

Bill 27 - Trespass Statutes (Protecting Law-Abiding Property Owners) Assented to December 5, 2019

OCCUPIERS LIABILITY ACT

Bill 27 amends the *Occupiers Liability Act* to hold that where a trespasser is a **criminal trespasser**, no action lies against the occupier for damages for death or injury unless it is caused by **willful and grossly disproportionate conduct** that results in the occupier being convicted of a criminal offence.



In contrast, an occupier is liable to a (non-criminal) trespasser for death or injury resulting

from the occupier's **willful or reckless conduct**.

A trespasser is a criminal trespasser if the occupier has reasonable grounds to believe that the trespasser is committing, or is about to commit, an offence under the *Criminal Code* (Canada).

While the threshold for actions concerning criminal trespassers has been heightened, it is important to note that property owners can still be held criminally responsible for their conduct.

TRESPASS TO PREMISES ACT/PETTY TRESPASS ACT

The existing legislation prohibits entry without any notice on land that is a lawn or garden, surrounded by a fence or natural boundary, or is enclosed in a manner that indicates the occupier's intention to keep persons off the land. The amendments now also include specific reference to land used for crops, animal rearing and bee-keeping.

Penalties for an offence under these Acts have increased significantly in an effort to deter trespassers:

- *For an individual from:*
 - \$2,000 to \$10,000 for a first offence;
 - \$5,000 to \$25,000 for a 2nd or subsequent offence
- Up to \$200,000 *for corporations* that help or direct trespassers

Individuals may also be liable for imprisonment up to 6 months.

IN CONCLUSION

- Use signage on gates or fenceposts to ensure there is ample notice that entry on your land is prohibited
- Strive towards a peaceful solution when confronted with trespassers – keep in mind that you may still be held criminally responsible for your actions
- Call law enforcement to deal with trespassers

Protecting Alberta Industry From Theft Act, 2020 - Assented to July 23, 2020

This Act amends the *Scrap Metal Dealers and Recyclers Identification Act*. Highlights of the amendments include:

- In addition to the existing identification rules (original photo ID with name, signature, date of birth and ID number), no dealer or recycler shall purchase or receive scrap metal from a person under 18 years of age
- Dealer or Recycler must maintain information regarding transaction (ID information, date and time property was acquired, description and weight of metal, details of vehicle in which the metal was delivered) for two years
- Must use traceable currency (no cash payments)
- As of November 1, 2020, there will be a requirement for dealers to report transactions involving restricted metals or purchases above the prescribed weight to law enforcement agency within 24 hours



OFFENCES AND PENALTIES

Penalties for an offence under this Act have increased substantially from:

- *For an individual:*
 - \$5,000 to \$10,000 for a first offence;
 - \$15,000 to \$25,000 for a 2nd or subsequent offence
- *For a corporation:*
 - \$15,000 to \$50,000 for a first offence;
 - \$50,000 to \$200,000 for a 2nd or subsequent offence

Individuals guilty of an offence may still be liable for a term of imprisonment up to one year.

Scrap Metal Hotline: 780-509-3123