

1997 BILL 13

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First Session, 24th Legislature, 46 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 13

TRESPASS TO PREMISES ACT

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THE MINISTER OF JUSTICE  
AND ATTORNEY GENERAL

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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## BILL 13

1997

### TRESPASS TO PREMISES ACT

(Assented to , 1997)

#### *Table of Contents*

Interpretation	1
Trespass	2
Offences and penalties	3
Liability of driver	4
Arrest without warrant	5
Laying of information	6
Jurisdiction of judge	7
Exception	8
Other enactments	9

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

- Interpretation **1** In this Act,
- (a) “authorized representative of the owner” means a person authorized by the owner to give notice not to trespass;
  - (b) “owner” means the owner of premises and includes the following:
    - (i) the occupier of the premises;
    - (ii) the person who is in possession or control of the premises;
  - (c) “premises” means
    - (i) any building or structure or any part or portion of a building or structure, including any land used in connection with that building or structure for the purposes of

- (A) providing parking for vehicles,
- (B) displaying or storing vehicles, equipment or other chattels,
- (C) enhancing the appearance or use of the building or structure, or
- (D) carrying out activities that are ancillary to the activities carried out in or on that building or structure,

and

(ii) any land not referred to in subclause (i) in respect of which the *Petty Trespass Act* does not apply;

- (d) “signs” includes posters and signboards;
- (e) “trespass” means a trespass committed under this Act;
- (f) “trespasser” means a person who commits a trespass under this Act.

Trespass

**2(1)** No person shall trespass on premises with respect to which that person has had notice not to trespass.

**(2)** For the purposes of subsection (1), notice not to trespass may be given to a person

(a) orally or in writing by the owner or an authorized representative of the owner, or

(b) by signs visibly displayed

(i) at each of the entrances normally used by persons to enter the premises, and

(ii) in the case of premises referred to in section 1(c)(ii), at all fence corners or, if there is no fence, at each corner of the premises.

**(3)** For the purposes of subsection (1), a person is deemed to have had notice not to trespass when signs are displayed in accordance with subsection (2)(b).

Offences and penalties	<b>3</b> A trespasser, whether or not any damage is occasioned by the trespass, is guilty of an offence and liable to a fine of not more than \$1000.
Liability of driver	<b>4</b> When a trespass is committed by means of a motor vehicle, the driver of the vehicle is guilty of the contravention of this Act and liable to the fine.
Arrest without warrant	<b>5(1)</b> A trespasser may be apprehended without warrant by <ul style="list-style-type: none"> <li>(a) any peace officer, or</li> <li>(b) the owner or an authorized representative of the owner of the premises in respect of which the trespass is committed.</li> </ul> <p><b>(2)</b> Where a person other than a peace officer apprehends a trespasser, that person shall deliver that trespasser to a peace officer as soon as practicable.</p>
Laying of information	<b>6</b> A trespasser shall not be prosecuted for committing a trespass except on an information laid by the owner or an authorized representative of the owner of the premises in respect of which the trespass was committed.
Jurisdiction of judge	<b>7(1)</b> Nothing in this Act authorizes the Provincial Court to hear and determine a case of trespass in which the title to premises, or to any interest in the premises, is called in question or affected.
Exception	<b>8</b> Nothing in this Act extends to a case where the trespasser acted under a fair and reasonable supposition that the trespasser had a right to do the act complained of.
Other enactments	<b>9</b> This Act does not affect any other enactment relating to trespass.