

## Private Property Rights

### ***The Issue***

The Victoria Real Estate Board (VREB), along with the British Columbia Real Estate Association (BCREA), is concerned about the issue of private property rights in Canada. Federal and provincial legislation that has an impact on private property rights is continually introduced, often without notice to property owners. Moreover, this legislation is often enacted without efficient and transparent procedures for compensating affected property owners.

BCREA uses the following as a definition of private property rights:

*The fundamental right to own and enjoy property should be guaranteed in the Charter of Rights and Freedoms, like other fundamental rights. Federal and provincial governments can place reasonable limits, in the public interest, on the right to own and enjoy property. However, people should not otherwise be deprived, by governments, of this right, unless the taking (of property by governments) is carried out fairly and just compensation is paid.*

### **Examples**

Major pieces of legislation contributing to the erosion of private property rights in BC include the *Heritage Conservation Act* and the *Streamside Protection Regulation of the Fish Protection Act*.

### **VREB Position**

The VREB and BCREA recommend:

### **Compensation**

Award compensation to affected landowners. This compensation should:

- be awarded when property values are affected by *de facto* expropriation;
- account for the fact that property owners may lose value on their property during the legislative process, as well as after any enactments;
- reflect actual market value loss;
- be reasonable, with an appeal process in place for unsatisfied property owners.

### **Provincial and Federal Entrenchment**

Urge the federal government to protect private property rights in the Canadian *Charter of Rights and Freedoms* and urge the provincial government to protect private property rights when enacting provincial legislation.

### **Ratification**

Position ratified by the VREB Directors, September 2007.