



Legislative Assembly of Alberta

The 29th Legislature  
First Session

Standing Committee  
on  
Resource Stewardship

Office of the Property Rights Advocate

Thursday, February 11, 2016  
1:30 p.m.

Transcript No. 29-1-9

**Legislative Assembly of Alberta  
The 29th Legislature  
First Session**

**Standing Committee on Resource Stewardship**

Goehring, Nicole, Edmonton-Castle Downs (ND), Chair  
Loewen, Todd, Grande Prairie-Smoky (W), Deputy Chair

Aheer, Leela Sharon, Chestermere-Rocky View (W)  
Babcock, Erin D., Stony Plain (ND)  
Carson, Jonathon, Edmonton-Meadowlark (ND)\*  
Clark, Greg, Calgary-Elbow (AP)  
Dang, Thomas, Edmonton-South West (ND)  
Drysdale, Wayne, Grande Prairie-Wapiti (PC)  
Horne, Trevor A.R., Spruce Grove-St. Albert (ND)  
Kazim, Anam, Calgary-Glenmore (ND)  
Kleinsteuber, Jamie, Calgary-Northern Hills (ND)  
MacIntyre, Donald, Innisfail-Sylvan Lake (W)  
Rosendahl, Eric, West Yellowhead (ND)  
Stier, Pat, Livingstone-Macleod (W)  
Sucha, Graham, Calgary-Shaw (ND)  
Woollard, Denise, Edmonton-Mill Creek (ND)

\* substitution for Eric Rosendahl

**Also in Attendance**

Cooper, Nathan, Olds-Didsbury-Three Hills (W)

**Support Staff**

W.J. David McNeil	Clerk
Robert H. Reynolds, QC	Law Clerk/Director of Interparliamentary Relations
Shannon Dean	Senior Parliamentary Counsel/ Director of House Services
Philip Massolin	Manager of Research Services
Stephanie LeBlanc	Legal Research Officer
Sarah Amato	Research Officer
Nancy Robert	Research Officer
Giovana Bianchi	Committee Clerk
Corinne Dacyshyn	Committee Clerk
Jody Rempel	Committee Clerk
Karen Sawchuk	Committee Clerk
Rhonda Sorensen	Manager of Corporate Communications and Broadcast Services
Jeanette Dotimas	Communications Consultant
Tracey Sales	Communications Consultant
Janet Schwegel	Managing Editor of <i>Alberta Hansard</i>

**1:30 p.m.**

**Thursday, February 11, 2016**

[Ms Goehring in the chair]

**The Chair:** Good afternoon, everyone. I'd like to call this meeting of the Standing Committee on Resource Stewardship to order and welcome everyone in attendance. My name is Nicole Goehring, MLA for Edmonton-Castle Downs, and I am the chair of this committee.

I'd ask members and those joining the committee at the table to introduce themselves for the record. Then we'll hear from the members on the phone. If we could start to my right, please.

**Mr. Loewen:** Todd Loewen, Grande Prairie-Smoky.

**Mrs. Aheer:** Leela Sharon Aheer, Chestermere-Rocky View.

**Mr. Drysdale:** Wayne Drysdale, Grande Prairie-Wapiti.

**Ms Woollard:** Denise Woollard, MLA, Edmonton-Mill Creek.

**Mr. Kleinsteuber:** Jamie Kleinsteuber, Calgary-Northern Hills.

**Ms Babcock:** Erin Babcock, MLA for Stony Plain.

**Mr. Carson:** Jon Carson, MLA for Edmonton-Meadowlark, substituting for Eric Rosendahl.

**Mr. Dang:** Thomas Dang, Edmonton-South West.

**Mr. Horne:** Trevor Horne, MLA for Spruce Grove-St. Albert.

**Mr. Sucha:** Graham Sucha, MLA for Calgary-Shaw.

**Mr. Reynolds:** Rob Reynolds, Law Clerk and director of interparliamentary relations.

**Ms Robert:** Nancy Robert, research officer.

**Dr. Massolin:** Good afternoon. Philip Massolin, manager of research services.

**Ms Bianchi:** Giovana Bianchi, committee clerk.

**The Chair:** Thank you.

I'd now ask members on the phone to introduce themselves.

**Mr. Stier:** Pat Stier, MLA, Livingstone-Macleod.

**Mr. Clark:** Good afternoon. Greg Clark, MLA, Calgary-Elbow.

**Mr. MacIntyre:** Don MacIntyre, MLA, Innisfail-Sylvan Lake.

**Ms Kazim:** Anam Kazim, MLA, Calgary-Glenmore.

**Mr. Cooper:** Nathan Cooper for the outstanding constituency of Olds-Didsbury-Three Hills.

**The Chair:** Thank you.

I'd like to note for the record that Mr. Jon Carson is attending as an official substitute for Mr. Eric Rosendahl.

A few housekeeping items to address before we turn to the business at hand. The microphone consoles today are being operated by *Hansard* staff, so there's no need for members to touch them. Audio of committee proceedings is streamed live on the Internet and recorded by *Hansard*. Audio access and meeting transcripts are obtained via the Legislative Assembly website. Please do your best to keep your cellphones off the table and on silent as they may interfere with the audiostream.

Now we'll move on to the second point of the agenda, which is approval of the agenda. Are there any additions or changes to the agenda as distributed?

**Mr. Loewen:** Is there a problem with the approval of minutes from February 11, which is today?

**The Chair:** If we could amend that on the agenda. Point 3 says: approval of minutes from February 11. It should read: January 28, 2016. Sorry, guys.

Is there a motion that the agenda that is amended be approved as distributed?

**Mr. Dang:** I so move.

**The Chair:** Moved by Thomas. All in favour? Any opposed? Carried.

Now point 3, the approval of the minutes from January 28, 2016. Do members have any amendments to the minutes as distributed?

**Mr. Drysdale:** I have an amendment, but I think I already handed it in. Do you want me to do it now?

**The Chair:** Sure.

**Mr. Drysdale:** Just on 3 there, approval of the minutes from the Standing Committee on Public Accounts, I think it should have been Resource Stewardship instead of Public Accounts.

**The Chair:** Thank you. So amended.

Can I have a motion that the minutes from the January 28, 2016, Standing Committee on Resource Stewardship meeting be approved as amended?

**Mr. Sucha:** I'll move that motion.

**The Chair:** Thank you. All in favour? Any opposed? Carried.

We'll now move on to the next item of business, point 4, consideration of recommendations from the 2014 annual report of the Alberta Property Rights Advocate office. As you are aware, the acting Property Rights Advocate provided an overview of the 2014 annual report at our last meeting. The document containing responses that she was able to provide during the meeting has been submitted by the Property Rights Advocate office and shared with members for information.

As agreed to at the last meeting, today the committee is expected to discuss the recommendations contained in the 2014 annual report of the Property Rights Advocate office and pass a motion in order to provide the LAO research team with guidance to prepare a report. Members will have a chance to review the committee's report prior to it being tabled in the Assembly.

Once members review the committee's report, if they don't agree with it or any parts of it, it is the prerogative of each member to produce their own minority report, expressing their own views. Any minority reports would be appended to the committee's report.

With that in mind, I will open the floor for discussion. The committee should come to a decision on each of the recommendations, endorse or reject them, suggest alternatives and/or comments. In order to keep the discussion productive, I suggest that we go through the recommendations one at a time.

But I will ask first for members' general comments regarding the 2014 annual report of the Property Rights Advocate. Is there anyone that would like to add comments at this point? Any members on the phone?

Hearing none, it seems that we can now move on to the more specific recommendations. We'll start with recommendation

2014.01, “that the Property Rights Advocate Act be amended to repeal the complaint mechanism established under section 4 of the Act.” Any comments or recommendations regarding number 1?

**Mr. Kleinsteuber:** After having reviewed the report and given that the report indicates that no complaints have ever been filed under section 4 and, as noted in the report, section 4 of the act gives people a false sense of what the Property Rights Advocate office can do for them, I’d like to move now that the committee recommend that the Legislature accept recommendation 2014.01, to amend the Property Rights Advocate Act to repeal the complaint mechanism established under section 4 of this act.

**The Chair:** Any discussion regarding that? Mr. Drysdale.

**Mr. Cooper:** Nicole . . .

**The Chair:** Mr. Cooper, I will have you speak after Mr. Drysdale.

**Mr. Cooper:** Thank you.

**Mr. Drysdale:** Sorry I wasn’t here, but I read the minutes, and what I gathered from the commissioner is that he thought he wasn’t effective. I was surprised to hear that because I think the office has been doing a good job. For him to say that they’re not effective under this legislation, I’m surprised. I would be voting against this recommendation.

**The Chair:** Mr. Cooper.

**Mr. Cooper:** Yes. My apologies, Chair. I think I may have accidentally called you Nicole. That would have been wildly inappropriate of me.

Thank you, Chair, for allowing me to speak to this. I am also in support of the recommendation that was put forward by the then Property Rights Advocate. I think, upon having some discussions with him as well as from the report, that one of his concerns about him being not as effective as he could be was more along the lines of the areas and scope, if you will, that he hasn’t been able to wade into because of some of the conditions and parameters that were set up around his office when the office was initially set up. I don’t think that he ever said that he wasn’t effective wholesale but just that there were certainly some areas where he could have been more effective. Hopefully, we can talk about those a little bit later in the meeting as well.

With respect to recommendation 2014.01 I certainly will be in support of the recommendation, particularly because it gives people a bit of a false sense of the ability that the Property Rights Advocate may or may not have. Seeing that it was underused because he didn’t have the ability to deliver, essentially – and maybe that’s a bit of an overstatement – I certainly will be supporting the recommendation of the Property Rights Advocate to remove section 4.

**1:40**

**The Chair:** Thank you.

Is there anyone else that would like to discuss this? Any members on the phone? Thank you.

At this time I would like to call for a vote on the motion moved by Mr. Kleinsteuber that

the Standing Committee on Resource Stewardship endorse the recommendation to amend the Property Rights Advocate Act to repeal the complaint mechanism established under section 4 of the act.

All in favour? Any opposed? Motion carried.

We’ll now move on to recommendation 2014.02,

that the Municipal Government Act be amended, to incorporate an administrative or quasi-judicial dispute resolution process, to allow landowners the option of resolving disputes with their municipal governments with respect to their land or land use, without being compelled to undertake the significant investment of resources that litigating in a court of law would entail.

Any comments regarding recommendation 2? Ms Babcock.

**Ms Babcock:** Thank you, Chair. Given that there is an ongoing review of the MGA at this time, I feel it would be most appropriate for the Ministry of Municipal Affairs to review this recommendation as part of the wider reaching review. So I would move that the committee recommend that the Legislature not act on recommendation 2014.02 at this time and, instead, refer the recommendation to the Ministry of Municipal Affairs for review as part of their larger, far-reaching review.

**The Chair:** Thank you.

Any other members that would like to discuss? Mr. Drysdale.

**Mr. Drysdale:** Yeah. I would be voting against it as well. I think members have the opportunity to appeal to their council. If they don’t like that, they can also appeal to Municipal Affairs, and they can appeal to the Land Compensation Board, who will rule on it, and then in the end they can appeal to the courts. To say that they have to appeal to the courts and generate that expense I don’t think is really the truth. I can see where this is going, you know, even with the last motion. So the Property Rights Advocate all of a sudden wants to have the authority to rule on these disputes, and I don’t want to go down that road.

We’ve got three different ways now, so to add that authority to the Property Rights Advocate: all of a sudden they’re going to quadruple their load. They’re going to have all kinds of appeals come in there if this advocate is ruling on behalf of the landowner. Then he’s going to be here and want 20 more staff. He’s going to be duplicating what the Land Compensation Board does, and I think they do a good job. I’m just afraid this is going in the wrong direction, so I’m going to vote against it.

**The Chair:** Thank you.

Any members on the phone?

**Mr. Cooper:** I’ll be on the list again if I can, Chair.

**The Chair:** Absolutely, Mr. Cooper. Go ahead.

**Mr. Cooper:** Thank you, Chair. You know, while I can recognize that the government is in the process of reviewing the MGA – and that is an important process – and while I’m sympathetic to Member Drysdale’s concern around scope creep and expanding the office, this is the exact challenge that we have with the Property Rights Advocate office. The advocate makes a recommendation that is in the best interest of landowners. In the set-up of the office some would say that it was more of a token gesture at that time to try and quell some of the discussions that were happening around property rights, specifically bills 19, 50, 24, 36, some of these fairly contentious issues that the government of the day was working through. They were like: oh, let’s just have a Property Rights Advocate, and we’ll have them basically be able to not do anything but make recommendations. So when the office was set up, it presented some inherent challenges.

Now the office has made a recommendation to the committee, and it sounds to me like the committee is going to vote against the Property Rights Advocate, who has spent the most time, who has listened to the most people, and who has identified a legitimate

concern of landowners across the province that recognize that this is the issue and that the current solution doesn't put the landowner at the front of that problem. I get real concerned when we task what should be an independent voice to go out and get the best available information, provide a recommendation, and then we just say: "Oh, nah. You know, the Property Rights Advocate didn't know what he was talking about when he wrote this report." I know no one used those words, but that's the risk that we run.

So I intend to support the recommendation. The legislation would still have to be changed in the Assembly, so there would be an opportunity to have full and robust debate inside the Assembly. But at this time, you know, unless my mind is changed by other members that have some more reasoning, I will be encouraging members of the committee, as I am not substituting today, to support this recommendation.

**The Chair:** Thank you, Mr. Cooper.

Any other members wanting to speak?

**Mr. Stier:** Yes, Madam Chair.

**The Chair:** Go ahead.

**Mr. Stier:** Thank you for the opportunity to speak on this matter. Particularly it's of interest to me as a former councillor for a municipality and as a fellow who spent a lot of time going to the Municipal Government Board on various kinds of appeals regarding some things that are less important than these kinds of matters. I found the Municipal Government Board particularly to be a very fair and professionally run quasi-judicial type of board. The Property Rights Advocate, as Mr. Cooper has so well pointed out, frankly didn't have a mechanism in place to take action when he noticed that there were inconsistencies in rulings and so on and so forth. He could only advise people what the rules were, but he did not have the opportunity to actually take any action.

That's, I think, what he wants to correct. He's recommended that some of these matters would be referred. Just like appeals for subdivisions or developments, if there are such things necessary, they'd be reviewed by a body like the Municipal Government Board. There are oftentimes some very, very important discussions that have to be held on these matters. I think prior to having to go to a full-fledged court proceeding, this type of system would provide an excellent way to review these matters and come to some sort of a decision without those added costs, and that was the thrust of his argument in making that recommendation, Madam Chair.

1:50

So I would encourage all of the board members listening to this today to give this some solid thought. The Municipal Government Board currently does review many matters. The various entities, applicants, and proponents of these matters can still go to the courts eventually if they need to, but this independent type of body would provide, I think, an excellent solution.

Thanks.

**The Chair:** Thank you, Mr. Stier.

Any other members wanting to speak on this? Mr. Drysdale.

**Mr. Drysdale:** Yes, Madam Chair. I don't want to belabour it. I get what Mr. Stier is talking about, but it wouldn't be the Municipal Government Board. It would be the Land Compensation Board that would act in this behalf.

You know, the property advocate was set up to advise landowners and steer them through this, through the maze of process through the government, if somebody's not familiar with that, and

help them get through it and advise them. The intent wasn't to give them authority. I'm not sure what's being implied here, if they want to all of a sudden give the advocate authority to rule on property issues. That sounds like what they're doing. I still don't think that the advocate should have the authority to decide on land matters. I think they can advise the landowner and assist them and give recommendations to the Land Compensation Board, but I'd hate to see another bureaucratic level put in there that's going to advise on this, and all of a sudden the landowner is going to take it through four different procedures to end up with the same results.

So I'm still going to vote against it, Madam Chair.

**The Chair:** Thank you, Mr. Drysdale.

Any other comments? Ms Babcock.

**Ms Babcock:** Thank you, Madam Chair. I just wanted to clarify. This isn't a motion against the Property Rights Advocate. I want to make sure that this issue is taken into the greater account of the Municipal Government Act because that act is how we govern all of the municipalities and how they govern themselves. Given that that review is in place right now, that would be, in my opinion, the appropriate place for this.

**The Chair:** Thank you.

Mr. Loewen.

**Mr. Loewen:** Thank you, Madam Chair. It's been mentioned that the Municipal Government Act is being reviewed right now, but I don't believe there's any guarantee that this issue is going to be taken care of in that review. So I think we still need to pass this recommendation to ensure that this is looked at again both in the Legislature and, hopefully, beyond in this review of the MGA.

Also, I think it's important that the municipal government can have this judicial dispute resolution within their mandate so that they can make those decisions closer to the people that are affected, that the people affected can bring this forward to them and, hopefully, have this resolved before it gets to the point of taking it to court.

**The Chair:** Thank you, Mr. Loewen.

Any other members on the phone wish to contribute?

Hearing none . . .

**Mr. Stier:** Pat Stier again, Madam Chair.

**The Chair:** Mr. Stier.

**Mr. Stier:** Yes. Thank you. With respect to all of the great debate we're having – and I appreciate the comments from the Member for Grande Prairie-Wapiti and also the other person from out that direction; I can't remember your constituency – I believe that the Property Rights Advocate made a very good argument for this to be something that would be a great thing to be considered. In the argument that he puts together in section 2014.02 he has recommended that the MGB be one avenue to consider. There could be others as well. He does mention that, you know, the Municipal Government Act review could certainly be something that would be involved in that. I think it would therefore be prudent to at least pass this recommendation to ensure it does get into that review if that is the case.

Thank you very much.

**The Chair:** Any other members?

**Mr. Drysdale:** Just one last thing. I just want it on record that I'm not against the property advocate. I think they do great work, and I

support the property advocate as an advocate, not as an authority. They do good work, and this in no way is anything against the advocate.

**The Chair:** Thank you.

At this time I would like to call for a vote on Ms Babcock's motion.

**Mr. Stier:** Madam Chair, can we hear the motion again, please?

**Ms Babcock:** I move that the committee recommend that the Legislature not act on recommendation 2014.02 at this time and instead refer the recommendation to the Ministry of Municipal Affairs for review.

**The Chair:** All in favour? Any opposed? Thank you. Motion carried.

We'll now move on to recommendation 2014.03, that the law of adverse possession be abolished in Alberta. Any comments on the third recommendation?

**Ms Woollard:** As others have stated, I was impressed with all of the work that was done in the Property Rights Advocate report, but I feel right now that this recommendation would be best placed to be reviewed and addressed by the Ministry of Justice. So I would recommend that.

**The Chair:** Thank you.

**Ms Woollard:** Do you want me to proceed with a motion?

**The Chair:** If you could clarify, please.

**Ms Woollard:** Sure. I move that the committee recommend that the Legislature not act on recommendation 2014.03 at this time but instead refer the recommendation to the Ministry of Justice for review.

**The Chair:** Thank you.

Is there anyone wishing to make additional comments? Mr. Drysdale.

**Mr. Drysdale:** Sorry. It seems like I've got to talk on everything here. I would be in favour of this recommendation. I think that adverse possession should be abolished. It was a private member's bill brought in the House, I believe, 204, a while ago, and it died on the Order Paper. It was brought forward, and I was in favour of it then, and I'm in favour of it now. I think we're the only province left that has this law, and I think it's time to abolish it.

**Mr. Cooper:** When it's my turn, Chair.

**The Chair:** Go ahead, Mr. Cooper.

**Mr. Cooper:** Thank you, Chair. I would like to echo some of the comments that Mr. Drysdale has made. It is long past due that this law be abolished in Alberta. It's certainly something that the Wildrose caucus has advocated for in the past. I also recognize, as Mr. Reynolds pointed out in the previous meeting, that some steps have been taken, but at the end of the day this piece of legislation is still on the books. While the numbers may be few of people who this negatively affects, it still exists and has a significantly negative effect on those that it does affect.

2:00

I might just add that this is one of the very strange situations that exist because of the Property Rights Advocate. Ms Woollard has suggested that Justice is best placed to review this piece of

legislation. While that may be true, the Property Rights Advocate is inside the Department of Justice. What you're proposing is that we take a recommendation that's coming from the Department of Justice in the form of the Property Rights Advocate – who the Property Rights Advocate reports to is Justice – and send it to the Ministry of Justice, who already is responsible for the Property Rights Advocate. This is one of the inconsistencies of the office.

I might add that we are a committee of the Assembly that has a duty to provide recommendations to the Assembly. It seems to me that government members on the committee only want to review the business of the committee back to a ministry, and I don't think that speaks well of our legislators. I don't think that it speaks well of the people who have elected us to represent them. If all we ever want to do is revert to the government and not take positions and not accept recommendations that quasi-independent members have provided for us and kick the can back to the government, I don't think that it is the purpose of these committees.

So I certainly will be encouraging my colleagues on the committee and any member on the committee that we do accept this recommendation, on the law of adverse possession, as it's a recommendation that's been made by the Property Rights Advocate, and it is long overdue.

**The Chair:** Thank you, Mr. Cooper.

Anyone else?

**Mr. Clark:** Madam Chair, I'd be happy to speak when it's my turn.

**The Chair:** Go ahead, Mr. Clark.

**Mr. Clark:** Thank you, Madam Chair. I just want to echo that I share Mr. Cooper's concerns, and I think it's absolutely within the purview of this committee to take action now. I see absolutely no reason for us to wait on this. I find it remarkable that Alberta is the only province in Canada that still has this law on the books, and although it's rare, the consequences can be devastating, as the commissioner has told us in his report at the last meeting or the meeting before. I see, really, no reason for us to drop back and punt on this one. I think we have an opportunity to accept this recommendation, move it forward, and modernize Alberta's laws.

Thank you.

**Mr. MacIntyre:** Madam Chair, when it's my turn.

**The Chair:** Go ahead, Mr. MacIntyre.

**Mr. MacIntyre:** Thank you, Madam Chair. Recommendation 2014.03 pertains to the law of adverse possession. This is a law that's on our books. This is not a government department's policy, nor is it a government department's regulation. I find it disturbing that we, who are elected by the people of Alberta to be their lawmakers, are punting this now to a government department and, according to the member's wording in the rejection of this motion, asking that department to review a law. Frankly, we were elected to review laws, and these standing committees exist to review laws. This is what we were elected and sent to the Legislature to do. To punt this to a government department now is, frankly, shirking our responsibility as the lawmakers, elected to be the lawmakers, in our province. I don't believe it is appropriate at all that this be sent to any government department when this standing committee's job is to review laws like this and make recommendations to the Legislature for amendments to laws.

I just think that we have a responsibility in this committee right now, today, to address this by encouraging our government to abolish the law. That's really all that this recommendation from the

advocate's office is saying, that this committee should recommend to the Legislature to abolish that law. I don't think there's anyone around this table who thinks that that law is a good law, so I fail to understand why we would want to delay this any further, punt it to a government department who is then going to do what? Come back to the Legislature? No. That's our job. We are the ones who should be encouraging the Legislature to go this way or that way on this particular issue. I think it's fair to suggest that this committee right now has the responsibility to decide. If the advocate's suggestion is a good one, then we are the ones responsible to make that suggestion to the Legislature, not another government department.

Thank you.

**The Chair:** Thank you, Mr. MacIntyre.

Is there anyone else wishing to speak or comment? Go ahead, Mr. Stier.

**Mr. Stier:** Yes. Thank you. I certainly agree with the last three speakers: Mr. Cooper and Mr. MacIntyre and Mr. Clark. This matter was discussed a little bit in our last meeting, in January, and I believe it was, according to my notes, Ms Babcock who raised the question of how many of these instances have happened and how many complaints per year were dealt with by the Property Rights Advocate. The information was returned to us. There were several instances. In fact, from 1990 to 2011 there were 23 cases related to this type of thing, five of which were successful. This is absolutely appalling.

I agree with the last three speakers. The Property Rights Advocate, who is the guy on the ground dealing with these things, who is a properly appointed officer for that position, has made a recommendation that this law be abolished. I can't imagine that we should be in favour of the motion that's been presented today. I will be voting in favour of this recommendation but not in favour of the motion, Madam Chair.

Thank you.

**The Chair:** Thank you, Mr. Stier.

Anyone else wishing to speak?

Hearing none, I move that we vote on this motion. Ms Woollard, if you could perhaps read it.

**Ms Woollard:** Sure. I move that

the committee recommend that the Legislature not act on recommendation 2014.03 at this time but, instead, refer the recommendation to the Ministry of Justice for review.

**The Chair:** Thank you.

All in favour? All opposed? Thank you. Motion carried.

We will now move on to the last recommendation, recommendation 2014.04, "that section 36 of the Surface Rights Act be amended to clarify and establish that payments ordered under the section do not conflict with the federal Bankruptcy and Insolvency Act."

Any comments on this last recommendation? Mr. Dang.

**Mr. Dang:** Thank you, Madam Chair. During the last meeting – I know we talked about this a bit – it was mentioned that the federal bankruptcy law is paramount regardless of what the province does. Given that, I think the goal of the recommendation is fairly unclear, and it would be best to refer this matter to Environment and Parks so that they could seek clarity from the Ministry of Justice. As such, I would move that

the committee refer recommendation 2014.04 to Environment and Parks to seek an opinion from Justice.

**The Chair:** Thank you, Mr. Dang.

Any comments? Anyone on the phone?

Hearing none, I would like to call the vote. All in favour of the motion presented by Mr. Dang? Any opposed? Motion carried.

Now that the committee has determined its position regarding the recommendations in the 2014 annual report of the Property Rights Advocate's office, we should discuss the committee's report itself.

**2:10**

**Mr. Drysdale:** Madam Chair, I'd like to move a motion first.

**The Chair:** Sorry?

**Mr. Drysdale:** I'd like to make another motion first if I could.

**The Chair:** Absolutely.

**Mr. Drysdale:** I would move that the law of adverse possession be abolished in Alberta.

**An Hon. Member:** We just voted on the recommendation.

**Mr. Loewen:** We voted on the motion, not the recommendation.

**Mr. Drysdale:** The motion was carried to send it to Justice, but that doesn't mean we can't make this motion on it. It'll probably be defeated, but at least I'll have it on the record.

**Mr. Dang:** Madam Chair, can I make a motion that we recess for five minutes?

**The Chair:** Yes. All those in favour? All those opposed? Carried.

[The committee adjourned from 2:13 p.m. to 2:21 p.m.]

**The Chair:** I would like to return this meeting to order.

Regarding the motion that Mr. Drysdale proposed, at this time we're not able to entertain this motion. We disposed of this item on the agenda, and as it wasn't added as an agenda item, it's determined that this motion is ruled out of order.

Now that the committee has determined the position regarding the recommendations in the 2014 annual report of the Property Rights Advocate's office, we should discuss the committee's report itself. LAO research services expects to have the report ready for members to review by February 23, 2016. The committee has the option of delegating approval of the final report to the chair, or we can schedule another meeting in order to review it. Either way, we would need final approval of the report by February 25, 2016, in order to be able to table it on March 9 or 10, as previously discussed. That would provide members who might wish to submit minority reports with one week, up to March 3, to submit their own reports to be appended.

Are there any questions or comments from members?

**Mr. Drysdale:** I'll make one comment. I'm not trying to belabour this or pick a fight. You can rule my motion out of order, and you can vote it down – I'm fine with that – but don't use a thing like it wasn't on the agenda because item 4 says: to consider recommendations by the advocate. Recommendation 2014.03 is exactly as my motion was, that the law of adverse possession be abolished. It is on the agenda, so don't say that it wasn't on the agenda. You can rule me out of order and vote against it – I'm fine with that – but don't say that it wasn't on the agenda. It pretty clearly is.

**The Chair:** But we had already resolved that portion of the agenda.

**Mr. Drysdale:** In your mind, yeah. I'm fine. Like, rule me out of order. I don't care. Move on. I just had to say something because to say that it wasn't on the agenda is not correct either. That's fine.

**The Chair:** Thank you, Mr. Drysdale.

**Mr. Loewen:** Is there still time to make motions regarding the Property Rights Advocate, or can we take care of that during other business?

**The Chair:** I'm going to defer to . . .

**Dr. Massolin:** Well, thank you, Madam Chair. I would say that, well, it depends on what it is, I suppose. I'm not sure. I don't know that the committee has given us the complete direction as to what to include in the report. You know, I leave it to the chair, of course, to say whether or not what you have to propose is in the scope, but I would imagine that there's still an opportunity.

**Mr. Loewen:** Okay. I'd like to move that  
the Standing Committee on Resource Stewardship request that committee research investigate and provide information on the Property Rights Advocate being appointed an officer of the Legislative Assembly and review the advocate's mandate.

**Mr. Reynolds:** Sorry, Madam Chair. We're just confused. Are you saying that what you're asking for would form part of the review of the advocate's report? The committee is charged with reviewing the report, and the committee, you know, should be submitting it – as the chair pointed out, it should be finalized before the start of session so it can be tabled. We're just wondering if you mean that this motion about reviewing the role of the advocate is intended to be part of the committee's report on the advocate's report.

**Mr. Loewen:** This could be stand-alone, the request from the committee, the motion.

**Mr. Cooper:** Madam Chair, is it okay if I proceed?

**The Chair:** Go ahead.

**Mr. Cooper:** Just to support Mr. Loewen's comment on it being stand-alone. I think that there may be some confusion about when motions may or may not be ruled in or out of order. I think Mr. Loewen's concern was that if he didn't get the motion on the table now, it may be ruled out of order later in the meeting. I believe from some of our previous discussions that we had prior to the meeting that this wasn't intended to be additional work for committee research to include in the report. So perhaps it would be best if this motion was dealt with later in the meeting, once we have dealt with what should be included in the report and what shouldn't be included in the report and when that report is due, et cetera.

**The Chair:** Okay. We can move it to a different point in the agenda, not this part.

Is that correct, Mr. Loewen?

**Mr. Loewen:** Yes. That would be fine. When I heard Mr. Drysdale's being out of order when it was related to this, I thought that I'd better get this in quick, but that's fine.

**The Chair:** Thank you.

I think the discussion at hand is regarding the approval of the report and how we wish to proceed with that. If it's something that we want – do you want me to read it again so we know what we're talking about?

LAO research services expects to have the report ready for members to review by February 23, a draft report. The committee has the option of delegating approval of the final report to the chair, or we can schedule another meeting in order to review it. Either way, we would need a final approval of the report by February 25

in order to be able to table it on March 9 or March 10, as previously discussed. That would provide members who might wish to submit minority reports with one week, up to March 3, to submit their own reports to be approved.

Any questions or comments regarding this?

**Mr. Cooper:** Madam Chair, if there's no one else.

**The Chair:** Go ahead, Mr. Cooper.

**Mr. Cooper:** My guess in terms of efficiencies for today's meeting: it's likely that the committee would delegate the authority to you to approve the report. I think that given some of the positions of government members it's probably quite likely that there would be some of my colleagues that would be interested in providing a minority report anyway. So all that being equal, I think it would be reasonable if you had the ability to approve the final report, and then we can potentially provide a minority report following that.

2:30

**The Chair:** Thank you, Mr. Cooper.

Anyone else wanting to comment?

Hearing none, as no one has moved this, would someone like to move the motion that

the Standing Committee on Resource Stewardship authorize the chair to approve the committee's final report on the recommendations of the 2014 annual report of the Property Rights Advocate.

Ms Babcock. Thank you. All in favour? All opposed? Motion carried.

If members don't have additional comments, we will move to the next item on the agenda, item 5: business arising from the previous meeting, consideration of a deferred motion respecting landowner surface rights in Alberta. I will read into the record the motion proposed at the last meeting by Mr. Nathan Cooper while attending as an official substitute. Moved by Mr. Cooper that in the interest of ensuring landowners' rights to fair compensation and due process are respected, the Standing Committee on Resource Stewardship conduct a review of landowner surface rights in Alberta. The scope of the review shall include but not be limited to the landowner notification processes; landowner rights to a hearing; landowner rights to recourse to the courts when they do not accept government's decision about usage restrictions or compensation; assurances that the government devaluing of property, particularly through adjustments to statutory consents, are compensable with recourse to the courts; and whether a landowner should be considered the owner of the pore space beneath their land.

The motion is now on the floor and is open for debate. Please let me know if you would like to speak to this motion.

**Mr. Cooper:** When the time is appropriate.

**The Chair:** Thank you. I'll have you speaking after Mr. Sucha.

**Mr. Sucha:** All right. Thank you, Madam Chair. Certainly, the basic rights of fairness for property owners are some that have been suffering badly under the previous government. As we've seen, that government made some cosmetic attempts to address this problem, and I'm really afraid that this motion takes us down that similar path.

It was a campaign commitment of our new government to strengthen landowners' rights for fair compensation and due process. We've recently seen that affirmed in the Assembly by the proposal by the Member for Wetaskiwin-Camrose, Bruce Hinkley, in there as well. As an urban MLA I can really relate to these concerns. I've had constituents in my riding who have been

impacted by landowners' rights issues. As we've already mentioned here in this meeting, the MGA, or Municipal Government Act, is under review, and proposed motions touch on this issue, including that ongoing review.

So I don't think we should pre-empt or duplicate work that is already being done or is happening right now. This is a very important question. Let's make sure it's done right. In the interest of holding a proper review and correcting the mistakes of the previous government, I will not be supporting this motion.

**The Chair:** Thank you, Mr. Sucha.

Mr. Cooper, go ahead.

**Mr. Cooper:** Thank you, Chair. I'm almost shocked and lost for words that this is where we're at given Mr. Sucha's comments. You know, when the NDP caucus was in opposition, they were adamant defenders of property rights. Now we see government members making excuses like: the MGA review might touch on some of these issues. Well, nothing could be further from the truth. The vast majority of the pieces of legislation that might be looked at if this motion had passed are property rights issues. While there may be some slight reach that would touch inside the MGA, the vast majority of them were in things like Bill 36, Bill 24, Bill 2. While the committee doesn't have the ability to review any of those specific pieces of legislation, many of the concerns that the NDP caucus used to raise in the House when they were the fourth party don't fall in the MGA, and they do in fact fall in the areas in which the motion has been written.

The other thing that is extremely concerning is this narrative that's being written by government members that the government knows best, with the MGA review or, as we've seen today, the Department of Environment and Parks or the Department of Justice, all of the other ministries that the government is pushing the work of this committee onto, back to ministry. This narrative that the government is smarter than the Assembly, that the government knows better than all committees, is surprising and shocking.

The former NDP caucus used to talk about strengthening committees. They used to talk about being open and transparent. The review that Justice is going to do about adverse possession is not going to be a public review. It's going to be done behind closed doors, the same as the work that Environment and Parks will do is going to be done inside either the cabinet room or the ministries or the minister's office. What we're proposing is that these sorts of things need to take place in public. We've seen a real narrative of the government writing their own narrative about a lack of consultation, about doing things that don't create more transparency but less transparency. Here the government members around the table have an opportunity to provide that to Albertans.

Listen, I respect the fact that this government is very busy doing things that are important to Albertans, whether it's doing the budget or, for example, the MGA review. They've committed to reviewing all of the agencies, boards, and commissions. So there is a large amount of work that needs to be done by the government. But the Assembly has abilities and powers and has put in place committees just like this so that other important issues can be addressed. The Government House Leader has acknowledged that there is an important process that needs to take place in reviewing these property rights issues and, in particular, the list that's included in the motion. In fact, in October I asked him a question about this, and he spoke at length about how much of a champion of property rights the NDP caucus had been and still is today.

While they're busy doing other things, here is a great opportunity for members that are duly elected, then appointed to this committee

to do the work that Albertans have sent us to Edmonton to do, yet government members on this committee, it seems, are going to all be voting in favour of using the cover of the MGA review to not do this work. It's critically important work that needs to get done. In fact, Minister Mason's comments were as strong as:

We do insist on making sure that people's rights to their property are protected so that fair compensation is provided and there is a due process for people, including a right of appeal. Those will be things that we will be considering in the future.

Well, the future is now. We have the opportunity as a committee that has the authority of the Assembly to review these issues. In fact, the opposition is here to help. We want to help the government accomplish these very important tasks. It doesn't mean that they have to accept every recommendation that the committee might arrive at, but if they're so busy doing things like the MGA review and all of the other important work of business, now is a perfect opportunity to accomplish these tasks.

2:40

I won't go on and on at much more length because it seems to me like we know what the results are going to be, but to say that I'm disappointed would be an understatement. I'm more than a bit disappointed. Each of us as private members has the ability to do important work for this province. This is critically important work that the government, when they were in opposition, identified as critically important work, and it's going to be pushed aside for reasons unbeknownst to us under the guise of the MGA review. I think that it doesn't reflect well upon the government caucus, and I certainly am disappointed.

I will be supporting – or encouraging; my apologies. I'm unable to attend as a member today but was a member of the committee via substitute at the time that the motion was proposed. So I will certainly be encouraging all of my colleagues, including government members, to support this motion.

**The Chair:** Thank you, Mr. Cooper.

Any other members? Go ahead, Mr. Clark.

**Mr. Clark:** Thank you. I want to echo Mr. Cooper's comments, and I share his concerns. I may not have quite his level of exasperation, but I think that's because I haven't been working on it quite as long as he has. I certainly share his perspective on this. It is yet another example of this committee simply deferring something and then saying, "Well, another department of the government will deal with something at some other time" and doing so in a way where I really question how truly transparent it will be.

Really, in my mind, unfortunately, it seems to be a theme that's emerging with this government, and it really raises the question for me: who's actually in charge here? Who's running things? Is that us as members of the Assembly, us as members of this committee? Do we have the authority and the power to actually make decisions, or will the majority of the members from the government side just simply defer to what they're told to do on this and many other issues? Or perhaps, even worse yet, is it simply administration telling the government what to do and not the other way around? Those are big concerns that I have that go far beyond this one specific issue, but I feel it important to raise that concern in this moment because I think it's yet another example.

So I will absolutely be supporting the motion, and I encourage every single private member of this committee to really think hard about whether it makes sense. If you feel that it does, that it would be good for your constituents, then I would really encourage you, then, please, to support it.

Thank you.

**The Chair:** Thank you, Mr. Clark.

Any other members wishing to speak to this? Go ahead, Mr. Stier.

**Mr. Stier:** Yes. Thank you. I would like to commend my colleague Mr. Cooper, who put the real perspective to what's going on here today. Certainly, I have been a member of the Resource Stewardship Committee in the past in my previous term, and we've dealt with a number of matters that were quite often in conflict with what the presiding government of the day were encouraging us to do because that is the purpose of the committee, to review what government does and to ensure that a fair, open process takes place on some of these controversial issues.

This particular one is something that we're dealing with now particularly, if I may say again the same word, in the sense that we're dealing with not only the Municipal Government Act, but we're also dealing with the Surface Rights Act. Members may be keenly aware of some of these issues that are on the news every day with respect to abandoned wells, as an example, which is a portion of the problem that we're dealing with in the Surface Rights Act. As a matter of fact, instead of going with the recommendation on the Surface Rights Act, this committee voted to reject that recommendation as well.

So I, too, agree with Mr. Cooper and Mr. Clark. I think it is only obvious that this committee needs to rethink how they're viewing these things. This motion makes a lot of sense. This affects an awful lot of people. This kind of review would certainly bring some clarity to a difficult situation that we've had to deal with now for three or four years since I've been involved.

Thank you, Madam Chair.

**The Chair:** Thank you, Mr. Stier.

Mr. Loewen.

**Mr. Loewen:** Thank you, Madam Chair. I just want to make sure everybody's aware in this committee that this motion is to review the landowner surface rights in Alberta, and of course it has, you know, some guidelines, and it wants to open it up so that we can actually review all of the different aspects of landowner rights, so I don't see the problem with this. This motion is asking for this committee to do a review. Once the review is done, then we can make recommendations to the Assembly. There's no harm in this. These are simple things that this committee – this is the work that this committee should be doing, reviewing different things and coming up with recommendations for the Assembly. To sit here and think this needs to be kicked down the road or put off to some date down the road, I think that's not right. I think we can start this process now. Let's start this review. Let's pass this motion and get on with this.

Thank you.

**The Chair:** Thank you, Mr. Loewen.

Any other members wishing to speak to this motion? Go ahead, Mr. MacIntyre.

**Mr. MacIntyre:** Thank you. I really appreciate the statements made by the previous four of our colleagues, and I would echo what they have said and would like also to add that during the election that we all went through in May, one of the themes that came out from that election that was voiced to me and, I think, everyone that ran in that election was the disenchantment that Albertans have in our democratic processes, that they were frustrated by it. They did not have any faith in the democratic process anymore. I heard comments: "Well, all politicians are self-serving, and they don't serve the people," and on and on. I'm sure everyone around this table heard similar comments like that.

What we have seen since May 5 in two sittings now is a recurring theme where the legislative processes that are in place are being avoided, such as referring bills to the standing committees for review. Here we are in a committee reviewing the advocate's report, and we're finding that government members of this committee are punting these issues back to government over and over rather than empowering this committee to do the job the committee was originally struck to do. Here we have a motion which is entirely within the purview of this committee to do – and in fact I'll say that this committee has a duty to do this kind of a review – yet here we have government members attempting to strike this motion down.

I am concerned, as was voiced by my esteemed colleague Mr. Cooper, that this recurring theme is not good. It does nothing to reaffirm Albertans' trust in due democratic process whatsoever and, in fact, in my opinion, continues to undermine that trust. We as elected members, every one of us around this table, have a solemn responsibility to the people that put us here to do those things and conduct ourselves in these committees and in the Legislature in a manner that instills trust and doesn't undermine it. If this committee is just going to continue to punt things to government departments or strike down motions that require this committee to do some work, then it calls into question: just what are we doing here? If we simply check our phones for how we're supposed to vote, you know, call a time out so we can figure out what we're supposed to say, then why are you here? It's a question each one of us needs to ask.

2:50

I am very genuinely concerned that some of the members around this table are not acting independently nor in the best interest of Albertans if they continually shirk work and send it off somewhere else to be done. We have a job to do. I would encourage every member to consider that, and let's get on with the business of being a committee that reviews the laws, that takes motions like this and gives ourselves some very important work that must be done in this province.

Thank you.

**The Chair:** Thank you, Mr. MacIntyre.

I would just like to remind members to keep conversation points directly related to the motion that we're discussing at this point.

Mrs. Aheer.

**Mrs. Aheer:** Thank you, Madam Chair. Just quickly I wanted to read a quote from *Hansard* from Minister Mason, just to state that in regards to this motion: "It was the NDP opposition that led the fight for a balanced and fair approach to property. What that means to me is that people have the right of appeal [and] they have the right of due process." So that's what I think we're trying to explain here, that this is the process. We're part of that process, and we owe it to the people of Alberta to continue with that process and not push it on.

Thank you.

**The Chair:** Thank you, Mrs. Aheer.

Any other members wishing to speak to the motion?

Hearing none, I will call for a vote on the motion. All in favour?

**Ms Woollard:** Could you read the motion? I want to read the motion, please.

**The Chair:** There's been a request to read the motion, so I'm going to reread it. Moved by Mr. Cooper that

in the interest of ensuring landowners' rights to fair compensation and due process are respected, the Standing Committee on Resource Stewardship conduct a review of landowner surface

rights in Alberta, with the scope of the review including but not limited to the landowner notification process; landowner rights to a hearing; landowner rights to recourse to the courts when they do not accept government's decisions about usage restrictions or compensation; assurances that the government devaluing of property, particularly through adjournments to statutory consents, are compensatable with recourse to the courts; and whether a landowner should be considered the owner of the pore space beneath their land.

I will now call for a vote on this motion.

**Mr. Cooper:** Madam Chair, I'm not sure if this is out of order as I'm not on the committee . . .

**The Chair:** It is, Mr. Cooper.

**Mr. Cooper:** . . . but perhaps one of my colleagues could ask for a division on this vote.

**Mr. MacIntyre:** I'll ask for a division, Madam Chair.

**The Chair:** I'm recalling to call for the vote. Sorry. We can put it on the record to have a recorded vote.

**Mr. MacIntyre:** Thank you, Madam Chair. I'd like a recorded vote.

**The Chair:** Thank you. When I call for all those in favour, if you are in favour, you will say your name and say that you are in favour. When I call for all opposed, you will say your name and say opposed.

I'd like to change that to: we will go around the table and have every member say their name and say whether they are opposed or in favour, and then we will go to the phones and have the members on the phone indicate who they are and whether or not they are in favour or opposed. I will start to my right.

**Mr. Loewen:** Todd Loewen, Grande Prairie-Smoky, in favour.

**Mrs. Aheer:** Leela Sharon Aheer of Chestermere-Rocky View, in favour.

**Mr. Drysdale:** Wayne Drysdale, Grande Prairie-Wapiti, opposed.

**Ms Woollard:** Denise Woollard, Edmonton-Mill Creek, opposed.

**Mr. Kleinsteuber:** Jamie Kleinsteuber for Calgary-Northern Hills, opposed.

**Ms Babcock:** Erin Babcock, Stony Plain, opposed.

**Mr. Carson:** Jon Carson, Edmonton-Meadowlark, opposed.

**Mr. Dang:** Thomas Dang, Edmonton-South West, opposed.

**Mr. Horne:** Trevor Horne, Spruce Grove-St. Albert, opposed.

**Mr. Sucha:** Graham Sucha, Calgary-Shaw, opposed.

**The Chair:** I'll now ask members on the phone to identify themselves and indicate whether they are in favour or opposed.

**Mr. Clark:** Greg Clark, in favour.

**The Chair:** Thank you, Mr. Clark.

**Ms Kazim:** Anam Kazim, Calgary-Glenmore, opposed.

**The Chair:** Thank you, Ms Kazim.

**Mr. Stier:** Pat Stier, Livingstone-Macleod, in favour.

**Mr. MacIntyre:** Don MacIntyre, Innisfail-Sylvan Lake, in favour.

**The Chair:** Motion defeated.

We will now move on to number 6 of the agenda, other business. A letter received from the Alberta Association of Municipal Districts and Counties has been shared with members. Considering the upcoming spring session and that this committee's workload hasn't been determined yet in terms of items that might be referred to it by the Assembly as well as the impending consideration of main estimates, which, according to the standing orders, takes precedence over any other matters, it would not be prudent to commit to an additional task at this time.

Is there any other additional business committee members wish to raise? Sorry. Would we like to go back and discuss the letter? It's not in my notes. Sorry, Mr. Drysdale. Go ahead.

**Mr. Drysdale:** I was going to interrupt anyway. Madam Chair, I would be more than interested in hearing from AAMD and C, particularly President Al Kemmere, and I think this committee should give him an audience.

**The Chair:** Thank you, Mr. Drysdale.

Anyone else wishing to speak on this? Go ahead, Mr. Loewen.

**Mr. Loewen:** Yes. I think we should have this discussion. They've written a letter, and this is one of our duties, to look at issues such as this that are raised. I would be more than happy to listen to the AAMD and C on this issue.

**The Chair:** Thank you. Any other members wishing to comment?

I appreciate the comments and the feedback, but I think at this time we will just be looking at the tasks that we have in our near future and definitely looking at it at a later time, perhaps after the budget.

**Mr. MacIntyre:** Madam Chair, regarding your comment to perhaps look at this at a future date, I find it noncommittal. So could we get a definite from the chair, please, as to when we will consider this rather than a perhaps?

Thank you.

**The Chair:** Thank you for your question, Mr. MacIntyre. Perhaps I could suggest that this could take place the first meeting that we have after the main estimates.

**Mr. MacIntyre:** Sorry, Madam Chair, but you said "perhaps" again. Is that a "let's put it on the menu" or a "maybe we should put it on the menu"?

**The Chair:** It was simply a suggestion.

**Mr. MacIntyre:** Can we have a definite, please?

**The Chair:** It was a suggestion as opposed to a specific date because I don't have a date for our next meeting after the main estimates. I would say the meeting after the main estimates.

**Mr. MacIntyre:** All right. Do you need a motion to have it put on that agenda?

**The Chair:** I don't believe we do.

**Mr. MacIntyre:** Thank you.

3:00

**The Chair:** Thank you, Mr. MacIntyre.

Any other business that committee members wish to raise at this point? Mr. Loewen.

**Mr. Loewen:** I'd like to make the motion that I made earlier, to move that the Standing Committee on Resource Stewardship request that committee research investigate and provide information on the Property Rights Advocate being appointed an officer of the Legislative Assembly and review the advocate's mandate. I have copies of that if you'd like it.

**The Chair:** I would appreciate a copy of that so we could see. Anyone wish to comment on the motion as proposed?

**Mr. Cooper:** When it's appropriate to do so.

**The Chair:** Go ahead, Mr. Cooper.

**Mr. Cooper:** Yeah. Madam Chair, I think that this item of discussion came out of some of the comments that Mr. MacIntyre had made during our meeting in January, when there were a number of questions around the role of the Property Rights Advocate, and did the Property Rights Advocate feel that they had all of the ability to intervene on behalf of property rights that they needed? I think that it comes out of some of the former Property Rights Advocate's comments about the office perhaps not having enough teeth. I wouldn't want to quote him; I can't remember exactly the words that he used. I think that in order for us as a committee to have a sense about whether or not more independence of the office is needed – I highlighted earlier in the meeting some of the inconsistencies that we saw today with the motion being passed, you know, referring something inside the Department of Justice to another part of the Department of Justice, and would there be merit in having this particular individual as an independent officer of the Legislature or not?

I always think that when it comes to public policy, it's best to have as much information as possible. So, you know, I'm in support of Mr. Loewen's motion to try and get some additional information that committee research may be able to put together and then report back to the committee with some recommendations, and perhaps even the former Property Rights Advocate may be able to attend and give a sense of some of what seem to be concerns from him and whether or not we could be providing a better service, at the same costs that currently exist, to Albertans. So I think that it's a good idea, and I encourage all of my colleagues and all of the members of the committee to support the motion.

**The Chair:** Thank you, Mr. Cooper. Unfortunately, this motion isn't under this committee's mandate. It falls under Justice, which does not report to this committee. Therefore, I am at a loss in how to proceed. I would defer perhaps to you.

**Mr. Reynolds:** Well, it's bit of an interesting conundrum, isn't it, really? The Property Rights Advocate's report was referred to this committee by the Assembly. No doubt about that. The committee is in the process of finishing its work. However, the interesting thing is that the Property Rights Advocate Act is actually under Justice. Not surprising; as people have said, it's really part of Justice, and I guess that's part of the motion, to discover if it should be an independent office. But because it is under Justice, it falls within the jurisdiction of the Standing Committee on Families and Communities. What you're asking seems to be for a new inquiry into the committee looking at the Property Rights Advocate, which, you know, may seem like a fine idea. The only problem is that

committees can only undertake investigations and inquiries within their mandates, and this committee's mandate does not include Justice. I really don't know what to say about that.

**Mr. Cooper:** Madam Chair, when appropriate.

**The Chair:** Thank you.

**Mr. Reynolds:** Really, I hate to be the bearer of bad news. I apologize for the, perhaps, offended feelings, but I don't know what else to say on that.

**The Chair:** Thank you, Mr. Reynolds.

**Mr. Loewen:** Can I have clarification on that first?

**The Chair:** Go ahead, Mr. Loewen.

**Mr. Loewen:** Are you suggesting that the discussion that we've had so far in this meeting on the advocate's office has all been out of order?

**Mr. Reynolds:** No, not at all. If I may, Madam Chair.

**The Chair:** Absolutely.

**Mr. Reynolds:** No. Yes, it may seem like splitting hairs – I understand that – but the report was sent to this committee for review. That's fine, and the committee is in the process of completing its task. That was the motion of the Assembly. But what you're suggesting seems to me to be beyond the report. Just to open the door here, if you wanted your motions to be considered part of the committee's review of the report, that's another thing, but if you're suggesting a separate investigation or inquiry into the Property Rights Advocate's office, that's something that, regrettably and perhaps amazingly, this committee doesn't have the mandate to do. An inquiry into that would be another committee which has responsibility for Justice.

**Mr. Loewen:** Okay. I'll just respond here.

**The Chair:** Go ahead, Mr. Loewen.

**Mr. Loewen:** Okay. Actually, what I'm asking for is information, so I think the request for information is no different than what we've been discussing so far on the advocate's report.

**Mr. Reynolds:** Well, Madam Chair, I'm not trying in any way to usurp the role of the committee because to an extent you are the masters of your procedure within the jurisdiction which has been set by the Assembly. To that end – perhaps I'm interpreting it wrong – if you're requesting information about the Property Rights Advocate, that's fine, of course, but I'm not entirely sure how that goes with the other motion of the committee to prepare the final report. The final report is being prepared, but you're asking for information relating to it, which presumably wouldn't be related to the report. Am I correct in that?

**Mr. Loewen:** Are you suggesting this has nothing to do with the report, or are you suggesting it does have something to do with the report?

**Mr. Reynolds:** I'm not suggesting at all. I guess you would be the person to ask, wouldn't you, really? I'm just trying to interpret.

**Mr. Cooper:** Madam Chair.

**The Chair:** Mr. Cooper, go ahead.

**Mr. Cooper:** Thank you, Madam Chair, and thank you, Mr. Reynolds. It sounds to me like the motion may in fact be out of order, particularly given that because of the committee's mandate we wouldn't really be able to do anything with the information. I guess I have two questions for Parliamentary Counsel, one being: why is it, then, that this committee had been the committee to study the report? Two: when we talked about this motion during the discussion around the report, we certainly may have been able to – it sounds to me like if we had included this during the time of the discussion around the report, it would have been ruled in order, but because we have given direction to the committee on what would be included in the report and what wouldn't, the motion is likely to be ruled out of order. Is that correct?

**Mr. Reynolds:** With respect to what's correct, which question were you referring to? Your first question . . .

**Mr. Cooper:** I guess the second question, being: if we had included it during the time of the discussion around what is in the report and what isn't, it would have been in order, but now it's going to be ruled out of order?

3:10

**Mr. Reynolds:** Mr. Cooper, I don't know whether it will be ruled in order or out of order. That's the chair's responsibility. With respect to your first question, which was "Why was it sent to this committee?" I imagine – and I can only, as it were, guess because I can't interpret the intent of the Legislature or the motion – that the subject matter is why it went to this committee. With respect to your question about whether it was in order or out of order, I'm terribly

sorry, but I'm reluctant to engage in hypotheticals about, you know, what the chair might do.

**Mr. Cooper:** Okay. At the end of the day, you know, well, it's disappointing. Perhaps members of the Wildrose caucus could approach the Families and Communities Committee with a similar motion, albeit slightly strange because they haven't had any discussion around the Property Rights Advocate.

**The Chair:** Thank you, Mr. Cooper. I think for clarity's purposes I'm going to rule it out of order.

Is there any other business that the committee members wish to raise?

Seeing none, are there any members on the phone that wish to raise any other business?

Hearing none, we're going to move on to the next agenda item, which is the date of the meeting. I've determined that it will be at the call of the chair. We will be sending a draft report to the members, as discussed earlier in today's meeting.

I will move on to point 8, which is the adjournment. Are there additional items that the members would like to discuss? Seeing none, I would like a member to move that the meeting be adjourned.

**Mr. Sucha:** I'll move that, Madam Chair.

**The Chair:** Moved by Mr. Sucha that the meeting be adjourned. All in favour? Members on the phone in favour, please say aye. Any opposed? Members on the phone, if opposed, please indicate opposed. Motion carried.

Thank you.

[The committee adjourned at 3:13 p.m.]





