

*Property Rights*

Since 1981 this Government has been seeking changes in the Charter of Rights. Unlike the previous Government, the Conservative Government sees its responsibility and it would be dishonest, morally and intellectually, not to seek changes that will ensure our rights in all facets of life, including the enjoyment of property. It should not be left to the whims of arbitrary interpretation. It must be entrenched in the Constitution.

Let me state again that the individual must have a right to not be deprived of his or her property except in accordance with the principles of natural justice. However, we need as well to ensure that someone will receive fair compensation should the need arise, and public interest overrides private interest. At this time we have no safeguards against unjust compensation. In the case of expropriation, we need to make sure that people displaced because of the public interest are treated fairly.

The previous Government at times forgot its responsibility to the people in a mad dash to erect white elephant airports like Mirabel and Pickering. We need to ensure that these problems do not occur again. In the case of Pickering, we are all well aware that the airport was eventually cancelled and somewhere down the road the property owners were given a chance to repurchase their property if they were interested in doing so.

Recently the Real Estate Association of Canada commissioned a Gallup poll which indicated that a great majority, 81 per cent, of those questioned believed it was fairly or very important that we amend the Constitution in order to protect our property rights. I suppose I must declare more than a passing interest in that subject since I have been a real estate broker for 40 years, give or take, and am therefore well aware of how important it is that a purchaser have clear title to the property. Certainly they would have a lot more peace of mind if they know that their property cannot be expropriated by any level of Government.

This right should be in the Constitution. This Government, in its ongoing endeavours to provide Canadians with responsible Government, will ask the House to vote in unison to accept this motion.

Again let me commend the Hon. Member for Kitchener on bringing forward this motion. I hope this House gives very serious consideration to voting in the affirmative because people do not want to be subject to the will of any Government with respect to owning property, no matter at what level.

I am aware, as the previous speaker said, that there are times when one level of Government will have its eye on a particular piece of private property. Of course, it could be for something that was in the public interest, but in those cases I feel the owner should be well compensated for having to give up his property.

**Mr. David Orlikow (Winnipeg North):** Mr. Speaker, as I listened to the Hon. Member for Parry Sound—Muskoka (Mr. Darling), he reinforced my understanding that what we have

here is the setting up of a straw man by the supporters of this Bill so they can knock it down. No one questions the right of individuals or companies in Canada to own property. We have now come to a point where the majority of Canadians own their own house. They may still have a mortgage on it, but they own it, and no one questions that right. It is because no one questions that right that we believe there is absolutely no need to amend the Constitution or put a clause in the Charter of Rights guaranteeing people the right to own property.

When property is purchased or expropriated by a federal or provincial or municipal Government, it is not done on a whim. When they believe it is necessary—and I will indicate some of the reasons why it may be necessary—they either reach an agreement with the property owner, or there is legislation which outlines the way in which a public body can move to expropriate the property it wants or needs. The case will be heard by a court which will rule on the validity of the move or on the amount of compensation, or anything else.

As the Hon. Member for Glengarry—Prescott—Russell (Mr. Boudria) indicated—and I wish the Hon. Member for Parry Sound—Muskoka had listened—the Conservative Government of Ontario, when this matter was being discussed in Parliament, advised us of its opposition to entrenching property rights in our Constitution, as did most of the other provinces, as would most cities, and as would any federal Government which was realistic and honest.

● (1420)

For example, suppose Ottawa grows to double its size and it becomes necessary to extend the length of the runways at the airport. They may well have to expropriate some land now owned by a farmer which abuts the Ottawa airport property. In Winnipeg the airport is right in the city and, if the runways have to be extended, property may have to be purchased. If this proposal is entrenched in our Constitution that may be very difficult. A court may rule that the federal Government does not have the right to expropriate the land.

In my Province of Manitoba there are repeated proposals, requests, and demands that the highway from Winnipeg to the American border be widened to four lanes. If that proposal is approved by a Government of Manitoba, of whatever political stripe it may be, such a clause as this in our Constitution may create tremendous difficulties or even make it impossible for the province to do that.

During the time of Conservative Governments in Ontario, Highway 401 was almost doubled in size. I am sure that a great deal of property had to be purchased. I have no direct evidence of this, but I would be very surprised if there were not property owners who were dissatisfied with the offer made by the then Government which required the Government to take measures through expropriation. The ability to take such actions is needed by cities as well which also have to improve roads and bridges and build new schools.