



MEETING SD 93-20-26

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

**TUESDAY JANUARY 20, 2026
DET'ANCHOGH KÛÉ - EAGLE ROOM
7:00 PM**

AGENDA

1. Call to Order
2. Prayer/Reflection
3. Review and Adoption of Agenda
4. Declarations of Conflict of Interest
5. Public Matters
 - a) Public Hearing on Bill 34: *Trespass to Property Act*
 - i. Honourable Minister of Justice
 - ii. Representative of Royal Canadian Mounted Police
 - iii. Members of the public
6. In Camera Matters
 - a) Debrief
 - b) Update on travel for Bill 34: *Trespass to Property Act*
 - c) Workplan
7. New Business
 - a)
8. Date and Time of Next Meeting:
 - a) Friday, January 23, 2026 at 9:00 a.m.
9. Adjournment

FIRST SESSION,
TWENTIETH LEGISLATIVE ASSEMBLY
OF THE NORTHWEST TERRITORIES

PREMIÈRE SESSION,
VINGTIÈME ASSEMBLÉE LÉGISLATIVE
DES TERRITOIRES DU NORD-OUEST

BILL 34

PROJET DE LOI 34

TRESPASS TO PROPERTY ACT

LOI SUR L'ENTRÉE SANS AUTORISATION

DISPOSITION

Date of Notice Date de l'avis	1st Reading 1 ^{re} lecture	2nd Reading 2 ^e lecture	To Committee Au Comité	Chairperson Président	Reported Rapport	3rd Reading 3 ^e lecture	Date of Assent Date de sanction

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**LOI SUR L'ENTRÉE SANS
AUTORISATION**

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BILL 34

TRESPASS TO PROPERTY ACT

The Commissioner of the Northwest Territories, by and with the advice and consent of the Legislative Assembly, enacts as follows:

INTERPRETATION

Definitions

Definitions

1. (1) In this Act,

"land" means land as defined in section 1 of the *Land Titles Act*; (*biens-fonds*)

"member" means a member as defined in subsection 2(1) of the *Royal Canadian Mounted Police Act* (Canada); (*membre*)

"occupier" includes, even if there is more than one occupier of the same premises,

- (a) a person who is in physical possession of premises, or
- (b) a person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises; (*occupant*)

"premises" means

- (a) land or water,
- (b) structures,
- (c) ships and vessels,
- (d) trailers and portable structures designed or used for residence, business or shelter, and
- (e) trains, railway cars, vehicles and aircraft, except while in operation. (*lieux*)

Education body

(2) An education body as defined in subsection 1(1) of the *Education Act* has all the rights and duties of an occupier in respect of its school premises as defined in subsection 1(1) of the *Education Act*.

Owner is occupier

(3) For greater certainty, in respect of land, an owner as defined in section 1 of the *Land Titles Act*, is an occupier.

PROJET DE LOI 34

LOI SUR L'ENTRÉE SANS AUTORISATION

Le commissaire des Territoires du Nord-Ouest, sur l'avis et avec le consentement de l'Assemblée législative, édicte :

INTERPRÉTATION

Définitions

Définitions

1. (1) Les définitions suivantes s'appliquent à la présente loi.

«biens-fonds» Biens-fonds au sens de l'article 1 de la *Loi sur les titres de biens-fonds*. (*land*)

«lieux» S'entend :

- a) des biens-fonds ou des eaux;
- b) des constructions;
- c) des navires et des vaisseaux;
- d) des roulottes et des bâtiments portatifs destinés à servir ou servant de résidence, de place d'affaires ou d'abri;
- e) des trains, wagons, véhicules et aéronefs, sauf lorsqu'ils sont en marche. (*premises*)

«membre» Membre au sens du paragraphe 2(1) de la *Loi sur la Gendarmerie royale du Canada* (Canada). (*member*)

«occupant» Même s'il y a plus d'un occupant dans les mêmes lieux, s'entend, selon le cas :

- a) d'une personne qui est en possession matérielle des lieux;
- b) d'une personne ayant la responsabilité et le contrôle de l'état des lieux ou des activités qui s'y déroulent, ou qui a le contrôle des personnes admises à y entrer. (*occupier*)

Organisme scolaire

(2) Un organisme scolaire au sens du paragraphe 1(1) de la *Loi sur l'éducation* a tous les droits et toutes les obligations d'un occupant à l'égard de ses lieux scolaires au sens du paragraphe 1(1) de la *Loi sur l'éducation*.

Propriétaire au sens de la *Loi sur les titres de biens-fonds*

(3) À l'égard d'un bien-fond, il est entendu que le propriétaire au sens de l'article 1 de la *Loi sur les titres de biens-fonds* est un occupant.

Indigenous and Treaty Rights

Indigenous and treaty rights 2. (1) This Act is to be interpreted in a manner consistent with the recognition and affirmation of existing aboriginal and treaty rights in section 35 of the *Constitution Act, 1982*, including the duty to consult.

Actions and land, resources and self-government agreements (2) An action or thing authorized by this Act or the regulations must be carried out in accordance with any applicable land, resources and self-government agreement and the applicable required role, if any, given to any boards and councils established under any land, resources and self-government agreement.

Conflict, inconsistency with land, resources and self-government agreement (3) If there is a conflict or an inconsistency between a provision of this Act or the regulations and a provision of a land, resources and self-government agreement or legislation approving, giving effect to and declaring valid a land, resources and self-government agreement, the provision of the land, resources and self-government agreement or legislation prevails to the extent of the conflict or inconsistency.

TRESPASS

Trespass as Offence

Trespasser 3. (1) A person shall not do any of the following without a right or authority conferred by law, including a contract:

- (a) without the express permission of the occupier, the proof of which rests on the defendant,
 - (i) enter the premises when entry is prohibited under this Act, or
 - (ii) engage in an activity on the premises when the activity is prohibited under this Act; or
- (b) remain on the premises after the person is directed to leave by the occupier of the premises or a person authorized by the occupier.

Offence (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to

- (a) a fine of not more than \$10,000; and
- (b) a term of imprisonment not exceeding six months.

Droits ancestraux ou issus de traités

Droits ancestraux ou issus de traités 2. (1) La présente loi s'interprète d'une manière compatible avec la reconnaissance et la confirmation des droits ancestraux ou issus de traités prévus à l'article 35 de la *Loi constitutionnelle de 1982*, y compris l'obligation de consulter.

Actions et accords relatifs aux terres, aux ressources ou à l'autonomie gouvernementale (2) Toute action ou toute chose qu'autorise la présente loi ou ses règlements est exécutée conformément aux accords relatifs aux terres, aux ressources ou à l'autonomie gouvernementale applicables et aux rôles obligatoires applicables, le cas échéant, donnés à tous conseils des ressources renouvelables et offices des ressources renouvelables établis en vertu de tels accords.

Incompatibilité (3) Les dispositions de tout accord relatif aux terres, aux ressources ou à l'autonomie gouvernementale ou toutes lois qui ratifient, rendent exécutoire et déclarent valide un tel accord l'emportent sur les dispositions incompatibles de la présente loi ou ses règlements.

ENTRÉE SANS AUTORISATION

Entrée sans autorisation comme infraction

Intrus 3. (1) Nul ne peut accomplir l'un des actes suivants sans un droit ou une autorisation conférée par la loi, y compris par contrat :

- a) sans la permission expresse de l'occupant, dont la preuve incombe au défendeur :
 - (i) entrer dans des lieux lorsque l'entrée en est interdite aux termes de la présente loi,
 - (ii) s'adonner à une activité dans des lieux lorsque cette activité est interdite aux termes de la présente loi;
- b) demeurer sur les lieux après y avoir été ordonné de quitter par l'occupant des lieux ou la personne que celui-ci a autorisée.

Infraction (2) Quiconque contrevient au paragraphe (1) est coupable d'une infraction et est passible, sur déclaration de culpabilité par procédure sommaire :

- a) d'une amende d'au plus 10 000 \$;
- b) d'une peine d'emprisonnement maximale de six mois.

Aggravating factors	(3) If an occupier of the premises or a person authorized by an occupier of the premises gave notice that directed the defendant to leave the premises, and the defendant was on the premises in contravention of subsection (2) more than 24 hours after the notice was given or, if the occupier or person specified a longer period when giving the notice, after that period, that must be considered an aggravating factor for the purposes of determining a penalty under subsection (2).	(3) Est considérée comme circonstance aggravante afin de déterminer une peine prévue au paragraphe (2) si un occupant des lieux ou une personne que celui-ci a autorisée a donné au défendeur un avis lui ordonnant de quitter les lieux, et que le défendeur se trouvait sur les lieux en contravention au paragraphe (2) plus de 24 heures après la remise de l'avis ou, si l'occupant ou la personne autorisée a fixé un délai plus long lors de la remise de l'avis, après ce délai.	Circonstances aggravantes
If defendant left premises	(4) Subsection (3) applies with respect to a defendant who is on the premises after the applicable period even if the defendant left the premises at any time after the notice was given.	(4) Le paragraphe (3) s'applique à l'égard d'un défendeur qui se trouve sur les lieux après le délai applicable, même s'il a quitté les lieux à un moment quelconque après la remise de l'avis.	Défendeur ayant quitté les lieux
Prohibition of Entry		Interdiction d'entrer	
Prohibition by notice	4. (1) Entry to premises may be prohibited by notice to that effect.	4. (1) L'entrée dans des lieux peut être interdite au moyen d'un avis placé à cet effet.	Interdiction au moyen d'un avis
Prohibition by default without notice	(2) Entry is prohibited without any notice to premises that are (a) a garden, field or other land that is under cultivation, including (i) a lawn, (ii) an orchard, (iii) premises on which trees have been planted and have not attained an average height of more than 2 m, and (iv) woodlots on land used primarily for agricultural purposes; or (b) enclosed in a manner that indicates the occupier's intention to keep (i) persons off the premises, or (ii) animals on the premises.	(2) L'entrée est interdite sans avis lorsque les lieux sont, selon le cas : a) un jardin, un champ ou une autre terre en culture, y compris : (i) une pelouse, (ii) un verger, (iii) des lieux où des arbres ont été plantés mais n'ont pas atteint une taille moyenne de plus de 2 m, (iv) des lots boisés de biens-fonds utilisés principalement à des fins agricoles; b) des lieux clos de façon à indiquer l'intention de l'occupant d'empêcher : (i) soit les personnes d'y entrer, (ii) soit d'y garder des animaux.	Interdiction par défaut sans avis
Implied permission to use approach to door	(3) There is a presumption that access for lawful purposes to the door of a building on the premises by a means apparently provided and used for the purpose of access is not prohibited.	(3) Il existe une présomption selon laquelle l'accès à la porte d'un immeuble situé sur des lieux n'est pas interdit lorsque l'accès est utilisé à des fins légitimes et par un moyen apparemment prévu à l'accès.	Permission implicite d'utiliser l'accès à la porte
Limited Permission		Permission limitée	
Permitted activities	5. If notice is given that one or more particular activities are permitted on the premises, (a) all other activities and entry for the purpose of performing those other activities are prohibited; and (b) any additional notice that entry is	5. Si un avis est donné selon lequel il est permis d'exercer une ou plusieurs activités particulières sur les lieux : a) toutes les autres activités et l'entrée en vue d'exercer ces autres activités dans ces lieux sont interdites;	Activités permises

prohibited or a particular activity is prohibited on the same premises shall be construed to be for greater certainty only.

b) tout avis supplémentaire interdisant l'entrée ou l'exercice d'une activité particulière dans ces mêmes lieux ne doit être interprété qu'aux fins d'apporter plus de certitude.

Application

- 6. (1)** This section applies if
- (a) entry to the premises is not prohibited under section 4; or
 - (b) one or more particular activities are not permitted under section 5.

6. (1) Le présent article s'applique si, selon le cas : Application

- a) l'entrée dans des lieux n'est pas interdite aux termes de l'article 4;
- b) une ou plusieurs activités particulières ne sont pas permises aux termes de l'article 5.

Limited prohibition

- (2)** If notice is given that a particular activity is prohibited,
- (a) the particular activity and entry for the purpose of performing the particular activity is prohibited; and
 - (b) any other activities and entry for the purpose of performing those other activities is not prohibited.

(2) Si un avis est donné selon lequel il est interdit d'exercer une activité particulière : Interdiction limitée

- a) cette activité et l'entrée en vue de l'exercer sont interdites;
- b) toutes les autres activités et l'entrée en vue de les exercer ne le sont pas.

NOTICES, SIGNS AND MARKINGS

AVIS, PANNEAUX ET SYSTÈME DE MARQUES

Method of Giving Notice

Mode de communication des avis

Methods

- 7.** If a notice is given under this Act, it may be given
- (a) orally or in writing; or
 - (b) by means of
 - (i) signs posted so that a sign is clearly visible in daylight under normal conditions from the approach to each ordinary point of access to the premises to which it applies, or
 - (ii) marks made in accordance with any prescribed marking system.

7. Si un avis est donné en vertu de la présente loi, il peut être donné : Modes de communication

- a) soit oralement ou par écrit;
- b) soit au moyen, selon le cas :
 - (i) de panneaux affichés de façon à ce qu'ils soient clairement visibles de jour, dans des conditions normales, des abords de chaque point usuel d'accès aux lieux en question,
 - (ii) de marques faites conformément à tout système de marques prévu par règlement.

Form of Sign

Forme du panneau

Name or graphic

- 8. (1)** A sign naming an activity or showing a graphic representation of an activity is sufficient for the purpose of giving notice that the activity is permitted.

8. (1) Un panneau nommant une activité ou l'illustrant par un schéma suffit aux fins de donner avis que cette activité est permise. Nom ou schéma

Name or graphic with oblique line

- (2)** A sign naming an activity with an oblique line drawn through the name or showing a graphic representation of an activity with an oblique line drawn through the representation is sufficient for the purpose of giving notice that the activity is prohibited.

(2) Un panneau nommant une activité ou l'illustrant par un schéma et recouvert d'une ligne oblique suffit aux fins de donner avis que cette activité est interdite. Nom ou schéma avec trait oblique

Notice Applicable to Part of Premises

Avis applicable à une partie des lieux

Part of premises

9. A notice or permission under this Act may be given in respect of any part of the premises of an occupier.

9. Un avis ou une permission aux termes de la présente loi peut être donné à l'égard de toute partie des lieux occupés par un occupant.

Partie des lieux

ARREST

ARRESTATION

Arrest without warrant on premises

10. (1) A member may arrest without warrant any person they reasonably believe to be on the premises in contravention of section 3.

10. (1) Un membre peut arrêter sans mandat une personne qu'il croit, pour des motifs raisonnables, être sur les lieux en contravention à l'article 3.

Arrestation sans mandat sur les lieux

Deemed arrest

(2) A member who arrests a person under subsection (1) is deemed to have arrested the person for the purposes of the *Summary Conviction Procedures Act*.

(2) Le membre qui arrête une personne est réputé avoir procédé à l'arrestation de la personne pour l'application de la *Loi sur les poursuites par procédure sommaire*.

Arrestation présumée

Application

11. (1) This section applies if a member reasonably believes that a person has contravened section 3 and has recently departed from the premises.

11. (1) Le présent article s'applique si un membre a des motifs raisonnables de croire qu'une personne a contrevenu à l'article 3 et a récemment quitté les lieux.

Application

Arrest without warrant off premises

(2) A member may arrest a person referred to in subsection (1) without a warrant if
(a) the person refuses to give their name and address; or
(b) the member reasonably believes that the name or address given by the person is false.

(2) Le membre peut, sans mandat, arrêter la personne visée au paragraphe (1) si, selon le cas :
a) elle refuse de donner son nom et son adresse;
b) le membre a des motifs raisonnables de croire que le nom ou l'adresse donnés sont faux.

Arrestation sans mandat hors des lieux

DAMAGES, PROSECUTION AND ENFORCEMENT

DOMMAGES-INTÉRÊTS, POURSUITE ET MISE À EXÉCUTION

When damages apply

12. (1) This section applies if
(a) a person is convicted of an offence under section 3; and
(b) another person has suffered pecuniary damage caused by the convicted person during the commission of the offence.

12. (1) Le présent article s'applique si les conditions suivantes sont réunies :
a) une personne est déclarée coupable d'une infraction aux termes de l'article 3;
b) une autre personne a subi un préjudice pécuniaire causé lors de la perpétration de l'infraction par la personne déclarée coupable.

Conditions pour présenter une requête

Damages and judgment

(2) A court may, at the request of the prosecutor and with the consent of the other person, determine pecuniary damages and make judgment against the convicted person and in favour of the other person.

(2) Le tribunal peut, à la requête du poursuivant et avec le consentement de l'autre personne, fixer les dommages-intérêts pécuniaires et rendre un jugement contre la personne déclarée coupable, en faveur de l'autre personne.

Requête pour jugement en dommages-intérêts

Costs of prosecution

(3) A court may determine the actual costs reasonably incurred for the conduct of a prosecution by a private prosecutor if the defendant is convicted under this Act, and may order those costs to be paid by the defendant to the prosecutor.

(3) Le tribunal peut, si le défendeur est déclaré coupable en vertu de la présente loi, fixer les dépens réels raisonnables engagés par un poursuivant privé pour la conduite de la poursuite, et peut ordonner que ces dépens soient versés au poursuivant par le défendeur.

Dépens de la poursuite

Damages and costs in addition to fine	(4) A judgment for damages or an award of costs made under this section is in addition to any other fine that is imposed under this Act.	(4) Un jugement en dommages-intérêts ou une adjudication de dépens rendu en vertu du présent article s'ajoute à toute autre amende imposée en vertu de la présente loi.	Dommages-intérêts et dépens en sus de l'amende
Rights to civil damages may continue if no judgment	(5) The failure to request or refusal to grant a judgment for damages under subsection (2) does not affect a right to bring a civil action for damages arising out of the same facts.	(5) L'omission de demander, ou le refus d'accord, un jugement en dommages-intérêts aux termes du paragraphe (2) ne porte pas atteinte au droit d'intenter une action civile en dommages-intérêts fondée sur les mêmes faits.	Maintien du droit à des dommages-intérêts civils en l'absence de jugement
Rights to civil damages following judgment	(6) For greater certainty, a judgment for damages made under this section does not extinguish the right of the person in whose favour the judgment is made to bring a civil action for damages against the person convicted arising out of the same facts.	(6) Il est entendu qu'un jugement en dommages-intérêts rendu en vertu du présent article n'éteint pas le droit de la personne en faveur de laquelle le jugement est rendu d'intenter, contre la personne déclarée coupable, une action civile en dommages-intérêts fondée sur les mêmes faits.	D r o i t d'intenter une action civile suite à un jugement
Enforcement	(7) Each of the following is, for the purposes of enforcement, deemed to be a judgment or order of the court if filed in the Territorial Court: (a) a judgment made for damages; (b) an award for costs.	(7) Est réputé, aux fins de sa mise à exécution, si déposé à la Cour territoriale, un jugement ou une ordonnance du tribunal: a) un jugement en dommages-intérêts; b) une adjudication de dépens.	Mise à exécution
REGULATIONS			
Regulations	13. The Minister may make regulations (a) prescribing locations where the Act does not apply; (b) prescribing and respecting systems of markings under subparagraph 7(b)(ii); and (c) respecting any other matter that the Minister considers necessary or advisable for the carrying out of the purposes and provisions of this Act.	13. Le ministre peut, par règlement : a) prévoir les endroits où la loi ne s'applique pas; b) prévoir et régir les systèmes de marques aux termes du sous-alinéa 7b)(ii); c) prendre toute autre mesure qu'il estime nécessaire ou indiquée dans l'application de la présente loi.	Règlements
COMING INTO FORCE			
Coming into force	14. This Act or any provision of this Act comes into force on a day or days to be fixed by order of the Commissioner.	14. La présente loi ou telle de ses dispositions entre en vigueur à la date ou aux dates fixées par décret du commissaire.	Entrée en vigueur



STATEMENT OF CONSISTENCY

Bill 34: *Trespass to Property Act*

Sponsoring Minister: Jay Macdonald

Explanatory Note

Subsection 6(1) of the *United Nations Declaration on the Rights of Indigenous Peoples Implementation Act*, SNWT 2023, c. 36 (“*UNDRIP Implementation Act*”) requires the Government of the Northwest Territories (“GNWT”), in collaboration and cooperation with Indigenous peoples, to take all reasonable measures to ensure the laws of the Northwest Territories (“NWT”) are consistent with the Declaration set out in the Schedule of the *UNDRIP Implementation Act*.

Subsection 8(1) of the *UNDRIP Implementation Act* requires the Attorney General to prepare a Statement of Consistency on behalf of the sponsoring Minister of a bill, indicating whether or not the bill is consistent with the Declaration and the rights recognized and affirmed under section 35 of the *Constitution Act, 1982*. The sponsoring Minister must table the Statement of Consistency before the second reading of the bill in the Legislative Assembly.

A Statement of Consistency is not required if an exception under subsection 8(3) of the *UNDRIP Implementation Act* applies.

A Statement of Consistency provides legal information to the Legislative Assembly about the bill’s potential impacts on rights of Indigenous peoples set out in the Declaration and the potential impacts on rights recognized and affirmed under section 35 of the *Constitution Act, 1982*. It is not intended to be a comprehensive overview of all conceivable inconsistencies with Indigenous and Aboriginal rights. A bill may see several amendments between second reading and its ultimate passage through the Legislative Assembly. Additional considerations relevant to the consistency of a bill with the Declaration and the rights recognized and affirmed under section 35 of the *Constitution Act, 1982* may arise through that process. A Statement of Consistency will not reflect an analysis of those changes.



Background

The *Trespass to Property Act* (the “Bill”) was developed to respond to a legislative gap that was identified, to provide property owners and lawful occupiers with the tools necessary to deal with persons who trespass on their property. The GNWT committed, as part of the 20th Assembly mandate, to establishing legislation governing trespass on private property, and has received significant public support in favour of creating a unified regime to govern trespassing as there is in most provinces.

Purpose

The purpose of this Bill, as set out in the Bill, is to establish trespassing as an offence, establish a consistent system for owners and lawful occupiers to indicate that entry to their property is prohibited except where authorized by law, and enable owners and lawful occupiers to seek compensation for damages they have suffered from trespassing.

Application

The Bill applies equally to all residents of the NWT. This Bill should be considered legislation of general application as it does not apply specifically to any Indigenous government or organization in the NWT, nor to any lands, waters or resources identified and set out in a land, resources or self-government agreement based in the NWT.

Impacts on Rights under the Declaration and Section 35 Aboriginal and Treaty Rights

This Bill does not impact rights under the Declaration, such as the right to self-determination and self-government, rights respecting lands, territories or resources, or environmental, economic, health, cultural, religious, language or other rights, nor does it impact Aboriginal and treaty rights recognized and affirmed under section 35 of the *Constitution Act, 1982*.

Though this Bill does not directly impact Indigenous or Treaty Rights, it contains language to ensure that priority is given to Indigenous or Treaty Rights should there be any incidental impacts. It includes non-derogation clauses, providing that the Act must be interpreted in a manner consistent with the recognition and affirmation of aboriginal and treaty rights, recognizes the roles of boards or councils established under land, resources, and self-government agreements, and provides that, should there be a conflict with any land, resources, or self-government agreement, that agreement shall prevail.



UNDRIP Statement of Consistency

The Attorney General has examined the Bill for any inconsistencies pursuant to the obligation under subsection 8(1) of the *UNDRIP Implementation Act*. This review involved consideration of the context in which the Bill was created, as well as the text of the Bill.

In reviewing the Bill, the Attorney General is of the opinion that the Bill is consistent with the Declaration and section 35 of the *Constitution Act, 1982*.



Plain Language Summary for Bill 34: Trespass to Property Act

The Government is introducing a Trespass to Property Act. The purpose of the proposed Bill is to enhance public safety and private property protections. To achieve this, the Bill will address significant gaps in trespassing law by creating a new law intended to govern trespass to private property, to schools, and to certain types of private interests on public lands such as leases.

The Bill will establish trespassing as a territorial offence. It will also:

- Establish penalties for trespassing that include fines up to \$10,000 and prison terms of up to six months;
- Set out ways of giving notice for trespassing, including the types of signs that are sufficient for giving notice, and for types of property where no notice is required;
- Set out arrest provisions for trespassing; and,
- Give legal occupiers of land, such as owners and renters, a simplified method for obtaining payment for damages caused by trespassers, while still letting them seek additional damages through the existing civil system.

The Bill will also ensure that trespassers must give their name and address and create aggravating factors for sentencing if an individual does not leave the property within a certain time after being directed to do so in some circumstances. It will also allow for granting limited permission to access a premises.

The Bill will protect Indigenous rights by ensuring land, resources, and self-government agreements take precedence over the legislation, and ensuring that the proposed Act will be interpreted in accordance with recognition and affirmation of existing Indigenous and treaty rights.

For additional information or questions, contact:

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THE HONOURABLE JAY MACDONALD
MINISTER OF JUSTICE

Opening Remarks for Bill 34:
Trespass to Property Act

Good evening colleagues. Thank you for inviting me today to speak about Bill 34: *Trespass to Property Act*.

The purpose of the proposed Act is to create a legislative framework that governs trespass to private property, to schools, and to certain types of private interests on public lands such as leases. The legislation will create a trespass offence, as well as set out certain exemptions and defences to trespass, forms of giving notice, arrest provisions, and sentences for violations.

The current approach to trespass, under a mix of common law and the *Criminal Code*, creates a significant gap that does not provide timely tools to property owners and lawful occupiers to immediately address instances of trespass that occur outside of the narrow *Criminal Code* definition that prohibits a person from entering property at night and near a dwelling-house.

The proposed Bill includes significant safeguards for Indigenous rights, including explicit recognition of Indigenous and treaty rights; ensuring Indigenous and treaty rights take precedence in the event of conflict; and requiring that the Act be carried out in accordance with any applicable agreements.

Public engagement indicated significant support for the legislation.

This concludes my opening remarks and we will now provide a presentation walking through the bill in more detail.

Thank you.

LIST OF WITNESSES-TECHNICAL BRIEFING-BILL 34: TRESPASS TO PROPERTY ACT

- Brad Patzer, Assistance Deputy Minister Attorney General, Department of Justice.
- Clayton Lowther, Legislative Drafter, Department of Justice.



Bill 34: Trespass to Property Act

Public Briefing

Standing Committee on Social Development

January 20, 2026



Contents

1. Purpose
2. Development of Bill
3. Summary of Legislation



Purpose

- Introduce a territorial law addressing trespassing, mostly on private property
 - Trespassing: illegal act of entering or staying on someone else's property without permission.
 - All provinces have these laws, but none of the territories do (noting the Yukon has legislation governing trespassing on school grounds).
- Trespass legislation will outline the rights of property owners and lawful occupiers and the consequences for those found in violation.
- Proposed legislation is part of GNWT commitment to address public safety concerns by deterring potentially criminal behaviour and damage that trespassers may cause.



Development of Bill 34: Trespass to Property Act

- Jurisdictional Review
- Public Engagement
 - Strong public response
- What We Heard Report



Summary of Legislation

1. Definitions
2. Indigenous and Treaty Rights
3. Offence
4. Methods for Giving Notice
5. Arrest
6. Damages and Prosecution



Definitions

- Land
- Premises
- Member
- Occupier
- Education Bodies



Indigenous and Treaty Rights

- Consultation assessment completed
- Law of general application
- Indigenous rights explicitly protected
- No impact on finalized Land Claim Agreements and Self-Government Agreements
- Indigenous governments may be able to create their own trespassing legislation



Offence

- Trespass
 - A person is trespassing when they:
 - Enter a premises when entry is prohibited under the Act
 - Engage in an activity on the premises when the activity is prohibited under the Act
 - Remain on the premises after being directed to leave by the occupier or a person authorized by the occupier
 - A person is not trespassing if they:
 - Have the express permission of the occupier
 - Have a right or authority conferred by law, including a contract



Offence: Note on Access

- Presumption in favour of access for:
 - A lawful purpose;
 - To a door; and,
 - By a means apparently provided and used for access.
- In other words: approaching the front door is presumed legal



Methods for Giving Notice

- Orally or in writing
- Sign
 - General – e.g. “No Trespassing”
 - Activity-based – e.g. “No Skiing”, “Skiing and Hockey Allowed”, or “Skiing Only”
- Some properties don’t require notice
- Prescribed marking system



Arrest

- RCMP members can arrest an offender on the premises without a warrant
- RCMP members can arrest an offender who has recently left the premises without a warrant if the person refuses to give their name and address, or if the member reasonably believes that it is false



Note on Citizen's Arrests

- Citizen's arrests were considered
 - About half of provinces with trespassing legislation allow for some form of citizen's arrests
 - Public engagement was strongly in favour of the option
- Practical considerations required more study



Damages and Prosecution

- Court can order pecuniary damages to be paid
 - Prosecutor must request it and person who suffered damages must consent
 - Damages do not replace fines
 - Person who suffered damage can still bring additional civil action
- Costs can also be awarded for private prosecution



Safeguards

- Protection from discrimination
 - Legal protections exist that prevent discrimination
 - Misusing the proposed *Trespass to Property Act* to discriminate on protected ground would be illegal
 - *Human Rights Act, SNWT 2002, c 18*
- Homelessness
 - Proposed act is not a vagrancy law
 - No impact on encampments on public land



Penalties

- Maximum fine of \$10,000 and imprisonment up to six months
 - Penalties in line with other jurisdictions and NWT laws
 - Judges can go lower based on discretion
- Trespasser may also need to pay damages; can still be sued
- Public overwhelmingly preferred to have jail as an option



Regulations

- Locations
- Marking Systems
- General Regulatory Power

