



Legislative Assembly of Alberta

The 30th Legislature  
Second Session

Select Special  
Committee on  
Real Property Rights

Tuesday, December 21, 2021  
9 a.m.

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The 30th Legislature  
Second Session**

**Select Special Committee on Real Property Rights**

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Milliken, Nicholas, Calgary-Currie (UC)  
Nielsen, Christian E., Edmonton-Decore (NDP)  
Rowswell, Garth, Vermilion-Lloydminster-Wainwright (UC)  
Schmidt, Marlin, Edmonton-Gold Bar (NDP)  
Sweet, Heather, Edmonton-Manning (NDP)  
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[Mr. Sigurdson in the chair]

**The Chair:** Good morning, everyone. I'd like to call this meeting of the Select Special Committee on Real Property Rights to order and welcome everyone in attendance.

My name is R.J. Sigurdson, MLA for Highwood and chair of the committee. I'd ask that members and those joining the committee at the table introduce themselves for the record, and then I will call on those joining in by videoconference. We will begin with those at the table to the right of the clerk.

**Mr. Rutherford:** Thank you. Brad Rutherford, MLA, Leduc-Beaumont.

**Mr. Yao:** Tany Yao, Fort McMurray-Wood Buffalo.

**Mr. van Dijken:** Glenn van Dijken, MLA for Athabasca-Barrhead-Westlock.

**Mr. Nielsen:** Good morning. Chris Nielsen, MLA for Edmonton-Decore.

**Ms Govindarajan:** Vani Govindarajan, a lawyer with the office of Parliamentary Counsel.

**Dr. Massolin:** Good morning. Philip Massolin, Clerk Assistant, director of House services.

**Mr. Roth:** Good morning. Aaron Roth, committee clerk.

**The Chair:** We will now go to those joining virtually.

**Mr. Rowswell:** Garth Rowswell, MLA, Vermilion-Lloydminster-Wainwright.

**Ms Sweet:** Good morning. Heather Sweet, MLA for Edmonton-Manning.

**The Chair:** Next, MLA Michaela Frey. We seem to be struggling with a little bit of audio there.

**Mr. Schmidt:** Marlin Schmidt, Edmonton-Gold Bar.

**Mr. Hanson:** David Hanson, MLA, Bonnyville-Cold Lake-St. Paul.

**Mr. Milliken:** Nick Milliken, MLA, Calgary-Currie.

**The Chair:** For the record we do not have any substitutions today.

I'll move on to a few housekeeping items to address before we turn to the business at hand. Pursuant to the direction . . .

**Ms Ganley:** Sorry, Mr. Chair.

**The Chair:** Yes.

**Ms Ganley:** I'm here also, MLA Ganley.

**The Chair:** Oh, sorry. I apologize, MLA Ganley. Sorry.

We will move on now to a few housekeeping items to address before we turn to the business at hand. Pursuant to the direction from the hon. Speaker Cooper I would note for the members that wearing masks is required in the committee room except when you are speaking, and members are also encouraged to leave an appropriate amount of physical distance around the table. The committee room galleries are currently closed to the public, so guests attending committee meetings are required to do so virtually.

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Those participating by videoconference are asked to please turn on your camera while speaking and to mute your microphone when not speaking. Members participating virtually who wish to be placed on the speakers list are asked to e-mail or send a message in the meeting chat to the committee clerk, and members in the room are asked to please signal the clerk for this meeting. Please set your cellphones and other devices to silent for the duration of the meeting.

We will move on now to item 2, approval of the agenda. Are there any changes or additions to the draft agenda?

If not, would somebody like to make a motion to approve the agenda?

**Mr. Rutherford:** Mr. Chair, I can make that motion to move the agenda.

**The Chair:** Thank you, MLA Rutherford.

Moved by MLA Rutherford that the agenda for the December 21, 2021, meeting of the Select Special Committee on Real Property Rights be adopted as distributed. All those in favour in the room, please say aye. All those opposed in the room, please say nay. Hearing none, moving to those virtually, all those in favour, please say aye. And virtually, all those opposed, please say nay. Hearing none, that motion is carried.

Moving on to item 3, approval of the minutes, next we have the draft minutes of our October 20, 2021, meeting. Are there any errors or omissions to note?

If not, would a member like to make a motion to approve the minutes?

**Mr. Rutherford:** Mr. Chair, if I could, I would move the motion to approve the minutes.

**The Chair:** Once again, thank you, MLA Rutherford.

Moved by MLA Rutherford that the minutes of the October 20, 2021, meeting of the Select Special Committee on Real Property Rights be approved as distributed. All those in the room in favour, please say aye. All those in the room opposed, please say nay. Moving to virtually, all those in favour, please say aye. And virtually, all those opposed, please say nay. Hearing none, that motion is carried.

Moving on now to item 4, public meetings, as members will recall, due to the restrictions placed on large gatherings because of the COVID-19 pandemic, the committee decided to postpone the in-person public meetings that had been planned for this past fall, and the motion that was passed to hold public meetings was rescinded. The committee then made an interim report to the Assembly with the recommendation that the committee's reporting deadline be extended to allow for the committee to plan in-person public meetings in the new year. The Assembly agreed to Government Motion 106 on November 24, and the committee's reporting deadline has now been extended until June 15, 2022.

The committee can now begin discussing how to proceed with public meetings. In order for the committee to go forward with these meetings, it would need to pass a new motion to set out the terms of the public meetings, including the communities where meetings will be held and the format for the meetings. Members will recall that when the committee originally planned for public meetings, it decided that meetings would be held in Edmonton, Edson, St. Paul, Eckville, Hanna, Fort Macleod, and Medicine Hat and that all

meetings would be in person except for the meeting in Edmonton, which was to be organized as a virtual meeting. At this time I'd like to open the floor to any comments or motions related to the planning of these public meetings.

**Mr. Rutherford:** Mr. Chair, it's MLA Rutherford. If I could get the floor.

**The Chair:** Please go ahead, MLA Rutherford.

**Mr. Rutherford:** Thank you. Just to your comments, I know we had rescinded the previous motion, and thank you to the Legislature for approving an extension in our mandate so that we can have time to begin to plan the tour of Alberta and to hear directly from Albertans.

With that, I would like to move a motion getting that started again if I could.

**The Chair:** Please, MLA Rutherford, can you read the motion into the record, and then we'll wait for the clerk to get that up on the screen.

**Mr. Rutherford:** Sounds good. Thank you, Mr. Chair. I move that

(a) the Select Special Committee on Real Property Rights hold a public meeting at each of the following locations on dates to be determined by the chair after consulting with committee members:

- (i) Edmonton,
- (ii) Edson,
- (iii) St. Paul,
- (iv) Eckville,
- (v) Hanna,
- (vi) Fort Macleod, and
- (vii) Medicine Hat;

(b) all committee members may attend any of the meetings referred to in clause (a);

(c) the format of each meeting referred to in clause (a) is as follows:

- (A) as the first item of business, the chair may describe the committee's mandate for a period of up to 10 minutes, and
- (B) for a period of up to two hours, moderated by the chair, members of the public may provide comments relevant to the committee's mandate;

(d) members of the public may attend the meeting held in Edmonton by virtual means only;

(e) the following applies to each meeting referred to in clause (a) that is held in a location other than Edmonton:

- (i) members of the public may attend in person;
- (ii) the Legislative Assembly Office may broadcast the meeting by means of audiostream only.

With that motion, the intention: getting our planning back on track, Mr. Chair, and making sure that yourself and the LAO are able to start working on these dates and a plan moving forward. There are programs and options available now within our public health measures such as the REP program that can have these public meetings held safely and, of course, in consideration of any kind of recent events, but the planning still needs to happen nonetheless so that we can begin to find these dates. We'll find appropriate dates, anyways.

It's a very similar motion, you know, to the previous one as well, so I will leave it at that, Mr. Chair, and see what everybody else's thoughts are.

**The Chair:** Excellent. Thank you, MLA Rutherford.

I will now open it up for discussion for the committee at this time. The first hand I saw raised was by MLA Ganley. Please go ahead.

**Ms Ganley:** Thank you very much, Mr. Chair. I would like to move an amendment to that motion. That will probably come as a surprise to no one since it's on the committee website. I would move that the motion be amended in clause (a) by adding the following immediately after subclause (vii):

(viii) Canmore.

**9:10**

I won't go on at length because I think we had this conversation a previous time with such a motion, but I would suggest that this is an area with slightly different considerations and slightly different concerns, and I think it's worth adding that one to the list. You know, in light of sort of cumulative effects and a lot of things that we're all sort of aware of – and certainly complaints that I've heard from landowners include sort of impacts on water and impacts and cumulative effects surrounding these issues – I think that just because of the nature of the area this is, like, another area that's worth talking about, which is sort of, I guess, the point of having the committee move from place to place, that each specific location has its own considerations. I would move that we amend the motion to include Canmore.

Thank you.

**The Chair:** Thank you, MLA Ganley.

At this time I will open it up to the committee for questions and/or comments with regard to the amendment. I do see MLA van Dijken has signalled the clerk. MLA van Dijken, would you like to speak to the amendment?

**Mr. van Dijken:** Yeah. I can speak to the amendment, but I also had one other item. You can put me on the list for after the amendment.

I don't know if it makes any sense to add another location given the time frame. Also, when I take a look at it, we are relying on the Edmonton virtual meeting for pretty much the entire north half of the province. For those that are in other areas, when we look at it, travelling to whether it's Edson, St. Paul out of the north, they're significant distances. There is opportunity for in person throughout the south: Eckville, Hanna, Fort Macleod, Medicine Hat. I would speak against the amendment and stick with the six locations and really direct that if more people want to participate, the Edmonton virtual meeting is the one to attend.

**The Chair:** Are there any other speakers to the amendment at this time?

Hearing and seeing none, at this point I will call the question. In regard to the amendment by MLA Ganley, all those in the room in favour, please say aye. In the room, all those opposed, please say nay. Going virtually, all those in favour, please say aye. Virtually, all those opposed, please say nay. It appears as though that amendment is defeated. We are back on the main . . .

**Ms Sweet:** Mr. Chair.

**The Chair:** Yes.

**Ms Sweet:** Can we have a recorded vote, please?

**The Chair:** Yes, we can.

We will go to those in person, starting to the right of the clerk. Please state your intention, your yea or nay, to vote. We will start with the in room to the right of the clerk.

**Mr. Rutherford:** No.

**Mr. Yao:** No.

**Mr. van Dijken:** Opposed to the amendment.

**Mr. Nielsen:** Yes.

**The Chair:** All right. We will now go to those joining us virtually. Please, of course, turn your camera on and then state your intention to vote.

**Mr. Rowswell:** No.

**Ms Sweet:** Aye. Support.

**Mrs. Frey:** No. Opposed.

**Mr. Schmidt:** Yes.

**Mr. Hanson:** No.

**Mr. Milliken:** No.

**Ms Ganley:** Yes.

**The Chair:** Just to make sure, are there any other – oh. That's the full list.

I will go to the clerk for the count.

**Mr. Roth:** Mr. Chair, the total for the motion, four; the total against, seven.

**The Chair:** Thank you.

That amendment is defeated.

We are now back on the main motion. As indicated previously, I have MLA van Dijken wanting to speak to the main motion, so I will start with you. Please go ahead, MLA van Dijken.

**Mr. van Dijken:** Good. Thank you, Chair. I guess I'm just searching for clarity on the format of each meeting. We have a limit "of up to two hours, moderated by the chair." My concern is primarily for those in the north. Like, for my riding, about half of the riding, the east side, has access to the St. Paul meeting within an hour, an hour and a half, but anywhere from Barrhead-Westlock north – Grande Prairie, Fairview, Peace River up to La Crête – they're going to participate largely virtually at the Edmonton meeting. I just don't want to be limited by time in being able to receive input. I don't know if there's opportunity for extending time by the chair. It says, "moderated by the chair," but with the limit of two hours, do we have any understanding of how that can function if we see that there is significant desire to have input yet we're running up against the clock? Any comment on that?

**The Chair:** At this point maybe I will turn it over to the clerk's office and the LAO to maybe make a few comments on how past public meetings have been held with respect to the timeline. Maybe we'll start with that if that helps, MLA van Dijken. Please go ahead, Clerk.

**Mr. Roth:** Thank you, Chair. One of the possible ways could be unanimous consent of those that would be present to carry on, because it would be a full meeting of the committee. So there's that, I mean, if it were the will of the committee to go longer, for instance.

**The Chair:** MLA van Dijken, do you have a follow-up to that, or does that, you know, satisfy your question on how we could proceed with extending those meetings?

**Mr. van Dijken:** Okay. So, just for clarity, it's committee members attending the meeting that would be able to make a decision to extend it if so desired, but it needs unanimous consent. That's what

I just heard. Okay. Yeah. That makes sense. I can be agreeable to that. I have no idea, like, how long these meetings are going to take, but I'd hate to have organized meetings where we run up against the clock and people with desire to have public input are not able to.

Thank you, Chair.

**The Chair:** Next I see MLA Ganley. Please go ahead.

**Ms Ganley:** Thank you. I just wanted to actually jump in and echo those comments. I think that in a lot of locations probably the length of the meeting is going to be sufficient, but if you assume two hours of the meeting for members of the public and if each person speaks for, say, five minutes, that's only 24 people. I would say that in light of the sort of volume of submissions being received, at least by our caucus, in terms of people with concerns about this sort of thing, I have concerns that the Edmonton virtual meeting isn't going to be sufficiently long.

I think that we all have an interest in this, so I think we should probably consider planning it in such a way that it's possible to extend. I believe the last time we were talking about this, we were sort of going from 6 to 8, and that makes it a bit difficult to extend the meeting because it's already fairly late into the evening. I think we should just be aware of that and maybe have a backup plan in case the committee is willing to extend, because I don't think we want to cut anyone off on this issue.

9:20

**The Chair:** Thank you, MLA Ganley.

Are there any further questions or comments regarding the main motion?

**Mr. Nielsen:** Chair, MLA Nielsen here.

**The Chair:** Please proceed.

**Mr. Nielsen:** I'll maybe just throw this out for the committee's consideration – obviously, we probably have to go with unanimous consent to amend; that is my guess – that under (c), subclause (B), "for a period of up to two hours, moderated by the chair," we put in some kind of an exception or something for Edmonton to extend that. Maybe I'll look over towards the clerk or Parliamentary Counsel for how that might look if that was the case or if that just muddies the waters.

**The Chair:** I will look to the clerk for comments on that. I think we have stated that with unanimous consent from the committee we can extend the meetings already, but I guess you're asking for some sort of clarity with regard to that. I'll move to the clerk just to maybe clarify again. I think it is assumed that we already have the ability to extend meetings if necessary.

**Mr. Roth:** Thank you, Chair. Just two things. Just to clarify, you were saying: for the Edmonton meeting, the ability to extend. Okay. I mean, we could potentially draft something up. Of course, it's up to the committee to vote in favour of allowing a new amendment on the floor as it's past the notice date. That would be required first before it could proceed.

Thank you.

**The Chair:** Just to be clear, MLA Nielsen, are you asking for unanimous consent for a change to this main motion?

**Mr. Nielsen:** I guess I was just throwing it into the conversation to see if there's maybe a will to discuss it further, and then I suppose we could ask after if there's, I guess, a positive vibe for it.

**The Chair:** I will just note that the clerk has clarified that we do have the ability already, through unanimous consent at any of the meetings that are listed within the main motion, to extend the time if necessary.

I will move on to MLA Milliken – I saw his hand raised – if he has comments.

**Mr. Milliken:** No. I had a question, but I think it's been answered now.

**The Chair:** MLA Nielsen, are you still looking for unanimous consent for an amendment to the main motion?

**Mr. Nielsen:** No, Chair.

**The Chair:** At this point in time are there any further questions or comments to the main motion?

**Mr. van Dijken:** Yeah, Chair, if I may. Okay. I guess I just have a comment with regard to the discussion on extending meetings. I think that given that the clerk has instructed us that an extension of a meeting, if deemed necessary, would be available if we got unanimous consent of committee members, that is sufficient, and I'm quite comfortable with moving forward in that direction.

**The Chair:** Thank you, MLA van Dijken.

Are there any further questions or comments to the main motion?

Seeing and hearing none, at this point in time I will call the question on the main motion. All those in favour of the main motion as proposed by MLA Rutherford in the room, please say aye. In the room if you're opposed, please say nay. Moving to virtually, all those in favour of the main motion, please say aye. Virtually all those opposed, please say nay. Hearing none,  
that motion is carried.

We now move on. LAO communications had prepared a communications plan for the in-person public meetings that included dates and locations decided previously. The plan would need to be updated to reflect the decisions made at today's meeting. I have a potential motion prepared for the committee to provide that direction for the plan to be updated. I would note that we also have Janet Laurie from LAO communications, who can provide comments if necessary. Does anyone have any questions or comments at this time?

Seeing and hearing none, a draft motion to direct LAO comms to update the communications plan is available. Is there anyone willing to move this motion?

**Ms Sweet:** Mr. Chair, I can move it.

**The Chair:** Thank you, MLA Sweet.

Currently moved by MLA Sweet that  
the Select Special Committee on Real Property Rights direct LAO communications services to update the communications plan regarding the committee's public meetings to reflect decisions made today and that the chair be authorized to approve

the communications plan after it has been made available to the committee for review.

Is there any further discussion on this motion as submitted? Please go ahead, MLA Schmidt.

**Mr. Schmidt:** What's the process here? This motion wasn't prepared ahead of time. It wasn't available to committee members beforehand according to the standing orders, the rules of the committee. Why are we entertaining this motion right now?

**The Chair:** I will move to the clerk for a statement on motions that are directed to LAO comms. Aaron Roth, can you please make comments with regard to this motion?

**Mr. Roth:** Thank you, Chair. In the memo with regard to Standing Order 52.041 there's a section that permits motions that are not required to be put on notice ahead of time. One of the circumstances of such a potential motion would be motions for support by Legislative Assembly Office staff such as research services and corporate communications. As per the memo put out by the chair, notice would not be required for this type of motion.

Thank you, Chair.

**The Chair:** Thank you, Aaron Roth.

MLA Schmidt, does that answer your question sufficiently?

**Mr. Schmidt:** Yeah. Thank you.

**The Chair:** Is there any further discussion regarding the motion as moved by MLA Sweet?

Hearing and seeing none, I will call the question. All those in favour of the motion as moved by MLA Sweet in the room, please say aye. In the room if you're opposed, please say nay. Moving to virtually, all those in favour of the motion, please say aye. And virtually all those opposed, please say nay.

That motion is carried.

Now moving on to item 5, other business. Is there anything further for the committee to discuss today?

Seeing and hearing none, item 6, date of the next meeting. The next meeting will be at the call of the chair.

Now moving on to agenda item 7, adjournment, I will call for a motion to adjourn.

**Mr. Rutherford:** Mr. Chair, I'll move to adjourn.

**The Chair:** Moved by MLA Rutherford that the meeting be adjourned. All those in the room in favour, please say aye. All those in the room opposed, please say nay. Moving to virtually, all those in favour, please say aye. And virtually all those opposed, please say nay. Hearing none, that motion is carried.

Thank you, everyone, for your attendance today. I hope everyone has happy holidays and a very exciting New Year's as well.

Thank you very much.

[The committee adjourned at 9:30 a.m.]



