



# Landowners not convinced of benefits of property rights advocate

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Due to the appointment of Alberta's first property rights advocate (the first such office in Canada) the government claims that Albertans can now get information to help them with property rights problems.

However, frustrated landowners at the Alberta Surface Rights Federation annual general meeting, at the Norsemen Inn in Camrose on March 8, didn't receive the patronage appointment with a lot of optimism.

Alberta's first property rights office was officially opened in Lethbridge on Feb. 6 and is estimated to cost taxpayers up to \$1 million a year. The office opening follows the appointment of Lee Cutforth as Alberta's first property rights advocate.

The vast majority of Alberta landowners wanted several controversial Bills repealed by the province last year. The government didn't want to relinquish the ultimate power over landowners, so it turned the matter over to a task force. Instead, the creation of a property rights advocate and the opening of a property rights office was due to a recommendation of the Property Rights Task Force.

Cutforth made his first visit to Camrose at the Alberta Surface Rights Federation annual general meeting at the Norsemen Inn on March 8. "It has been almost three months since I have been back in the saddle and it has been a lot of back and forth talk of what I can and can't do," said Cutforth. "I have been a lawyer for over 25 years, but before that I came from a farm. It is a huge change going from working in the private sector to working with the

government."

The advocate is based in Lethbridge and was appointed to a three-year term following a competitive recruitment process. "In theory, there is going to be a branch office in Edmonton, as well as a deputy advocate, a policy researcher, a communications officer and two administrative assistants on staff. I can't say what the time frame is going to be for staffing that. As all of you know, there are some budget issues coming out and I don't know how that filters down to my office."

The office was formed to give three basic tools to property owners. "One is information to help landowners with the process and we overlap with the farmers' advocate office," explained Cutforth. "The second tool is a complaint mechanism. If you are facing expropriation, or compensative taking, and if the authority is not playing by the rules, you can file a complaint with our office. We will look into it and prepare a report.

The third tool is the annual report to the government. "It gets sent in at the end of every year. I can make recommendations and send it on to the speaker. He then tables it and then it is up to the elected politicians to do something with it," added Cutforth. "My office does not get into civil disputes between private parties. We don't deal with private contract issues."

The newly formed office has been criticized for having no power. "I have three tools in my box and the only thing I can promise is that I will use them the best that I can," said Cutforth. "I hear that we wouldn't really need the office if we didn't have that controversial Bill 2 land stewardship act. This office is important because property rights are important."

Actually Bill 36 is the Land Stewardship Act and Bill 2 is the Responsible Energy Development Act.

Cutforth pointed out that governments change over the years. "We don't want to leave something as important as property rights, left with the government of the day," added Cutforth. "Property rights are necessary for a free society and a stable economy. If you are not fairly compensated, you begin to feel that you as a landowner are subsidizing the cost of utilities, gas, transportation and whatever is trying to cross your land. You begin to feel that you are bearing an unfair share of the cost of public good, rather than having that cost passed on to the consumer."

Several unconvinced landowners voiced their displeasure over the advocate's "lack of teeth" when it comes to going against the government.

Cutforth then encouraged people to write him letters. "It is not my place to carry the government's water. My job is to represent the interests of property owners to give public voice to those concerns through the annual report," explained Cutforth. "I can't impose my will, only my recommendations, and I can't give public voice to it. I can raise the profile and that can be helpful. I can't change things. That is left with the people in legislation."

Landowners questioned Cutforth, from the floor, on the lack of democracy in government, bullying tactics used by both oil companies and by government, what his definition of public interest is, why food supply is not the government's number one priority, and he was challenged to help some landowners who have been fighting with an oil company on clean-up for about 25 years.

"All I can do is look at it," Cutforth said. "It sounds like a civil matter. I'll pass this on to Peter."

Peter Dobbie of the office of the Farmers' Advocate said "We can look at it and get back to you."

Cutforth wants to raise awareness and when challenged from the floor about his previous support of involvement with donations to the current government, he brushed them aside by saying, "The real issue is not what I did up to the appointment; it is with what happens after that," said Cutforth. "I can help people with their concerns by trying to get them information."

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