

Environmental Rights in Alberta: The Interaction of Environmental Rights & Property Rights

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As part of our series of educational materials concerning legal rights related to environmental quality, we have taken a look at the impacts of an Environmental Bill of Rights (EBR) on property rights.

The Environmental Law Centre is excited to announce its latest environmental rights publication *Environmental Rights in Alberta: The Interaction of Environmental Rights & Property Rights*.

It is well known that components of the environment do not respect legal boundaries. Water flows and crosses national, provincial, territorial and private land boundaries. Likewise, air and species are not contained by legal boundaries. This means that activities on a single parcel of land have the potential to impact the water, air and biodiversity that is shared globally. Such activities may also impact surrounding lands and their owners (whether private or public).

So how does an EBR, which is focused on components of the environment, affect landowners and those with interests in land? Will an EBR inevitably lead to further regulation of private land use? Or will an EBR provide enhanced tools to protect a person's interests in land?

What is an Environmental Bill of Rights? An EBR is a way to express, entrench and protect environmental rights via legislation. An environmental right may be substantive in nature, protecting the right of every Albertan to a healthy environment. Environmental rights may also ensure that Albertans have process rights such as access to environmental information, meaningful participation in environmental decision-making, and effective means to enforce environmental laws.

How does an Environmental Bill of Rights affect property rights? In presenting our Model EBR we heard concerns from landowners that an EBR may have impacts on their private property rights. Our new report – *Environmental Rights in Alberta: The Interaction of Environmental Rights & Property Rights* – outlines the connection, convergence and potential divergence of environmental rights and property rights.

The role of an EBR is not to impose regulatory regimes upon the use of land and other natural resources. Rather, an EBR is meant to protect the right of all Albertans to a healthy environment. This means that an EBR will benefit landowners and those with interests in land (as well as Albertans without interests in land) by providing additional tools to prevent and remedy adverse environmental impacts.

Some of these tools – such as investigations and environmental protection actions – can be used to directly protect a person’s interests in land. Other tools, such as enhanced participation and procedural rights in environmental decision-making and planning, can also protect a person’s interests in land by improving access to information and opportunities to be heard. Third party oversight assists with ensuring that environmental rights, along with environmental laws, are being respected.

[Download Now!](#)

Keep an eye open for our upcoming webinar on ***Environmental Rights in Alberta: The Interaction of Environmental Rights & Property Rights.***

The Environmental Bill of Rights Program:

*Phase 1 of the Environmental Law Centre’s **Environmental Bill of Rights Program** examines the current state of environmental rights in Alberta and several other jurisdictions, and makes a number of recommendations.*

[ENVIRONMENTAL RIGHTS IN ALBERTA: PHASE I: DO WE HAVE THE RIGHTS WE NEED?](#)

*The ELC is advocating for a provincial bill of rights to provide that substantive and symbolic legal framework to ensure clean water, clean air, clean soil and biodiversity are not only a legal framing today but so that they can be in the future. The ELC sets out key recommendations in its report *A Road Map for Environmental Rights in Alberta: Rights for a Sustainable Future.**

[A ROAD MAP FOR ENVIRONMENTAL RIGHTS IN ALBERTA: RIGHTS FOR A SUSTAINABLE FUTURE](#)

Each of the modules within the ELC’s Environmental Bill of Rights Program take a more in-depth look at key issues we’ve identified along with our recommendations for them to be addressed in Alberta.

[ENVIRONMENTAL RIGHTS IN ALBERTA: MODULE 1: SUBSTANTIVE ENVIRONMENTAL RIGHTS](#)

[ENVIRONMENTAL RIGHTS IN ALBERTA: MODULE 2: THIRD PARTY OVERSIGHT AND ENVIRONMENTAL RIGHTS](#)

[ENVIRONMENTAL RIGHTS IN ALBERTA: MODULE 3: CITIZEN ENFORCEMENT FOR ENVIRONMENTAL QUALITY](#)

[ENVIRONMENTAL RIGHTS IN ALBERTA: MODULE 4: ACCESS TO INFORMATION](#)

[ENVIRONMENTAL RIGHTS IN ALBERTA: MODULE 5 – COSTS IN COURT AND REGULATORY PROCEEDINGS](#)

[ENVIRONMENTAL RIGHTS IN ALBERTA: MODULE 6: ACCESS TO JUSTICE AND THE RIGHT TO BE HEARD](#)

The ELC would like to thank the Alberta Law Foundation for its support of the ELC's *Environmental Bill of Rights* program.



ABOUT THE ENVIRONMENTAL LAW CENTRE:

The Environmental Law Centre (ELC) has been seeking strong and effective environmental laws since it was founded in 1982. The ELC is dedicated to providing credible, comprehensive and objective legal information regarding natural resources, energy and environmental law, policy and regulation in Alberta. The ELC's mission is to educate and champion for strong laws and rights so all Albertans can enjoy clean water, clean air and a healthy environment. Our vision is a society where laws secure an environment that sustains current and future generations.

*As a charity, the Environmental Law Centre depends on your financial support. [Help us](#) to continue to educate and champion for strong environmental laws, through tools such as [our blog](#) and all of [our other resources](#), so that all Albertans can enjoy a healthy environment. **Your support makes a difference.** [Donate online today](#)*

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