope of its review.

At its meeting on June 24, 2021, the Committee received technical briefings from officials from the Ministry of Energy, Ministry of Agriculture and Forestry, offices of the Farmers' Advocate and Property Rights Advocate, Land Use Secretariat, Ministry of Transportation, Ministry of Municipal Affairs, Ministry of Transportation, Ministry of Service Alberta, Ministry of Justice and Solicitor General, and the Ministry of Indigenous Relations.

The Committee contacted First Nations and Métis settlements across Alberta about hosting the Committee. Some groups expressed interest in the process; however, no meetings occurred. The Committee invited written submissions from stakeholders and received 10 submissions. At its meeting on September 10, 2021, the Committee heard oral presentations from eight invited stakeholders. The Committee solicited written submissions from the public with a deadline of October 15, 2021, and received 28 submissions.

On October 20, 2021, the Committee decided to request of the Legislative Assembly that the terms of reference for the Committee as set out in Government Motion 69 be amended to grant an extension of the time by which the Committee must complete its review.

On November 24, 2021, the Legislative Assembly agreed to Government Motion 106 to extend the deadline by which the Select Special Real Property Rights Committee must submit its report to the Assembly in accordance with clause 7 of Government Motion 69 from December 15, 2021, to June 15, 2022.

On February 16, 2022, the Committee held a virtual public meeting in Edmonton at which it heard presentations from members of the public. On March 25, 2022, the Committee held a public meeting in Edson. On April 1, 2022, the Committee held a public meeting in St. Paul. On April 12, 2022, the Committee held public meetings in Medicine Hat and Fort Macleod. On April 13, 2022, the Committee held a public meeting in Hanna. On April 14, 2022, the Committee held a public meeting in Eckville. At these meetings the Committee received oral presentations from 62 people.

The Committee met on May 26, 2022, to deliberate on the issues and proposals arising from the written submissions and oral presentations it had received. Peter Dobbie, Farmers' Advocate and Property Rights Advocate, attended the meeting and supported the Committee by providing technical expertise.

This report is the result of the Committee's deliberations and contains the Committee's recommendations.

6.0 COMMITTEE RECOMMENDATIONS

At the start of its deliberations the Committee expressed gratitude for the information it received from members of the public at public engagement meetings in Edmonton, Edson, St. Paul, Medicine Hat, Fort Macleod, Hanna, and Eckville in February, March, and April 2022. The Committee noted that many individuals across the province voiced concerns related to surface rights issues. The Committee therefore felt it necessary to include the *Surface Rights Act*, R.S.A. 2000 c. S-24 in the scope of the Committee's review for the purposes of its deliberations in order to ensure the completeness of its review.

6.1 Amendments to the *Surface Rights Act*

During its consultations at public meetings the Committee heard that many Albertans do “not feel as though they had adequate legal remedies available to them when they were deprived of use of their property or land” during interactions with utility, oil, and gas companies. At the St. Paul public meeting, in particular, farmers and property owners raised concerns related to hearing timelines, notice of hearings and processes, and costs associated with pursuing any legal action. The Committee heard members of the public express frustration regarding the extent to which utility, oil, and gas companies are able to easily pay lawyers and keep lawyers on retainer in the event of a drawn-out legal dispute. In response, the Committee asserted that a streamlined process may help landowners navigate legal disputes and the associated costs.

The Committee therefore recommends

1. That the *Surface Rights Act* be amended to

- (a) reduce the burden of legal costs incurred by an owner or occupier who appeals a compensation order or requests a review of a rate of compensation,
- (b) establish an arbitration process in respect of disputes arising between an owner or occupier and an operator, and
- (c) establish rules or a process that reduces the legal costs incurred by an owner or occupier who appeals a decision of the Land and Property Rights Tribunal to the Court of Queen's Bench.

6.2 Timelines for the Land and Property Rights Tribunal to Resolve Disputes Related to the *Surface Rights Act*

During its deliberations the Committee referred to concerns it heard from members of the public regarding delays in dispute resolution processes undertaken by the Land and Property Rights Tribunal in relation to the *Surface Rights Act*. In response, the Committee advocates for a review of how much time the process takes in order to make the Tribunal's work more efficient and also for the Lieutenant Governor in Council to prescribe a timeline within which the Land and Property Rights Tribunal must resolve disputes brought before it.

The Committee recognized that the Land and Property Rights Tribunal is a relatively new entity, established almost a year ago, and that with its establishment the Government has attempted to reduce the backlog of cases referred to its predecessor, the Surface Rights Board. With this recommendation the Committee is seeking to establish expectations regarding reasonable timelines for dispute resolution going forward.

The Committee therefore recommends

2. That

- (a) the Government review the average period of time the Land and Property Rights Tribunal requires to resolve a matter referred to it under the *Surface Rights Act*, and**
- (b) the *Surface Rights Act* be amended to enable the Lieutenant Governor in Council to prescribe timelines within which the Land and Property Rights Tribunal must resolve disputes brought before it.**

6.3 Identification of Changes to the Constitution of Canada That Would Be Required to Entrench the Protection of Individual Rights in Respect of Real Property in Alberta

During its deliberations the Committee referred to the many recommendations it received during its public consultations from individuals who would like to have their real property rights in Alberta better protected and enshrined in the Constitution of Canada.

The Committee therefore recommends

3. That the Ministry of Justice and Solicitor General

- (a) identify the textual changes to the Constitution of Canada that would be required to constitutionally entrench the protection of an individual's rights in respect of real property located in Alberta,**
- (b) identify the process and associated steps that would be taken to effect the changes identified in clause (a), and**
- (c) report its findings to the Legislative Assembly by July 15, 2023.**

6.4 Recommendations of the Alberta Law Reform Institute on Adverse Possession

During its deliberations the Committee acknowledged the many oral presentations it heard regarding adverse possession and the requests it received for the abolishment of “squatters’ rights.” The Committee also endorsed the recommendations of the Alberta Law Reform Institute, which was tasked with reviewing the law of adverse possession. The Committee emphasized that many presenters at its public meetings advocated abolishing adverse possession and that doing so is “common sense.”

The Committee therefore recommends

- 4. That the Government adopt the recommendations of the Alberta Law Reform Institute set out in its final report on Adverse Possession and Lasting Improvements to Wrong Land, dated April 2020, summarized generally as follows:**
 - (a) that the *Land Titles Act* be amended to abolish any future claims of adverse possession;**
 - (b) that the *Law of Property Act* be amended to provide that an assign does not have to prove the belief of the person who made an improvement; and**
 - (c) that the *Limitations Act* be amended to provide for the following:**
 - (i) no limitation period for a claim to recover possession of real property;**
 - (ii) no limitation period for a claim respecting lasting improvements under the *Law of Property Act*; and**
 - (iii) the continuation of the 10-year limitation period for a claim to recover possession of real property in respect of a claim based on adverse possession that commences before adverse possession is abolished.**

6.5 Examining Compensation Processes to Determine Fair Market Value

The Committee noted concerns raised at public meetings related to compensation awarded for expropriations of land generally, and especially for the purposes of building electricity infrastructure. The Committee referred to the St. Paul public meeting, in particular, during which landowners expressed longstanding frustration with the compensation process, “They often felt bowled over by these utility companies, and . . . scared it’s going to happen again with wind turbines.” The view was expressed that compensation processes ought to be re-examined in order to determine fair market value, especially in light of future wind turbine projects that are projected to occur in the St. Paul area.

The Committee therefore recommends

- 5. That the Government examine its compensation process in respect of the expropriation of real property, specifically with respect to determining the fair market value of that property.**

6.6 Developing a Comprehensive Compensation Structure for Owners of Real Property

During its deliberations the Committee acknowledged concerns expressed at public meetings related to changes in the value of property after expropriation. Individuals appearing before the Committee described situations where they had “bought land under the zoning that was there at the time to build their retirement home and then it changed” after the expropriation. These individuals sought compensation “because the value has been affected” and this could be “devastating financially.” The Committee expressed the view that Government needs to deal with these “regulatory issues that create problems for people.”

The Committee therefore recommends

- 6. That the Government develop a comprehensive compensation structure by which owners of real property are compensated if regulatory changes result in the removal of reasonable uses of real property.**

APPENDICES

Appendix A: Written Submissions from Invited Stakeholders

Individual	Organization
Ted Morton	--
Bill Trafford	Livingstone Landowners Group
Lee Cutforth, QC	--
Paul McLauchlin	Rural Municipalities of Alberta
Sandra Petersson	Alberta Law Reform Institute
Laura Laing John Smith	Plateau Cattle Company
Daryl Bennett and Ron Huvenaars	Action Surface Rights Association
Graham Gilchrist	--
Tim McMillan	Canadian Association of Petroleum Producers
Mark Dorin	--

Appendix B: Oral Presentations from Invited Stakeholders on September 10, 2021

Individual	Organization
Ted Morton	--
Paul McLauchlin	Rural Municipalities of Alberta
Stella Varis Sandra Petersson	Alberta Law Reform Institute
Daryl Bennett Ron Huvenaars	Action Surface Rights Association
Graham Gilchrist	--
Tim McMillan	Canadian Association of Petroleum Producers
Mark Dorin	Stakeholder
Peter J. Dobbie, QC	Office of the Farmers' Advocate

Appendix C: Written Submissions Received by October 15, 2021

Individual	Organization
Harry Hodgson	--
Gayle A. Langford	--
Jim Rathwell	--
Everett Altenhof	--
Ken Allred	--
John McIndoe	--
Gordon Miller	--
David Speirs	Freehold Owners Association
Duane Clayton	--
Patricia Usher	--
Cheryl McLatchy	--
Scott Fash	BILD Alberta
Suzanne Oel	Foothills County
Robert Shumborski	--
Graham Overguard	--
--	Western Stock Growers' Association
--	Alberta Grazing Leaseholders Association
Clay Chattaway	--
Ronda Reesor	--
Callum Sears	--
William and Nancy Newton	--
Rick Strankman	--
Karla Bergstrom	Alberta Canola Producers Commission
Norm Ward	--
Eileen McElroy	--
Vern Bretin	--
VaLinda Ivanics	--
Maureen Lyttle	--

Appendix D: Oral Presentations from Members of the Public at Public Meetings

Individual	Date
Maureen Lyttle	February 16, 2022
Daphne Nemeth	February 16, 2022
Paul Vasseur	February 16, 2022
Robert Shumborski	February 16, 2022
Dennis Woronuk	February 16, 2022
Steven Snider	February 16, 2022
Dave Bjorkman	February 16, 2022
Kaitlin Niksic	February 16, 2022
Hannah Konschuh	February 16, 2022
Rodvern Lowry	February 16, 2022
Tammy Broen	February 16, 2022
Ken Allred	February 16, 2022
Lindsye Murfin	February 16, 2022
Kelly Jensen	March 25, 2022
Dan Patten	March 25, 2022
Jim Toner	March 25, 2022
Claude Brousseau	April 1, 2022

Marie Jeanne Brousseau	April 1, 2022
Diane Dargis	April 1, 2022
Fernand Dargis	April 1, 2022
Lori Drolet	April 1, 2022
Edna Gervais	April 1, 2022
Dale Hedrick	April 1, 2022
Emilie Labrie	April 1, 2022
Christine Laramee	April 1, 2022
Gary Moses	April 1, 2022
Sheila Redcrow	April 1, 2022
Kyle Reszel	April 1, 2022
Joann Syson	April 1, 2022
Andrea Terletski	April 1, 2022
Mike Terletski	April 1, 2022
Jim Toews	April 1, 2022
Kevin Wirsta	April 1, 2022
Ross Ford	April 12, 2022
Ronald Huvenaars	April 12, 2022
Joyce Stuber	April 12, 2022
Robert Wanner	April 12, 2022
Ken Allred	April 12, 2022
Glen Alm	April 12, 2022
Joe Barongay	April 12, 2022
Daryl Bennett	April 12, 2022
Marcia Friesen	April 12, 2022
Allan Garbutt	April 12, 2022
Harry Hoffman	April 12, 2022
John McCanna	April 12, 2022
William Newton	April 12, 2022
Rosaline Petek	April 12, 2022
Maryanne V. Sandberg	April 12, 2022
Doug Thornton	April 12, 2022
Kris Bower	April 13, 2022
Marilyn Burns	April 13, 2022
Blaine Johnson	April 13, 2022
Damien Kurek	April 13, 2022
Curt McNaughton	April 13, 2022
Kathy McNiven	April 13, 2022
Rick Strankman	April 13, 2022
Jackie Watts	April 13, 2022
David Webster	April 13, 2022
Dale Christian	April 14, 2022
Lindsye Murfin	April 14, 2022
Curtis Reed	April 14, 2022
Dennis Roszell	April 14, 2022
Robert Schwartz	April 14, 2022
Robert Shumborski	April 14, 2022
Jody Young	April 14, 2022

Appendix E: Minority Report

Minority Report

Select Special Committee on Real Property Rights

Chris Nielsen, MLA
Edmonton - Decore

Heather Sweet, MLA
Edmonton – Manning

Kathleen Ganley, MLA
Calgary - Mountain View

Marlin Schmidt, MLA
Edmonton – Gold Bar

The following minority report represents the collective position of the four NDP MLAs on the Committee, representing Her Majesty's Loyal Opposition.

The Government established the Select Special Committee on Real Property Rights on March 22, 2021, by passing government motion 69. On November 24, 2021, the legislature extended the committee's deadline to report back to the legislature by agreeing to Government Motion 106. The committee received another extension on May 24, 2022, through Government Motion 28.

Motion 69 gave the committee a broad mandate addressing questions regarding property rights. Unfortunately, the mandate was incomplete, not addressing several key issues that historically have been very important to property rights owners in Alberta and excluding several key pieces of legislation that deal with the issues affecting property rights holders in Alberta.

We made multiple attempts to address this shortcoming. On several occasions, we tried to move motions to include the *Surface Rights Act*, as well as the *Water Act*, the *Responsible Energy Development Act*, the *Coal Conservation Act*, the *Oil and Gas Conservation Act*, the *Pipeline Act*, the *Alberta Land Stewardship Act*, the *Public Lands Modernization (Grazing Leases and Obsolete Provisions) Amendment Act*, the *Environmental Protection and Enhancement Act*, the *Irrigation Districts Act*, and the *Mines and Minerals Act* into the committee considerations.

This would have allowed the committee to deal more comprehensively with issues regarding surface rights, liabilities, or consultations of landowners.

Further, when asked in question period the Minister of Environment and Parks stated clearly that he expected the committee to deal with this issue. On Thursday, June 10, 2021, the Minister of Environment and Parks and Government House Leader, Jason Nixon, stated "[...] surface rights are one of the most important things that we need to talk about when it comes to property rights. Without a doubt, in this government's platform it is clear, changes that this government has proposed to bring forward to this Chamber when it deals with concerns around surface rights and other property rights issues. This is why we have a select committee working on that to bring the best legislation we can to this House. [...]"

Despite this, the UCP members on the committee did not support changes that would have reflected these priorities expressed by surface rights holders. Certainly, this led to the committee not being able

to address key issues affecting landowners across Alberta on matters where they are directly or indirectly affected.

The government also referred bill 206 to the committee. Bill 206 dealt with several issues that are dealt with in these acts such as notifications to landowners during the Alberta Energy Regulator consultation process.

In addition, several expert stakeholders that were invited by the committee to provide input raised concerns or provided suggestions that would be addressed in the acts mentioned above. Due to the refusal of UCP members to consider our suggested changes many of these are unfortunately unaddressed by the committee's recommendations.

This highlights that the UCP wasted this opportunity to talk about many key issues regarding property rights. Albertans would have been better served by a more comprehensive approach to key issues regarding property rights. Unfortunately, the UCP members were not interested in using this opportunity; instead of working cooperatively with our Caucus and ensuring the best outcomes for Albertans, they chose to act on a restricted mandate.