



## COMMENTARY

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# How Easily My Land Becomes Your Land

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The right to own land and property has been a building block of Canadian society, especially for the generations of farmers that have settled in Western Canada. A farm's land is its lifeblood. Everything that we raise or grow comes from the earth, so producers have always had a strong connection to the soil beneath their feet. A recent land expropriation case from St. Lazare has shown how tenuous that connection can really be.

In this situation, a farmer has had 288 acres expropriated by the local municipality, which has said it intends to develop a tourism destination. Despite attempts at mediation and negotiation, the case ended up at Manitoba Court of Appeal. The court decided that the municipal government does have the right to develop this potential business opportunity, though the site is on privately-owned land.

The precedent this sets should raise alarm bells for land owners across the province. The Municipal Act allows municipalities to acquire land that is necessary for a municipal purpose, but this power has traditionally only been used for things like roads and infrastructure. The municipality's ability to expropriate for other reasons has been reinforced by this precedent-setting decision, and could open the door to a wider range of acquisitions for potential historical or cultural sites in the future.

It's a simple question of property rights, and where they begin and end. When and where does a municipality's right to expropriate land become necessary, and how should it be exercised?

Manitoba is rich in culture and heritage, so one can only guess how far this ruling could reach in the future, and how many private landowners could be affected. This land is your land today, but the reasons it could be expropriated tomorrow may have just been broadened.