

# e-124 (Canadian Charter of Rights and Freedoms)

42ND PARLIAMENT

Initiated by Shawn Bevins from Drummondville, Quebec, on January 14, 2016, at 5:05 p.m. (EDT)

keywords

Canadian Charter of Rights and Freedoms

Property rights

Government Response Tabled



## Petition details

### Petition to the House of Commons in Parliament assembled

Whereas:

- Under section 7 of the Canadian Charter of Rights and Freedoms there is no codified right for the protection of property rights.

We, the undersigned, Citizens of Canada, call upon the House of Commons in Parliament assembled to amend Section 7 of the Canadian Charter of Rights and Freedoms to include property rights. We propose that Section 7 be amended to read: Everyone has the right to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except in accordance with the principles of fundamental justice.



## Sponsor

**Bob Zimmer**

Prince George—Peace River—Northern Rockies

Conservative British Columbia



## Government response



Petition presented to the House of Commons on June 3, 2016



Government response tabled on August 17, 2016

- [421-00400\\_JUS\\_E.pdf](#)



## History

Open for signature : January 14, 2016, at 5:05 p.m. (EDT)

Closed for signature : May 13, 2016, at 5:05 p.m. (EDT)



## Signatures (4355)

Province / Territory

Signatures

Alberta

1057

British Columbia

788

Manitoba

139

New Brunswick

81

Newfoundland and Labrador

42

Northwest Territories

7

Nova Scotia

160

Ontario

1129

Prince Edward Island

19

Quebec

740

Saskatchewan

170

Yukon

6

Other Countries

17



## 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.