2026 Bill 216

Second Session, 31st Legislature, 5 Charles III

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 216

PROPERTY STATUTES (GROCERY STORE PROPERTY CONTROLS) AMENDMENT ACT, 2026

MS CHAPMAN

First Reading . . . . . .

Second Reading . . . . . .

Committee of the Whole . . . . . .

Third Reading . . . . . .

Royal Assent . . . . . .

Bill 216
Ms Chapman

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PROPERTY STATUTES (GROCERY STORE PROPERTY CONTROLS) AMENDMENT ACT, 2026

(Assented to , 2026)

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

Amends RSA 2000 cL-7

1 The *Law of Property Act* is amended by adding the following after Part 7:

Part 7.1
Grocery Store Property Controls

Definitions

61.1(1) In this Part,

(a) "convenience store" means a store that offers for sale general food items and that has an area of less than 280 square metres;

(b) "exclusivity clause" means a provision in a lease or other agreement that has the purpose of, or has or is likely to have the effect of, impeding another person from operating a certain type of business;

(c) "grocery store" means a store other than a convenience store that

(i) offers for sale a variety of the following types of food products primarily for preparation and consumption outside of the store:

Explanatory Notes

Law of Property Act

1 Amends chapter L-7 of the Revised Statutes of Alberta 2000, by adding Part 7.1 Grocery Store Property Controls.

(A) canned, dry and frozen foods;

(B) fresh fruit and vegetables;

(C) meats, fish and poultry, whether fresh or prepared;

(D) dairy products;

(E) bakery products, including products baked in-store;

(F) snack foods, or

(ii) meets the criteria set out in the regulations;

(d) "grocery store property control" means each of the following:

(i) a restrictive covenant that directly or indirectly restricts the sale, ownership, development or use of land as a grocery store;

(ii) a supermarket exclusivity clause;

(e) "limited registration period" means the period beginning on the day that section 61.4 comes into force and ending on the day that is 180 days after that day;

(f) "registered grocery store property control" means a grocery store property control in respect of which an instrument or caveat that creates or claims an interest by virtue of a restrictive covenant or exclusivity clause is registered under section 153.3 of the *Land Titles Act*;

(g) "related" means related as defined in the regulations;

(h) "supermarket" means a grocery store that has an area of at least 929 square metres;

(i) "supermarket exclusivity clause" means an exclusivity clause that directly or indirectly restricts the sale, ownership, development or use of land as a grocery store and that is granted in favour of

(i) a person who, directly or indirectly, owns or operates a supermarket, or

(ii) a person who is related to a person who, directly or indirectly, owns or operates a supermarket;

(j) "Tribunal" means the Land and Property Rights Tribunal established under the *Land and Property Rights Tribunal Act*.

(2) Unless the context indicates otherwise, a word or expression used but not defined in this Part has the same meaning as in the *Land Titles Act*.

Non-application

61.2 This Part does not apply to a grocery store property control that

(a) is granted in favour of or imposed by

(i) the Government or a Provincial corporation within the meaning of the *Financial Administration Act*,

(ii) the Government of Canada or an agency of the Government of Canada,

(iii) a municipality, or

(iv) a public body designated in the regulations,

(b) is a restrictive covenant that imposes restrictions based solely on the zoning of the land, or

(c) is of a class of grocery store property control exempted by the regulations.

New grocery store property controls prohibited

61.3 A grocery store property control that is created on or after the day that this section comes into force is void.

Unregistered grocery store property controls void

61.4 Subject to section 61.5, a grocery store property control created before the day this section comes into force is void unless

(a) within the limited registration period, the holder of the grocery store property control submits for registration under section 153.3 of the *Land Titles Act* an instrument or caveat claiming or creating an interest by virtue of the grocery store property control against title to the affected land, and

(b) the Registrar accepts the registration within 30 days after the end of the limited registration period.

Registered grocery store property control

61.5 A grocery store property control registered under the *Land Titles Act* may be discharged, removed or amended in accordance with an order made under section 61.7(6).

Certain exclusivity clauses amended

61.6 If an exclusivity clause that affects land, however created and whether or not it is registered against title to the land, is granted in favour of someone other than a person who, directly or indirectly, owns or operates a supermarket or a person who is related to such a person, and has the direct or indirect effect of restricting the sale, ownership, development or use of land as a supermarket, the exclusivity clause is considered to be amended to remove that restriction.

Review of property control

61.7(1) This section applies to the following:

(a) a referral made to the Tribunal under section 153.7 of the *Land Titles Act* in respect of a registered grocery store property control;

(b) during the limited registration period, an application to the Tribunal made under subsection (2).

(2) A person may, in the form and manner determined by the Tribunal, apply to the Tribunal requesting a review of a registered grocery store property control.

(3) The Tribunal must hold a hearing to determine whether the registered grocery store property control is in the public interest.

(4) In determining if a registered grocery store property control is in the public interest, the Tribunal must consider whether

(a) the restrictions imposed by the registered grocery store property control, such as geographic constraints, time period, scope and subject matter, are reasonable in the circumstances, and

(b) the effect of the restrictions results in or contributes to a lack of grocery stores serving the community in the surrounding area.

(5) Before making an order under this section, the Tribunal must give the holder of the registered grocery store property control an opportunity to make a written submission or otherwise be heard.

(6) Unless the Tribunal determines that the registered grocery store property control is in the public interest, the Tribunal must

(a) order the variation, cancellation or substitution, in whole or in part, of the registered grocery store property control, and

(b) order the discharge, removal or amendment of any instrument or caveat creating or claiming an interest by virtue of that registered grocery store property control.

(7) An order made under this Part must not include compensation for the holder of the registered grocery store property control or any other person.

No cause of action

61.8(1) No cause of action arises as a direct or indirect result of the enactment of this Part, the making of a regulation or order under this Part, or anything done or omitted to be done under this Part or sections 153.1 to 153.9 of the *Land Titles Act*.

(2) No costs, compensation or damages are owing or payable to any person and no remedy, including in contract, restitution, tort or trust, is available to any person in relation to the enactment of this Part or sections 153.1 to 153.9 of the *Land Titles Act*.

(3) No proceedings, including any proceedings in contract, restitution, tort or trust, that are directly or indirectly based on or related to the enactment of this Part or sections 153.1 to 153.9 of the *Land Titles Act* may be brought or maintained against the Government or any person.

(4) Nothing done or omitted to be done in accordance with this Part or a regulation or order made under this Part constitutes an expropriation or injurious affection under the *Expropriation Act*, any other enactment or at common law.

Regulations

61.9 The Lieutenant Governor in Council may make regulations

(a) establishing criteria for the purpose of the definition of grocery store in section 61.1(1)(c);

(b) defining related for the purpose of section 61.1(1)(g);

(c) designating public bodies for the purpose of section 61.2(a)(iv);

(d) exempting classes of grocery store property controls for the purpose of section 61.2(c);

(e) defining any term used but not defined in this Part;

(f) respecting any other matter that the Lieutenant Governor in Council considers necessary to carry out the purpose of this Part.

Amends RSA 2000 cL-2.3

2(1) The *Land and Property Rights Tribunal Act* is amended by this section.

(2) Section 5(a) is amended by adding the following after subclause (iv):

(v) under Part 7.1 of the *Law of Property Act*,

Land and Property Rights Tribunal Act

2(1) Amends chapter L-2.3 of the Revised Statutes of Alberta 2000.

(2) Section 5 presently reads in part:

5 The Tribunal has jurisdiction

(a) to hold hearings, proceedings and inquiries, hear complaints and appeals and determine disputes

(iv) with respect to any matter under or referred to in the Surface Rights Act,

Amends RSA 2000 cL-4

3(1) The *Land Titles Act* is amended by this section.

(2) Section 48(1) is amended by striking out "There may be registered" **and substituting** "Subject to section 153.2, there may be registered".

3(1) Amends chapter L-4 of the Revised Statutes of Alberta 2000.

(2) Section 48(1) presently reads:

48(1) There may be registered as annexed to any land that is being or has been registered, for the benefit of any other land that is being or has been registered, a condition or covenant that the land, or any specified portion of the land, is not to be built on, or is to be or not to be used in a particular manner, or any other condition or covenant running with or capable of being legally annexed to land.

(3) The following is added after section 153:

Grocery store property controls

Definitions

153.1 In this section and sections 153.2 to 153.9,

(a) "exclusivity clause" means an exclusivity clause as defined in Part 7.1 of the *Law of Property Act*;

(b) "grocery store property control" means a grocery store property control as defined in Part 7.1 of the *Law of Property Act*;

(c) "limited registration period" means the limited registration period as defined in Part 7.1 of the *Law of Property Act*;

(d) "Minister" means the Minister responsible for this Act;

(e) "registered grocery store property control" means a grocery store property control in respect of which an instrument or caveat that creates or claims an interest by virtue of a restrictive covenant or exclusivity clause is registered under section 153.3;

(f) "Tribunal" means the Land and Property Rights Tribunal established under the *Land and Property Rights Tribunal Act*.

Registration of grocery store property controls prohibited

153.2 Except as provided for in section 153.3,

(a) a person must not submit for registration an instrument or a caveat creating or claiming an interest by virtue of a grocery store property control that is or would become void by operation of section 61.3 or 61.4 of the *Law of Property Act*, and

(b) the Registrar must not accept for registration an instrument or a caveat described in clause (a) if the Registrar is satisfied from the face of the instrument or caveat that the interest created or claimed is or would become void by operation of section 61.3 or 61.4 of the *Law of Property Act*.

(3) Adds Grocery Store Property Controls.

Registration of existing property controls

153.3 During the limited registration period and in accordance with section 153.4, the holder of a grocery store property control that is created before the day section 61.3 of the *Law of Property Act* comes into force may submit for registration, and the Registrar may accept for registration,

(a) a caveat in respect of the grocery store property control, or

(b) an amending agreement described in section 129 that amends an existing instrument registered in respect of the grocery store property control.

Requirements for registration

153.4 In addition to any other requirements under this Act, a caveat or amending agreement submitted to the Registrar under section 153.3 must include the following:

(a) a description of the land and parties affected by the grocery store property control;

(b) identification of the dominant tenement and servient tenement, if applicable, and the municipal address of the land affected by the grocery store property control;

(c) a description of the restrictions imposed by the grocery store property control and the time period during which they apply;

(d) a description of the agreement creating the grocery store property control, if applicable;

(e) in the case of an amending agreement, the particulars of the existing registration and a statement

(i) confirming the interest claimed in the existing registration, or

(ii) claiming an amended interest and a description of that interest.

Effect of registration

153.5 So long as a caveat or instrument registered under section 153.3 in respect of a grocery store property control is in force, the grocery store property control is not void by operation of section 61.3 of the *Law of Property Act*.

Discharge by Registrar

153.6 If, after the limited registration period expires, the Registrar becomes aware that an instrument or caveat creating or claiming an interest by virtue of a grocery store property control is void by operation of section 61.3 or 61.4 of the *Law of Property Act*, the Registrar must, as soon as practicable, discharge the instrument or caveat without notice to the holder.

Review and referral by Minister

153.7(1) The Minister may, on the Minister's own initiative or on request of a member of the public under subsection (2), review a registered grocery store property control to determine if the grocery store property control to which it relates may be contrary to the public interest.

(2) A person may request that the Minister undertake a review under subsection (1) by making an application in the form and manner determined by the Minister.

(3) If the Minister determines that the registered grocery store property control may be contrary to the public interest, the Minister may refer the matter to the Tribunal.

Land and Property Rights Tribunal order

153.8 If the Tribunal makes an order under section 61.7(6) of the *Law of Property Act* in respect of an instrument or caveat, the Registrar must, as soon as practicable after the making of the order and as directed by the Tribunal, register an instrument, in a form approved by the Registrar, that discharges, removes or amends the instrument or caveat.

No compensation

153.9 No person is entitled to compensation for any loss sustained as a consequence of

(a) a failure to file a caveat or amending agreement in respect of a grocery store property control in accordance with section 153.3, or

(b) the discharge, variance, cancellation or substitution of an instrument or caveat under section 153.6 or 153.8.

Coming into force

4 This Act comes into force on Royal Assent.

4 Coming into force

Record of Debate

STAGE	DATE	MEMBER	FROM	TO	TOTAL	CUMULATIVE TOTAL