

## ALBERTA PROPERTY RIGHTS INITIATIVE

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*"TO PROMOTE THE ENTRENCHMENT IN LAW, FULL PROTECTION OF PROPERTY RIGHTS FOR THE BENEFIT OF ALL ALBERTANS"*

## ONTARIO PROPERTY AND ENVIRONMENTAL RIGHTS ALLIANCE

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*"TO PROTECT, AND ENTRENCH IN LAW, LANDOWNER RIGHTS AND RESPONSIBILITIES"*

September 5, 2006

The Right Honorable Stephen Harper  
Prime Minister of Canada  
Office of the Prime Minister  
80 Wellington Street  
Ottawa, Ontario, K1A 0A2

Dear Prime Minister:

As you know, civil and English common law recognize land ownership rights in Canada but no such protection exists in our Constitution, in our Charter of Rights and Freedoms or in any meaningful provincial/territorial statute. Nevertheless, because legal standards are often subordinate to government enactments, powerful federal and provincial bureaucracies, encouraged by UN-approved Non-Government Organizations, routinely introduce land use regulations that severely inhibit use, title, mortgage worth and market value of privately owned real estate.

The Alberta Property Rights Institute (APRI) and the Ontario Property and Environmental Rights Alliance (OPERA) are separate coalitions in their respective provinces each with diverse memberships of trade associations, community organizations and concerned citizens. Both are mandated to monitor, communicate and, where indicated, publicly oppose government statutes that discriminate against land ownership by private citizens through regulation without compensation. Both are convinced that every citizen in every province and territory in Canada is poorly served by sustained absence of constitutional ownership rights. And both support and applaud your government in its stated intention to correct that deficiency as expressed under Clause 13 of the Democratic Reform section in the Conservative Party of Canada Policy Manual.

APRI originates with the Canadian Property Rights Research Institute of the mid-1990s while OPERA was launched in 1994. The latter organization, in concert with the Western Stock Growers' Association and the Alberta Land Resources Partnership, made Species at Risk (Bill C-5) submissions to a Senate Standing Committee and later helped fund a National Citizen Coalition public meeting to review that statute from the perspective of affected landowners.

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Against this background of shared experience and similar concerns these two provincial organizations now join in asking your government to enact protection of land ownership rights in federal government legislation without delay and to simultaneously encourage adoption of such protection in provincial and territorial legislation as well. To that end, we attach a detailed outline of a suggested Alberta statute prepared by APRI which, in our view and subject to detailed government assessment, could be amended to serve as a generic property rights template for all provinces and territories in Canada.

Responding to growing public demand for ownership rights, Mr. Toby Barrett, MPP (Haldimand-Norfolk - PC) introduced to the Ontario legislature a provincial a private member's Bill 57 in February of this year and, in April, Mr. Garry Breitkreuz, MP (Yorkton-Melville, CPC) submitted to the House of Commons a federal private member's Bill C-223. Copies of these documents are enclosed for the record as is a copy of a Town of Lakeshore 2005 by-law that demonstrates escalating municipal opposition in Ontario to regulatory "takings" of privately owned land by senior government agencies without owner consultation, consent or compensation.

Personal entitlements such as Old Age and Canada Pensions as well as intellectual and copyright patents are often cited as definitive assets that would have to be named in any "property rights" statute, a presumed complexity that helps impede its enactment. But, in Canada, the right of unencumbered ownership of those assets free of government "takings" is already confirmed and appropriately documented. In contrast, privately owned land, a major asset of many Canadians, enjoys no such protection. To correct that long-standing inequity your government is urged to introduce, and encourage its provincial counterparts to introduce, binding legislation specifically designed and defined to recognize the right of private citizens and corporations to own land in this country and not to be deprived of that right by government decree without fair compensation.

On the assumption your caucus desires increased public awareness of CPC policies, including Clause 13 of its Democratic Reform initiative, this appeal is being circulated among APRI and OPERA provincial organizations and distributed as well to their political, commercial and media contacts across Canada

With apologies for imposing on your time and patience, we respectfully ask that this submission is carefully reviewed, duly acknowledged and favorably addressed at your earliest convenience on behalf of our respective coalition members and the Canadian electorate at large.

Yours truly

**ALBERTA PROPERTY RIGHTS INSTITUTE**

**ONTARIO PROPERTY AND ENVIRONMENTAL RIGHTS ALLIANCE**

Gordon Butler, Chairman

R.A. (Bob) Fowler, Secretary

c.c. Provincial Bill 57  
Federal Bill C-223  
APRI legislative outline  
Town of Lakeshore by-law