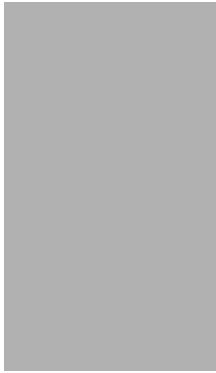
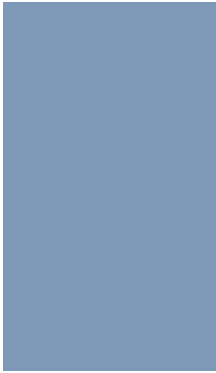


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# Property Rights

Restoring Property Rights for Alberta Landowners



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# Wildrose Caucus

Get it Right!

# Property Rights

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One of the most fundamental roles of government is the protection and preservation of property rights. Without such protection, our entire economy would cease to function. Property rights are the foundation of each individual and family's financial security and prosperity. For example, farmers and ranchers need to know that their investment in their land and livelihood is protected and will not be devalued by others, including the government, without just compensation. Those owning residential or commercial property in urban, as well as rural, areas need to feel confident that not only will wrongdoers be criminally prosecuted for trespassing and vandalism, but also that government won't pull the rug out from underneath their investments without fair notice and compensation.

The current PC Government has shown a complete lack of respect for basic property rights. With *Bill 19, the Land Assembly Project Area Act (2009)*, the PC Government granted itself authority to freeze large tracts of private land for public purposes without having to fully compensate landowners for such things as relocation costs, losses incurred due to business interruption, and other related damages.

In the fall of 2010, the government passed *Bill 24, the Carbon Capture and Storage Statutes Amendment Act*, which was a simple declaration that all 'pore space' beneath the ground belongs to the government. 'Pore space' is a vague term referring to any spaces beneath the ground where CO<sub>2</sub> can be stored (for their misguided carbon capture and storage initiative). According to common law, the landowner's ownership extends to the centre of the earth. But rather than having to get permission from you to store liquefied gas under your land and compensate for any inconveniences, this Act gives the government the right to access your land and pump into your pore space whatever they want, whenever they want.

*Bill 36, the Alberta Land Stewardship Act (2009)*, divides the province into seven land use regions and authorizes Cabinet to implement “regional plans” for each area of the province. This means that central planners at the Legislature, rather than locally elected and accountable municipal councils, will specify what types of activities are going to be permitted or prohibited on Crown or private land. This Act also allows Cabinet to “extinguish” existing rights held under licenses, permits, leases, and approvals with limited or no compensation, and without the right of appeal.

And finally, *Bill 50, the Electric Statutes Amendment Act (2009)* mandates the construction of billions of dollars worth of new transmission lines crisscrossing private lands up and down Alberta, with the largest chunk of new transmission set up between northern Alberta coal generated electricity producers and Calgary in the south. Not only did this bill bypass the requirement of an objective Alberta Utilities Commission (AUC) needs-based assessment (that quite likely would have shown that local natural-gas electricity generation would render much of the Bill 50 transmission lines unnecessary); it also resulted in the government offering billions of dollars in untendered transmission line building contracts to large corporate donors and friends of the PC Party. This backroom deal will likely result in a massive overbuild of transmission lines whose massive costs will be passed on to residential, farm and industrial ratepayers.

#### *Did you know?*

- Bill 50 enables power companies to spend approximately \$16 billion constructing new transmission lines that will increase capacity eight-fold. That is the equivalent of allowing a paving company to expand the QEII Highway to 16 lanes.



# Get it Right

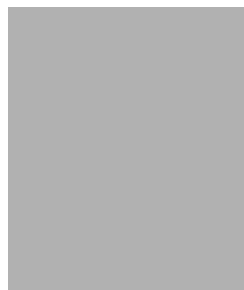
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Albertans deserve better. A Wildrose Government will implement the following reforms to protect and preserve property rights for all Albertans:

- Pass an *Alberta Property Rights Preservation Act* that will entrench property rights protection in law. Existing legislation provides for compensation only when title is formally taken by expropriation, but not for property partially taken or devalued through government regulation. This Act will address this omission and ensure that all landowners have recourse to the courts to protect their rights.
- Review all existing legislation dealing with property rights as related to government expropriation and regulation to ensure that when needed public projects or government initiatives, such as highway construction or land-use alteration, are found absolutely necessary, any negative impacts on affected property owners will be fully compensated for. This should include a thorough examination of what government actions and regulations should result in compensation, as well as what amount of compensation is fair.
- Repeal Bills 19, 24, and 36. Replace the current “*Land Use Framework*” with one that better protects the rights of landowners and respects the role of locally elected and accountable municipal councils.
- Repeal Bill 50 to ensure that the new and costly transmission lines it approves are subjected to an objective and impartial needs assessment by the AUC to determine whether locally generated electricity from natural gas or other alternatives would be more cost-effective.

- Ensure all energy development is conducted in an environmentally responsible fashion, and that properties affected by such development are returned to landowners and licence holders in essentially the same condition and value as they were previous to development. If this is not possible, fair compensation must be provided. A thorough examination of current categories of damage and compensation amounts will be undertaken to ensure current compensation practices are fair.
- Develop a landowner arbitration process to complement the work of the Surface Rights Board. This mechanism would provide a more cost-effective arbitration and/or alternative dispute resolution process to resolve otherwise costly disputes between landowners, leaseholders, recreational users, hunters and the general public.
- Enshrine basic property rights in the current Alberta Bill of Rights and spearhead a national initiative to add property rights protection to Canada's Charter of Rights and Freedoms. The proposed Charter amendment would enshrine the principle that everyone has the right to life, liberty, security of the person, and enjoyment of property, and that no private property shall be taken for public use, without full, fair and timely compensation.
- Ensure that all Albertans are entitled to the right of appeal for firearms confiscation orders as well as the right to fair and timely compensation when legally owned firearms are confiscated from law-abiding gun owners.





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For more information, please visit: [www.wildrosecaucus.ca](http://www.wildrosecaucus.ca)