

# ***Alberta Land Stewardship Act – Impact on Rural Property***

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*Rural Property Issues*

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## I. INTRODUCTION: THE ALBERTA LAND STEWARDSHIP ACT (BILL 36 – ALSA)

The *Alberta Land Stewardship Act*, RSA 2000, c. A-26.8 is commonly referred to as Bill 36 or ALSA. ALSA was proclaimed into law in October 2009. The Act was amended in May 2011 through Bill 10. This paper examines the amended version of ALSA that is now law in Alberta.

### Government's Goals for ALSA

The Alberta Government has stated that it wants to change the way Alberta's economy is managed in order to accommodate population growth, promote sustainable development, and the wise use of land and our natural resources.<sup>1</sup>

In a number of policy documents related to ALSA, the Alberta Government has stated it believes that the Alberta economy and resource use need to be managed differently than they have been managed in the past. The Government is of the opinion that the current approaches to meeting the needs of society and regulating economic activities will not lead to a sustainable future.<sup>2</sup>

The following are current statements from the Alberta Government's website regarding ALSA:

We have reached a tipping point, where sticking with the old rules will not produce the quality of life we have come to expect. If we want our children to enjoy the same quality of life that current generations have, we need a new plan.

Alberta's Land-use Framework (LUF), released in December 2008, sets out a new approach for managing the province's land and natural resources to achieve Alberta's long-term economic, environmental and social goals.

Regional plans define regional outcomes (economic, environmental and social) and a broad plan for land and natural resource use on public and private lands. For each regional plan, objectives are also established, along with the strategies and actions that will be used to achieve them.<sup>3</sup>

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<sup>1</sup> [Government of Alberta press release, October 1, 2009](#) (attached) . See also [Government of Alberta website](#) and [Calgary Herald, April 15, 2008](#): "Land-use blueprint alters how we work, live, play. More than a decade after Alberta abandoned regional planning, a move that fuelled battles over development across the province, the Stelmach government is proposing a dramatic shift that would affect everything from recreation to housing construction to oil and gas drilling."

<sup>2</sup> *Ibid.*

In order to implement its new approach to the economy, environment and Alberta society, the government has developed an approach to managing the economy through ALSA that the government describes as “bold”, “transformative” and “ambitious”.<sup>4</sup>

The *Alberta Land Stewardship Act* (ALSA) is the center-piece of the government’s new approach.

### **Scope and Purposes of ALSA**

The scope of the government’s new policy is highlighted in the purposes section of the Act:

**1(2)** The purposes of this Act are

- (a) to provide a means by which the Government can give direction and provide leadership in identifying the objectives of the Province of Alberta, including economic, environmental and social objectives;
- (b) to provide a means to plan for the future, recognizing the need to manage activity<sup>5</sup> to meet the reasonably foreseeable needs of current and future generations of Albertans, including aboriginal peoples;
- (c) to provide for the co-ordination of decisions by decision-makers concerning land, species, human settlement, natural resources and the environment;
- (d) to create legislation and policy that enable sustainable development by taking account of and responding to the cumulative effect of human endeavour and other events. [Emphasis added]

2009 cA-26.8 s1;2011 c9 s2

In order to achieve these objectives and implement the new philosophy toward to meeting the needs of society and regulating economic activities, the Act contains legal features that are unprecedented for a western democracy in terms of usurpation of traditional property rights and the rule of law; both of which are foundational principles to our market-driven economy.

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<sup>3</sup> <https://landuse.alberta.ca/PlanForAlberta/Pages/default.aspx>

<sup>4</sup> *Ibid.*

<sup>5</sup> Section 2(1)(a) “activity” means (i) anything that requires a statutory consent, and (ii) anything that, under an enactment, must comply with a rule, code of practice, guideline, directive or instrument.