

## Guide to the 2022 Subject Index

**Committee mandate:** The Select Special Committee on Real Property Rights was established by the Legislative Assembly on March 22, 2021, through the passage of Government Motion 69 of the 30th Legislature, Second Session. The committee's deadline to report to the Legislative Assembly with recommendations was extended by Government Motion 106 of the Second Session from December 15, 2021, to June 15, 2022, and further extended to June 30, 2022, by Government Motion 28 of the Third Session.

The committee's mandate was limited to consideration of:

- whether the legal remedies available to a real property owner who is deprived of the use of their real property are adequate;
- whether the real property rights should be expanded or, in the case of an individual, constitutionally protected;
- whether the law of adverse possession should be abolished;
- whether the expropriation processes provided under the Expropriation Act are adequate;
- any other matter that the committee decides is necessary to ensure the completeness of its review.

The Legislative Assembly referred Bill 206, Property Rights Statutes Amendment Act, 2020, to the committee for review on April 12, 2021, in accordance with Standing Order 78.1. Bill 206 was dropped from the Order Paper at the end of the 30th Legislature, Second Session.

The committee could review as part of its mandate any part of the following statutes: Alberta Bill of Rights, Alberta Land Stewardship Act, Expropriation Act, Land Titles Act, Law of Property Act, Limitations Act, Responsible Energy Development Act. The committee could review any other act which the committee determined was necessary to ensure the completeness of its review.

The committee tabled its final report on June 20, 2022.

There are two indexes for the transcripts of meetings of the Select Special Committee on Real Property Rights, a **subject index** and a **speaker index**. Interim indexes are unedited and are not considered official. Committee activities during the 30th Legislature, Third Session (February 22, 2022 – ) are as follows.

### Abbreviations

#### *Political parties*

Ind.	Independent (no party affiliation)
NDP	New Democratic Party
UCP	United Conservative Party

Abbreviations not included in the above list are in the subject index in alphabetical order.

### Committee meeting dates and page ranges with links to transcripts:

<i>Committee meeting dates</i>	<i>Pages</i>
March 25, 2022 (public meeting, Edson) .....	<a href="#">RP115-126</a>
April 1, 2022 (public meeting, St. Paul).....	<a href="#">RP127-140</a>
April 12, 2022 (public meeting, Medicine Hat) .....	<a href="#">RP141-152</a>
April 12, 2022 (public meeting, Fort Macleod).....	<a href="#">RP153-164</a>
April 13, 2022 (public meeting, Hanna).....	<a href="#">RP165-178</a>
April 14, 2022 (public meeting, Eckville).....	<a href="#">RP179-192</a>
May 26, 2022.....	<a href="#">RP193-206</a>



**Aboriginal claims**

Land claims ... *Johnson* RP168; *Milliken* RP162; *Petek* RP155

**Aboriginal communities**

Drinking water *See* **Water quality: Drinking water, aboriginal communities**

Saddle Lake First Nation *See* **Saddle Lake First Nation**

**Aboriginal consultation**

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Land-use consultation ... *Wanner* RP150

**Aboriginal peoples**

Land and resource ownership ... *Redcrow* RP129, 131

Removal of First Nations from Banff and Jasper national parks ... *Drolet* RP136

Right to hunt and fish ... *Redcrow* RP129; *Toner* RP119

**Aboriginal relations**

Alberta Natural Resources Act (1930) ... *Redcrow* RP131

Royal Proclamation, 1763 ... *Redcrow* RP129

Treaty 6, history of ... *Redcrow* RP129, 131

**Advertising by committees**

*See* **Communications planning**

**AER**

*See* **Alberta Energy Regulator**

**AG**

*See* **Auditor General**

**Aggregates mining**

*See* **Sand and gravel mines and mining**

**Agricultural diseases and pests**

*See* **Clubroot (plant pathogen)**

**Agricultural land**

Land preservation ... *Friesen* RP164; *McCanna* RP163

**Alberta Bill of Rights**

Section 1(a), property rights, proposed amendment ... *Burns* RP170; *Young* RP182

**Alberta Bill of Rights review committee**

*See* **Committee on Real Property Rights, Select Special**

**Alberta Energy Regulator**

Appeal process ... *Schwartz* RP181

Applications, notice to landowners ... *Bennett* RP154, 161; *Ford* RP141; *Huvenaars* RP149; *Sweet* RP161

Compliance and enforcement ... *Christian* RP183–84; *Schmidt* RP178; *Watts* RP172, 178

Governing legislation *See* **Geothermal Resource Development Act; Mineral Resource Development Act; Responsible Energy Development Act**

Project approval process ... *Johnson* RP172

Statements of concern, definition of “directly and adversely affected” ... *Christian* RP183–84; *Garbutt* RP158; *Milliken* RP162; *Schmidt* RP199–200

**Alberta Land Stewardship Act**

2011 amendments ... *Schwartz* RP186

Amendments (proposed) *See* **Property Rights Statutes Amendment Act, 2020 (Bill 206): Section 2(6), proposed amendments to ALSA**

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**Alberta Land Stewardship Act (continued)**

Public response to act ... *Barnes* RP148

Regulatory takings ... *Laramée* RP131

**Alberta Land Stewardship Act review committee**

*See* **Committee on Real Property Rights, Select Special**

**Alberta Law Reform Institute**

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**Alberta Natural Resources Act (1930)**

*See* **Aboriginal relations: Alberta Natural Resources Act (1930)**

**Alberta Regulations**

AR 228/2003 *See* **Recreational access regulation (Alberta Regulation 228/2003)**

**Alberta Utilities Commission**

Cost awards ... *Hanson* RP174; *Johnson* RP174

Hearings ... *Dargis, D.* RP133–34, 138; *Hanson* RP174; *Johnson* RP174; *Schmidt* RP137–38

Project approval process ... *Brousseau, M.* RP135; *Chair* RP134; *Dargis, D.* RP133–34, 137; *Dargis, F.* RP137; *Hanson* RP174; *Johnson* RP173–74; *Schmidt* RP137; *Wirsta* RP134–35

Wind farm approvals *See* **Wind power industry**

**ALRI**

*See* **Alberta Law Reform Institute**

**ALSA**

*See* **Alberta Land Stewardship Act**

**Alternate energy resources**

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**Alternative energy industries**

Land disturbances, reclamation requirements *See*

**Reclamation of land: Renewable/alternative energy projects**

Wind farms *See* **Wind power industry**

**Animal protection**

*See* **Wildlife conservation and management**

**AUC**

*See* **Alberta Utilities Commission**

**Auditor General**

Committee recommendation that Auditor General conduct a performance audit of AER and AUC in respect of significant delays in adjudicating matters involving real property owners, motion on (Nielsen: defeated) ... *Chair* RP202; *Hanson* RP202; *Nielsen* RP202

**Bill C-18, Marketing Freedom for Grain Farmers Act (2011) (federal)**

*See* **Canadian Wheat Board (former)**

**Bill of Rights, Alberta**

*See* **Alberta Bill of Rights**

**Bill of Rights, Canadian**

*See* **Canadian Bill of Rights**

**Bills, government (2009)**

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**Bills, government (2010)**

Bill 24 (Carbon Capture and Storage Statutes Amendment Act, 2010) *See* **Carbon capture and storage**

**Bills, government (2011)**

Bill 10 (Alberta Land Stewardship Amendment Act, 2011) *See* **Alberta Land Stewardship Act: 2011 amendments**

**Bills, government (2012)**

Bill 2 *See* **Responsible Energy Development Act**

**Bills, government (2020)**

Bill 36 *See* **Geothermal Resource Development Act**  
 Bill 48 (Red Tape Reduction Implementation Act, 2020 (No. 2)) *See* **Land and Property Rights Tribunal Act**

**Bills, government (2021)**

Bill 82 *See* **Mineral Resource Development Act**

**Bills, private members' public (2012)**

Bill 204 (Land Statutes (Abolition of Adverse Possession) Amendment Act, 2012) *See* **Freehold lands: Adverse possession (squatters' rights), proposed abolishment, legal history in Alberta**

**Bills, private members' public (2020)**

Bill 206 *See* **Property Rights Statutes Amendment Act, 2020 (Bill 206)**

**Boundary waters treaty**

*See* **Milk River: Water supply for irrigation**

**Brownfield remediation**

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**Canadian agricultural partnership (federal-provincial-territorial program)**

Water program ... *Stuber* RP146

**Canadian Bill of Rights**

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**Canadian Constitution**

*See* **Constitution Act, 1867; Constitution Act, 1982; Constitution of Canada**

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**CAP**

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**Carbon capture and storage**

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**Carbon Capture and Storage Statutes Amendment Act, 2010 (Bill 24)**

*See* **Carbon capture and storage**

**Carbon dioxide sequestration**

*See* **Carbon capture and storage**

**CCS**

*See* **Carbon capture and storage**

**CEBA**

*See* **Canada emergency business account (CEBA)**

**Cervid diseases**

Chronic wasting disease *See* **Hunting: Game farms**

**Chronic wasting disease (CWD)**

*See* **Hunting: Game farms**

**Cities and towns**

*See* **Municipalities**

**Climate Change and Emissions Management Act**

*See* **Emissions Management and Climate Resilience Act**

**Clubroot (plant pathogen)**

Prevention plan ... *Hanson* RP173; *McNaughton* RP171; *Strankman* RP173; *Watts* RP173

**CO<sub>2</sub> sequestration**

*See* **Carbon capture and storage**

**Committee on Real Property Rights, Select Special**

Mandate ... *Acting Chair (Hanson)* RP115, 126; *Chair* RP127–28, 130–31, 135–37, 141, 153, 165–66; *Deputy Chair* RP179; *Huffman* RP136; *Labrie* RP130; *Rowswell* RP128; *Schmidt* RP130; *Strankman* RP166; *Yao* RP128

Mandate, committee to expand its review to include Surface Rights Act, motion on (Milliken: carried) ... *Chair* RP194; *Milliken* RP194; *Nielsen* RP194

Mandate, committee to expand its review to include Surface Rights Act, motion on (Milliken: carried), leave to move amendment sought (denied) ... *Nielsen* RP194

May 26, 2022, meeting, committee to revert to deliberations and recommendations, motion on (Milliken: carried) ... *Chair* RP204; *Hanson* RP204; *Milliken* RP204

May 26, 2022, meeting agenda, committee to approve as amended, motion on (Rutherford: carried) ... *Chair* RP193; *Rutherford* RP193

May 26, 2022, meeting agenda, leave sought to amend agenda (granted) ... *Rutherford* RP193

May 26, 2022, meeting minutes, committee to authorize chair to approve minutes after they have been circulated to committee members to review, motion on (Rutherford: carried) ... *Chair* RP205; *Rutherford* RP205

Procedure, language creating disorder, point of order raised ... *Chair* RP200; *Rutherford* RP200; *Schmidt* RP200

Procedure, notice and admissibility of motions *See* **Motions (procedure): Notice and admissibility**

**Communications planning**

Property rights review, public meeting advertising ... *Petek* RP155; *Stuber* RP145; *Wanner* RP150

**Confidentiality of personal information**

*See* **Privacy**

**Conservation of the environment**

*See* **Environmental protection**

**Conservative Party, United**

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**Constitution Act, 1867**

Section 91(24), Indians and lands reserved for Indians ... *Redcrow* RP129

**Constitution Act, 1982**

Section 35, recognition of existing aboriginal and treaty rights [*See also* **Aboriginal consultation**]; *Redcrow* RP129

Section 45, amendments by provincial Legislatures ... *Milliken* RP199

**Constitution of Canada**

Property rights protection (proposed) ... *Burns* RP170; *Chair* RP127–28, 130; *Drolet* RP136; *Ford* RP141–42; *Friesen* RP164; *Hunter* RP148; *Johnson* RP169; *Kurek* RP166–67, 178; *McCanna* RP157–58, 163; *Newton* RP159; *Redcrow* RP128; *Toews, J.* RP127–28; *Wirsta* RP134; *Young* RP182

Property rights protection, committee recommendation that Justice and Solicitor General ministry identify the textual changes to the Constitution and the process and associated steps necessary to constitutionally entrench real property rights in Alberta and report its findings to the Assembly by July 15, 2023, motion on (Milliken: carried) ... *Chair* RP199; *Dach* RP199; *Milliken* RP198–99

**Constitution of the United States**

Property rights protections ... *Kurek* RP167

**Contracts, government**

*See* **Government contracts**

**Coronavirus**

*See* **COVID-19**

**Court of Queen's Bench**

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**COVID-19**

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*See* **Ministry of Transportation**

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**Ecological conservation**

*See* **Environmental protection**

**Education levy**

*See* **Property tax: Education levy**

**Electric power line construction**

Landowner rights *See* **Freehold lands: Landowner rights, electric power line construction**

**Electric power prices**

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**Electric power prices (continued)**

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**Electric utilities**

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Government use ... *Toews, J.* RP127

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**Emissions Management and Climate Resilience Act**

Section 9 re-enactment (proposed) ... *Johnson* RP168

**Energy, alternative**

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**Reclamation of land: Renewable/alternative energy projects**

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**Energy industries**

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Land sales (lease for access), landowner complaints ...

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*McNaughton* RP171, 176; *Schmidt* RP177; *Watts*

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Liability management framework, committee recommendation that minister consider oil and gas prices in the determination of mandatory closure spend targets, motion on (Schmidt: defeated) ... *Chair* RP198; *Dach* RP198; *Hanson* RP198; *Milliken* RP198; *Schmidt* RP198

**Energy Regulator, Alberta**

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**Energy resource prices**

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Compliance and enforcement ... *Christian* RP183–84

Federal regulation and jurisdiction ... *Kurek* RP175

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*See* **Motions (procedure): Real property rights, committee recommendation that Environmental Protection and Enhancement Act be amended to specify persons considered to be directly and adversely affected by any matter specified in the act relating to the use of a body of water (Schmidt: ruled out of order)**

**EPEA (Environmental Protection and Enhancement Act)**

*See* **Motions (procedure): Real property rights, committee recommendation that Environmental Protection and Enhancement Act be amended to specify persons considered to be directly and adversely affected by any matter specified in the act relating to the use of a body of water (Schmidt: ruled out of order)**

**EU**

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**European Union**

Property rights protections ... *Kurek* RP167

**Expropriation**

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Landowner compensation, committee recommendation that government examine its process for compensation in respect of the expropriation of real property, specifically with respect to determining fair market value of real property, motion on (Hanson: carried) ... *Chair* RP202; *Hanson* RP201; *Nielsen* RP201–2

Landowner property rights ... *Moses* RP128

**Expropriation Act**

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**Extractive industries**

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**Family farms**

Intergenerational transfer ... *Milliken* RP147; *Stuber* RP145–46

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**First Nations communities**

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**First Nations land claims**

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**Flood plains**

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**FNMI (First Nations, Métis, and Inuit) communities**

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Saddle Lake First Nation *See* **Saddle Lake First Nation**

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Adverse possession (squatters' rights) ... *Acting Chair (Hanson)* RP126; *Allred* RP155–56; *Barnes* RP149; *Ford* RP145; *Getson* RP125; *Jensen* RP125; *Rowswell* RP145

Adverse possession (squatters' rights), proposed abolishment ... *Allred* RP156, 163; *Alm* RP154, 161; *Chair* RP130–31; *Ford* RP142; *Johnson* RP168; *Newton* RP159; *Petek* RP155; *Rowswell* RP161; *Syson* RP130; *Thornton* RP156–57

Adverse possession (squatters' rights), proposed abolishment, committee to adopt the recommendations in ALRI's report Adverse Possession and Lasting Improvements to Wrong Land with respect to the abolition of adverse possession, motion on (Yao: carried unanimously) ... *Chair* RP201; *Dach* RP201; *Hanson* RP201; *Nielsen* RP201; *Yao* RP201

Adverse possession (squatters' rights), proposed abolishment, legal history in Alberta ... *Allred* RP155–56; *Chair* RP164; *Thornton* RP163–64

Boundary disputes ... *Allred* RP156; *Getson* RP125; *Jensen* RP125–26; *Milliken* RP162; *Rowswell* RP125; *Thornton* RP157

Government engagement with landowners ... *McNiven* RP169; *Stuber* RP147; *Wanner* RP150

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Landowner rights, compensation for regulatory takings ... *Barnes* RP148–49; *Chair* RP130; *Dargis, D.* RP133–34; *Ford* RP143–44; *Hunter* RP144; *Huvenaars* RP150; *Johnson* RP168; *Laramée* RP131; *Milliken* RP143; *Murfin* RP184; *Newton* RP159–60; *Redcrow* RP134; *Rowswell* RP132; *Young* RP192

Landowner rights, compensation for regulatory takings, committee recommendation that government develop a comprehensive structure to compensate real property owners if regulatory changes remove reasonable uses of their property, motion on (Rowswell: carried) ... *Chair* RP202; *Rowswell* RP202

Landowner rights, electric power line construction ... *Brousseau, C.* RP133; *Dargis, D.* RP133–34, 137; *Ford* RP144–45; *Hanson* RP173–74, 201; *Hedrick* RP133; *Johnson* RP173–74; *Milliken* RP147–48; *Schmidt* RP137; *Stuber* RP146–48

Landowner rights, energy resource development ... *Bennett* RP153; *Chair* RP131–33; *Christian* RP183; *Drolet* RP136; *Ford* RP141; *Garbutt* RP158–59; *Huvenaars* RP149; *Reszel* RP131–32; *Rowswell* RP147; *Schwartz* RP181; *Stuber* RP145–47; *Wirsta* RP135; *Yao* RP132

Landowner rights, energy resource development, right-of-entry orders *See* **Energy industries: Land sales (lease for access)**

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Landowner rights, expropriation *See* **Expropriation**  
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Landowner rights, municipal development ... *Ford*  
 RP141, 143–45; *Getson* RP125; *Jensen* RP124;  
*Rowswell* RP144, 191; *Schmidt* RP138; *Stuber*  
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Recreational use by public, regulation of [*See also*  
**Hunting: Regulation on private land**]; *Acting Chair*  
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*Rowswell* RP125

**Gas and oil industries**

*See* **Energy industries**

**Gas emissions, greenhouse**

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**Gas pipelines**

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**Geothermal Resource Development Act**

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 Section 4, jurisdiction of regulator ... *Bennett* RP154;  
*Johnson* RP172

**GF2 (Growing Forward 2) (federal-provincial-territorial program)**

*See* **Canadian agricultural partnership (federal-provincial-territorial program)**

**Government bills (2009)**

Bill 36 *See* **Alberta Land Stewardship Act**

**Government bills (2010)**

Bill 24 (Carbon Capture and Storage Statutes Amendment Act, 2010) *See* **Carbon capture and storage**

**Government bills (2011)**

Bill 10 (Alberta Land Stewardship Amendment Act, 2011) *See* **Alberta Land Stewardship Act: 2011 amendments**

**Government bills (2012)**

Bill 2 *See* **Responsible Energy Development Act**

**Government bills (2020)**

Bill 36 *See* **Geothermal Resource Development Act**  
 Bill 48 (Red Tape Reduction Implementation Act, 2020 (No. 2)) *See* **Land and Property Rights Tribunal Act**

**Government bills (2021)**

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**Government contracts**

Legislative drafting, contracted services ... *Bennett*  
 RP154; *Johnson* RP172

**Gravel mining**

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*Frey* RP190; *Hanson* RP160, 192; *Murfin* RP184–85,  
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**Greenhouse gas emissions**

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**Growing Forward 2 (federal-provincial-territorial program)**

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**Highway construction ministry**

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*Jensen* RP125; *Patten* RP122–24; *Rowswell* RP125;  
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 Migratory game birds ... *Hanson* RP122; *Toner* RP121  
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 Regulation on private land ... *Getson* RP119; *Hanson*  
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*Rutherford* RP122; *Toner* RP119, 121, 123  
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*Hanson* RP122; *Patten* RP120, 122  
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 Regulation on private land, Wisconsin ... *Getson* RP119;  
*Patten* RP119–20  
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**Indigenous communities**

Drinking water *See* **Water quality: Drinking water, aboriginal communities**

Saddle Lake First Nation *See* **Saddle Lake First Nation**

**Indigenous consultation**

*See* **Aboriginal consultation**

**Indigenous land claims**

*See* **Aboriginal claims**

**Indigenous peoples**

*See* **Aboriginal peoples**

**Indigenous peoples' claims**

*See* **Aboriginal claims**

**Information, confidentiality of**

*See* **Privacy**

**Institute of law research and reform, Alberta**

*See* **Alberta Law Reform Institute**

**Inuit**

*See* **Aboriginal peoples**

**Invasion of privacy**

*See* **Privacy**

**Land and Property Rights Tribunal**

Note: as of June 2, 2021, tribunal amalgamates Land Compensation Board, Surface Rights Board, Municipal Government Board, and New Home Buyer Protection Board

Appeal process ... *Bennett* RP153

Applications on outstanding surface rights rental payments ... *Frey* RP175–76; *Johnson* RP178; *McNaughton* RP170–71, 175–76; *Schmidt* RP177; *Watts* RP177; *Webster* RP177

Caseload, backlog ... *Johnson* RP178; *Schmidt* RP177; *Watts* RP177; *Webster* RP177

Communications with landowners ... *Bower* RP172–73; *McNaughton* RP170–71, 175–76

Cost awards ... *Schwartz* RP186

Governing legislation *See* **Land and Property Rights Tribunal Act; Surface Rights Act**

Impact of amalgamation ... *Bennett* RP153; *Johnson* RP168, 178

**Land and Property Rights Tribunal Act**

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- Real property rights, committee recommendation that Environmental Protection and Enhancement Act be amended to specify persons considered to be directly and adversely affected by any matter specified in the act relating to the use of a body of water (Schmidt: ruled out of order) ... *Chair* RP203; *Govindarajan* RP203; *Schmidt* RP202–3
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- Real property rights review, committee to expand its review to include Surface Rights Act (Milliken: carried), leave to move amendment sought (denied) ... RP194

**Motions (committee)**

- Auditor General, committee recommendation that Auditor General conduct a performance audit of AER and AUC in respect of significant delays in adjudicating matters involving real property owners (Nielsen: defeated) ... RP202
- Committee mandate, committee to expand its review to include Surface Rights Act (Milliken: carried) ... RP194
- Committee meeting, May 26, 2022, committee to approve agenda as amended (Rutherford: carried) ... RP193
- Committee meeting, May 26, 2022, committee to revert to deliberations and recommendations (Milliken: carried) ... RP204
- Committee meeting minutes, May 26, 2022, committee to authorize chair to approve minutes after they have been circulated to committee members to review (Rutherford: carried) ... RP205
- Liability management framework, committee recommendation that minister consider oil and gas prices in the determination of mandatory closure spend targets (Schmidt: defeated) ... RP198
- Real property rights, committee recommendation that government develop a comprehensive structure to compensate real property owners if regulatory changes remove reasonable uses of their property (Rowswell: carried) ... RP202
- Real property rights, committee recommendation that government examine its process for compensation in respect of the expropriation of real property, specifically with respect to determining fair market value of real property (Hanson: carried) ... RP201–2

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- Real property rights, committee recommendation that Justice and Solicitor General ministry identify the textual changes to the Constitution and the process and associated steps necessary to constitutionally entrench real property rights in Alberta and report its findings to the Assembly by July 15, 2023 (Milliken: carried) ... RP198–99
- Real property rights, committee recommendation that Responsible Energy Development Act be amended to specify persons considered to be directly and adversely affected by an application or decision relating to the use of a body of water (Schmidt: defeated) ... RP199–201
- Real property rights, committee recommendation that Surface Rights Act be amended to reduce the cost of appeals by owners or occupiers and to establish an arbitration process to resolve disputes (Rutherford: carried) ... RP195–97
- Real property rights, committee recommendation that the timeline to resolve matters referred under Surface Rights Act to the LPRT be reviewed and that the act be amended to allow the Lieutenant Governor in Council to prescribe timelines to resolve disputes (Rowswell: carried) ... RP197–98
- Real property rights, committee to adopt the recommendations in ALRI's report Adverse Possession and Lasting Improvements to Wrong Land with respect to the abolition of adverse possession (Yao: carried unanimously) ... RP201
- Real property rights review, final report, committee to direct research services to prepare draft report with recommendations approved by the committee and authorize chair and deputy chair to approve the report (Hanson: carried) ... RP205

**Motions (Legislative Assembly, 2011)**

- No. 507, urging the government to abolish adverse possession in Alberta *See* **Freehold lands: Adverse possession (squatters' rights), proposed abolishment, legal history in Alberta**

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- No. 69, establishment of Select Special Committee on Real Property Rights (Nixon, Jason: carried) *See* **Committee on Real Property Rights, Select Special: Mandate**

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