



## RESPONSE TO PETITION

Prepare in English and French marking 'Original Text' or 'Translation'

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PETITION No.: **421-00400**

BY: **MR. ZIMMER (PRINCE GEORGE-PEACE RIVER-NORTHERN ROCKIES)**

DATE: **JUNE 3, 2016**

PRINT NAME OF SIGNATORY: **THE HONOURABLE JODY WILSON-RAYBOULD**

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Response by the Minister of Justice and Attorney General of Canada

SIGNATURE

Minister or Parliamentary Secretary

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SUBJECT

**Canadian Charter of Rights and Freedoms**

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**ORIGINAL TEXT**

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**REPLY**

Property rights are a fundamental part of Canada's legal system, and the right to own and dispose of property is a basic component of our economy and way of life. Canadian law currently provides, in many ways, for their recognition and protection, both in the common law and in statute. Section 1(a) of the *Canadian Bill of Rights* guarantees the right of individuals to the enjoyment of property, and the right not to be deprived thereof except by due process of law. Many other federal statutes contain provisions to ensure fair dealing when property rights are affected, by providing for fair procedures and for fair compensation – for example, shareholder laws, banking laws, and criminal laws. Canada's common law tradition is also built on the concept of property rights, and offers protection for them by virtue, for example, of the common law presumption of compensation when someone is deprived of property.

During the discussions and debates preceding the introduction of the *Canadian Charter of Rights and Freedoms* in 1982, a significant amount of time and consideration was given to the idea of including a guarantee of property rights. The idea was raised again during the lead-up to the Charlottetown Accord. However, in both cases, the idea of entrenching property rights in the Constitution was strongly resisted by

some provinces, as it was viewed as an intrusion into provincial jurisdiction, and as a restriction on their ability to legislate in areas involving property. This same concern arose in the debates leading up to the adoption of the *Canadian Bill of Rights*.

As important as property rights are, Canadians have recognized that these rights are not unlimited. Environmental laws, municipal laws, laws regulating incorporation and the operation of limited companies, laws regulating the division of family property, succession and estate planning laws, are just some of the many laws that place socially necessary limits on either the ownership or the use of property.