



Newsletter Special Property Rights Issue



In light of the launch of the next phase of the efforts of the Real Property Rights Committee, we are releasing this special property rights issue of the WSGA newsletter. If you can fit one of these meetings into your schedule, we would encourage all our members to attend.

At least once in every conservative government's mandate for the past two decades there has been lip service on the issue of property rights. Alberta's Select Special Committee on Real Property Rights is the most action we have seen on this front. Perhaps property rights issues will finally be addressed.

Real Property Rights Committee Invites Albertans to In-person Public Meetings

The Legislative Assembly of Alberta's Select Special Committee on Real Property Rights invites Albertans to in-person public meetings across the province for a discussion on issues related to its mandate.

"The committee wants to hear from Albertans who own or have an interest in real property in the province," said Mr. R.J. Sigurdson, MLA for Highwood and committee chair. "To complete a fulsome review, it is very important that the committee hears from people who are directly impacted by issues relating to real property and ownership in Alberta."

Register in advance to make a presentation at one of the upcoming in-person public meetings by emailing RPRCommittee.Admin@assembly.ab.ca or by calling 587.404.3735. Names of presenters will be made public, and the meeting will be transcribed by Hansard.

Meeting dates and locations:

Edson - March 25, 2022, at 11 a.m. Royal Canadian Legion Branch 51 5016 5 Avenue
 St. Paul - April 1, 2022, at 11 a.m. Landing Hotel & Conference Centre 4902 39 Street
 Medicine Hat - April 12, 2022, at 9 a.m. Medicine Hat Lodge 1051 Ross Glen Drive S.E.
 Fort Macleod - April 12, 2022, at 7 p.m. Fort MacLeod & District Community Hall 301 25 Street
 Hanna - April 13, 2022, at 1:30 p.m. Hanna Community Centre 503 5 Avenue West
 Eckville - April 14, 2022, at 10:30 a.m. Royal Canadian Legion Branch 156 5027 51 Avenue

Live audio of the public meeting will be broadcast on Alberta Assembly TV (TELUS channel 843, Shaw channel 930 and Shaw BlueCurve channel 263), through [Assembly Online](#) and on the Legislative Assembly's [YouTube](#), [Facebook](#) and [Twitter](#) channels.

For more information, please visit assembly.ab.ca/assembly-business/committees/RP.

The mandate of the Select Special Committee on Real Property Rights in Alberta is limited to consideration of:

1. *Whether the legal remedies available to a real property owner who is deprived of the use of their real property are adequate;*
2. *Whether the real property rights should be expanded, or in the case of an individual, constitutionally protected;*

3. *Whether the lase of adverse possession should be abolished;*
4. *Whether the expropriation processes provided under the Expropriation Act are adequate;*
5. *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.

The committee may 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; and a review of any other Act that the committee determines in necessary to ensure the completeness of its review.

A few notes on property rights

Below are a few comments on property rights that may help you if you plan to attend the in-person meetings with the Real Property Rights Committee in the coming days.

General

- When there is an outright taking of private land or property, landowners have a right to compensation in accordance with the Expropriation Act. In cases where government does not take property but imposes regulations that affect the value, use or enjoyment, there is rarely a right to compensation even when restrictions are very severe or result in drastic loss of value. Ensuring compensation and access to courts through statute law when the Crown infringes on property rights in the name of the public good is a clear improvement on the level of security for Albertans.
- If the taking (regulatory or outright) is deemed to be for the public good, it should be at the public expense.

Bill 206 – Amendments to ALSA

- Bill 206 proposes amendments to the Alberta Land Stewardship Act to add the right to compensation for holder of statutory consents when a regional plan impacts the property rights of said statutory consent holder. This recognition of the property rights associated with statutory consents is long overdue.
- Bill 206 also proposes to repeal clauses in Section 9 (2) that allows Cabinet to pass any law they deem appropriate in service to the regional plans. This protection for Albertans from the folly of government is a positive move in upholding property rights of Albertans.

Abolishing the law of adverse possession

- Land titles should be secure. Period. A landowner should be able to retain the ability to recover possession of land from an occupier, regardless of how much time has passed. Alternative dispute mechanisms may need to be instituted to avoid court cases where he who has the most money wins.

Property Rights and Markets for Ecosystem Goods and Services

- The Carbon Capture and Storage Statutes Act declared all underground pore space was owned by the provincial Crown. Not owning the pore spaces in the root zone has implications for legal risks in agreements and contracts and could also limit participation on emerging carbon markets. The Act should be amended to return the ownership of the pore spaces back to the surface landowner.
- Section 8 of the Climate Change and Emissions Management Act stated that carbon was a surface owners' property right which lends protection from federal incursion. It was never proclaimed. This section should be re-introduced and proclaimed to add stability and security to markets.
- The government has indicated several times that it is interested in developing market

mechanisms to encourage stewardship and production of ecosystem goods and services (EGS). There has been increased and keen interest in developing these markets throughout the private sector. Property rights for EGS needs to be established in statute to support these new markets. Doing so will bring new economic efficiencies to the task of environmental protection.

Property Rights and Wildlife Management

- Wildlife in Alberta is the property of the Crown and the management of wildlife in Alberta is the responsibility of the Crown. Wildlife populations at their current level severely impact the property rights of landowners – not only do they eat the stockpiled, native and other stored feed meant for animals destined for the food chain, they also damage property, prevent producers from increasing their herd size without negatively affecting the health of their rangelands, and represent a biosecurity risk to livestock. This is a barrier to economic growth in Alberta.
- We continue to see increased incidents of wildlife conflict and damage in Alberta and the current programming for compensation and mitigation are not sufficient. We need the government to work with livestock producers to develop policy and commit to legislative changes that will successfully address wildlife issues on farms and ranches.

2021 - A year to remember; for its lessons

By Charlie Gracey

The end of a year is a good time to review industry performance but events and developments flow uninterrupted from year to year. There is nothing surprising about the increase in cow slaughter in western Canada this past year. By the end of June, the drought was starting to take its toll and cow kill in Western Canada was running 25% ahead of 2020, and 8% ahead in Eastern Canada. By the end of the year the cumulative increase in cow kill was 12% ahead of the 2020 pace of cow culling of cows in both eastern and western Canada. This is surprising because eastern Canada was not, and rarely is as subject to widespread drought as severe as what occurs from time to time across most or the Prairies. There must be other reasons for this unmistakable trend in Eastern Canada.

As mentioned at the outset, events flow from year to year and, according to the latest data at time of writing heifer slaughter was running 7% ahead of last years pace in western Canada while cow slaughter was dead even but up 26% in Eastern Canada. It was impossible not to notice the four-fold increase in feeder cattle exports to the USA in the first two months of the year. This is most likely a reflection of poor pasture conditions.

Culling cows reduces herd size but increasing heifer slaughter extinguishes any chance of herd growth. So, the 5% increase in heifer slaughter in 2021 guarantees a smaller herd in 2022. More to the point any decision to hold back heifers for breeding cannot occur before this fall and any increase in supply from such holdback will not materialize before 2025 at the earliest. This is a central fact of the industry, behoving the cow calf producer and rancher to think and plan at least three years into the future.

The above indicates that we will see a further shrinkage of beef cow numbers when the July 1 estimates are released by Stats Canada.

Most of the year-to-year increase in cow slaughter occurs in the beef herd. That is because the quota based "Supply Management System" tends to stabilize dairy cow numbers from year to year. Also, the culling rate in Dairy herds, 32% in 2021 occurs in a national herd that is one third the size of the national beef cow herd. Offsetting this is the fact that the beef cow herd is a little more than three times the size of the dairy herd but the annual culling rate is a little less than one third that of the dairy industry. In consequence the number of dairy and beef cows in the annual cull is about equal. In 2021, based on reliable data from the dairy Information centre we know that about 320,000 dairy cows and about 315,000 beef cows were culled.

The 2021 drought has inflicted much pain and has brought some lessons that should be heeded.

First, we learn afresh that Prairie Canada is occasionally, but unpredictably victim to serious drought conditions and, since the number of beef cows on the Prairies has now reached 82% of the Canadian total, a widespread drought seriously affects the entire industry. In particular we must recognize that the productive capacity of the industry is finite. Peak beef cow number on the three Prairies provinces at 4.4 million was reached in 2005. That peak was largely forced as cow culling was sharply reduced due to low culled cow prices and seller resistance. So, one can imagine how much worse the 2021 drought would have been for cattle producers if there had been 1.5 million more beef cows and their calves on the Prairies than there actually were. It is much easier to suggest the need to "drought proof" the prairies, than to actually do so. Still, I would suggest as I have before that the 5.4 million cows that was reached in 2005 cannot but be close to a ceiling.

The more positive development in 2021 was that beef exports continued to surge. Advancing nearly 60% since 2015 while exports to countries other than the USA and Mexico, our free trade partners, increased 81% over the same time span. Though I am not privy to how this happened, I think the workers at Canada Beef can claim a lot of the credit.

I mentioned at the outset that events flow from year to year but one could hardly have foreseen the devastation in the Ukraine in this second week of March. I will not comment here on the sheer evil and cowardly thuggery of Putin and his minions. Rather I want to note that the adequacy of the global food supply will be tested and strained. In the coming months the interplay between grain and cattle prices will be interesting to watch and difficult to navigate.

May I close on a personal note. I gave my first speech in Western Canada to the WSGA in Edmonton's Fairmont Hotel in January 1969. I was there to explain how we the established the check-off in Ontario the previous year. Five months later I was hired as Manager of the newly named Canadian Cattlemen's Association. I am honoured to have been asked, and grateful to still be able 52 years later to pen the short summary above.

I admired, learned from and made friends with many of your fathers and grandfathers.

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