

## To the Membership of the Alberta Property Rights Initiative

This past summer has been eventful on the property rights scene (*I DON'T HAVE TO REMIND YOU!*) and APRI has been in the thick of it. On April 17<sup>th</sup> of 2007 APRI appeared before Cabinet Policy Committee for Environment and Resources armed with a well-written twenty-page document by Mark Milke a former provincial director of the Canadian Taxpayers Federation. He is the author of “Unfair at any Price” and numerous other writings that dealt with everything from Insurance, to Pensions, to maintaining the Alberta Advantage. A Masters degree in Political Science and at the time of his authoring the report for APRI, a PhD candidate in Political Science at the University of Calgary, all gave Mark much fodder and insight while writing the document on our behalf.

Various scenarios of regulatory takings, unfairly appraised municipal takings and land reserve allotments together with recommendations on how we might improve the plight of the landowner in Alberta when it comes to the diminishment of proprietary interest to real property (*land*) were all addressed throughout.

Throughout the document, compensation arguably was key to cooperation. At the end of the day, it is recommended that the landowner must remain whole. *He either has the use and ownership of the land or is monetarily compensated.* This concept was strongly acknowledged by the CPC on Environment and Resources.

Subsequent to that acknowledgement the CPC commissioned the APRI board to review and make recommendations to the Surface Rights Act of Alberta. As we, (Norm Ward, Neil Wilson, and Gordon Butler) reviewed the Act it became apparent that the Expropriation Act of Alberta was the real ‘driver’ for the Acts that support the EUB, SRD, NRCB, PUA etc. so we reviewed the Expropriation Act as well. We wrote our proposals in three columns; original text on the left, proposed changes in the middle and the reasons for the proposed changes on the right and hand delivered the finished product to each of the MLA.s that sit on the CPC committee. The Expropriation Act is succinct enough although it does not, in any meaningful way, address partial takings.

The current definition of expropriation reads thus:

- “Expropriation” means the taking of land without the consent of the owner by an expropriating authority in the exercise of its statutory powers;

Our proposed change reads thus:

- (G)“expropriation” means the taking of **any proportional interest of land by statutory or regulatory means** without the consent of the owner by an expropriating authority in the exercise of its statutory powers;

By extending the definition to **include** the taking of the **potentials** or the **use** of the land we thereby relieve the diminishment of proprietary interest by compensating because when land is expropriated, **compensation becomes a component** as supported by precedent in case law.

After we made that change to the Expropriation Act we then worked the rest of the document over to reflect the expanded intent of the term. The Surface Rights Act then was easier to modify because we didn't have the encumbrances of the Expropriation Act.

We are now seeking advice on how the Provincial Government might put this into effect. We hope that the Expropriation Act could be opened for the exclusive purpose of making these alterations and then, either the Surface Rights Act could be opened for the **exclusive** purpose of compliance or done so by 'Order in Council'. To date we have had no indication what route might be feasible. Either way if these proposals are taken seriously and implemented it would alleviate much of the angst landowners are burdened with these days.

The Land-use Framework would operate much better with the cooperation of the Landowner. We believe that our proposals, if implemented, would make governments work appear less hostile to proprietary interest and the Land-use Framework much more salable.

You might remember that last year we had a proposal for an Alberta Property Rights Preservation Bill. It hasn't gone away. Perhaps the steps we have taken this year will make it more palatable further down the road. May we all live long!!

APRI is currently working on a re-vamp of its web site and these documents will be available for your discretion and viewing. We invite your comments, and hope to soon have a discussion forum on this site as well.

APRI takes this opportunity to thank all those who have supported us in the past and hope we have earned your support in the future.

APRI's new mailing address is

**Box 834 Nanton, Alberta. T0L 1R0.**

Neil E. Wilson

- Chair, of the Alberta Property Rights Initiative.

A handwritten signature in black ink that reads "Neil E. Wilson" with a long horizontal flourish extending to the right.

- Note; a copy of the accompanying letter to the MLA.s enclosed as well.