

“Property rights” is the term given to a series of freedoms or rights Canadians usually associate with property ownership. They are rights which have become a cornerstone of personal freedom in Canada and which have attracted people from all corners of the earth seeking to share those freedoms.

What is OREA?

The Ontario Real Estate Association (OREA) is a non-profit trade association, founded in 1922, that represents over 34,000 REALTORS throughout the province. The association supports private property rights as a fundamental right of all Ontarians and the foundation of our free enterprise economy and our democratic form of government.



Property Rights



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What are property rights?

For real estate, property rights refer to:

- the right to buy, hold and occupy real property;
- the right to maintain privacy in your home by excluding all others from it;
- the right to sell, rent, lease or give your property away;
- the right to will or bequeath your property to another;
- the right to enjoy the goods which come from your land, such as agricultural products.

Property rights may also be defined more broadly to encompass other types of property. For example, patents and copyrights are property and some have even argued that government programs such as the Canada Pension Plan are property rights.

Why should I be concerned with property rights?

Property rights are part of this country's attraction for hundreds of thousands of immigrants who came to Canada in search of a better life. People came to Canada seeking the right to own and use property - something many were not allowed or did not have the opportunity to do in their homelands.

Private ownership of property and the development of that property is the basis of national economic growth and personal prosperity. Property rights have enabled Canadians to establish a standard of living among the highest in the world. While newly democratic nations around the globe see property rights as the foundation of economic growth, governments in Canada continue to pass legislation and regulations that constantly diminish property rights.

Canadians do not have guaranteed property rights

Most Canadians do not realize there is no guaranteed right to own private property in Canada. Although we have a Constitution, with a Charter of Rights intended to protect fundamental rights and freedoms, the right to private property was not included. The entrenchment of property rights in the Constitution was eliminated by politicians who made back room deals decades ago. As a result, there is little to protect individual property owners from governments who may try to restrict or eliminate their property rights.

Public good vs. private right

People do not live alone. They are part of society and must relinquish some of their rights in order to make society better for all of us. Where the common good is concerned, we have empowered governments to regulate individual rights.

Governments have the right, for example, to impose reasonable taxes, to set fire safety standards and to authorize inspectors to enter property to ensure those standards are maintained.

In supporting the entrenchment of property rights in the Constitution, OREA recognizes that the first section of the charter states that no rights are absolute. However, we do not always expect the "public good" to overwhelm private rights.

What is the erosion of private property rights?

Over the years, governments have imposed many unreasonable limitations on private property rights that have little or nothing to do with public good. Every Canadian province has its share of cases in which individuals lost their property rights and suffered personal and financial hardship due to statutory restrictions of their rights as property owners.

Legislation, tribunals, government agencies, crown corporations and municipalities have created a property rights nightmare for many individuals.

Unreasonable restrictions

These are examples of restrictions that, if carried too far, diminish individual property rights:

- Zoning laws used to deliberately exclude affordable housing in neighbourhoods;
- Heritage regulations that can prevent property owners from altering property without outside permission;
- Conservation designations that reduce a property's market value or restrict future alterations.

What is being done about the issue?

The 34,000 members of the Ontario Real Estate Association believe a balance between public good and private rights must be maintained. REALTORS also believe fair compensation must be paid to owners whose rights are taken or restricted by governments.

REALTORS work to protect property rights by opposing government policies that diminish property rights without just cause or just compensation.

What can I do?

The best way to guarantee your property remains safe from unwarranted government intrusion is to know your rights and how government can adversely affect those rights.

Whenever legislation seems to restrict your rights, don't be afraid to question it. Let your elected representatives know how you feel and find out where they stand. Get together with others who share similar concerns. Consider using the media to reach a wider audience. VOTE!