

Need to Protect Property Rights

Issue

Averaging 100,000 new residents per year with significant resource and utility development, Alberta is seeing increasing public interest pressures that directly and adversely impact the rights of existing businesses and landowners to use and enjoy their property.

Background

Government needs to have the authority and ability to make legislative decisions in favour of the public interest, but no one individual or business should unfairly shoulder the burden of those decisions. Individuals and businesses that are impacted by decisions made in the public interest deserve full, timely, and fair compensation for their losses.

Over-regulation at all levels of government, including municipal developments and permits, adversely impacts individuals and business by creating a maze of red tape, untimely delays, and added costs without effectively considering the impacts on individuals and businesses, such as agricultural operations. Large land based businesses are impacted by municipalities through red tape and overregulation, (de facto takings for transmission lines, and urban sprawl, roads, and oil and gas development). Ambiguity in the Water Act and the Environmental Protection legislation empowers Alberta Environment to restrict property owners use of land and water. This has a direct impact on agricultural operations (*eg low lying areas and drainage, rights associated with surface and ground water*).

Throughout history, property rights have been inextricably linked with personal rights to the extent they are entrenched within the constitution of many countries. That is not the case in Canada. While security of personal rights is protected under the Constitution, there are no provisions in the Constitution to protect property rights, which fall under provincial jurisdiction.

Those rights are fundamental to a just and free society.

Due process of law does not protect landowners and business operators against over-regulation, takings of land, nor deprivation of the right to the use and enjoyment of their property. Nor does it guarantee full, timely and fair compensation to the property owner when the use and enjoyment of property are restricted or taken (*i.e.* when “*public rights*” trump “*individual rights*”).

The Alberta Chambers of Commerce recommends the Government of Alberta:

1. Ensure that land owners adversely impacted by actions taken in the public interest by an Act of the Legislative Assembly or by any action taken under authority of any Act, persons and businesses should not have to bear the financial burden of those decisions and shall have the right to full, just, and timely compensation for those losses.