

Standing Committee on
Social Development



Report on Bill 34: *Trespass to Property Act*

20th Northwest Territories Legislative Assembly

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**STANDING COMMITTEE ON
SOCIAL DEVELOPMENT**

REPORT ON BILL 34: *TRESPASS TO PROPERTY ACT*

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REPORT ON BILL 34: *TRESPASS TO PROPERTY ACT*

INTRODUCTION AND BACKGROUND

Bill 34: *Trespass to Property Act* (Bill 34)¹ seeks to address significant gaps in trespassing law by creating legislation intended to govern trespass to private property, to schools, and to certain types of private interests on public lands such as leases.

Bill 34, as originally drafted, provides the Royal Canadian Mounted Police (RCMP) the authority to remove trespassers from private property, issue arrests, and pursue prosecutions.

Bill 34 received second reading on October 31st, 2025, and was referred to the Standing Committee on Social Development (Committee) for review.

This report summarizes Committee's review of Bill 34, starting with our engagement with the Government of the Northwest Territories (GNWT), the RCMP, and the public. This report also describes Committee's efforts to review and strengthen Bill 34, including nine (9) motions to amend the Bill – all of which were adopted at the clause-by-clause review – and six (6) recommendations.

PUBLIC ENGAGEMENT

Between December 2025 to February 2026, Committee engaged the public on Bill 34. Committee hosted one public meeting in Yellowknife - Sòmbak'è on January 20th, 2026². At this public meeting, Committee heard from the Minister of Justice (the Minister) and his officials, and the RCMP. A total of 4 people attended this public meeting. The Minister's presentation is included in Appendix A.

Committee hosted one public meeting in Hay River on January 26th, 2026 with a total of 20 people in attendance³. Committee met with the Hay River Healthy Communities Committee on January 27th, 2026 to discuss Bill 34 with a total of 12 people in attendance.

Committee sought written submissions on Bill 34. We also sent targeted engagement letters to Indigenous governments across the Northwest Territories (NWT). Committee received written submissions from:

- City of Yellowknife
- Adrian Bell
- Yellowknife Chamber of Commerce
- Northwest Territories Chamber of Commerce

These submissions are also included in Appendix A.

Committee appreciates those that offered feedback at public meetings and in written submissions. Contributors provided thoughtful input on the Bill, and raised important considerations related to trespassing in the NWT.

Committee categorized public comments received into three (3) themes: Operationalization of the legislation; Expanding levels of response, and; Effects on the justice system.

1. Operationalization of the legislation

Indigenous rights

Indigenous rights are explicitly protected and upheld under clause 2 of Bill 34. Clause 2 describes that any action under the *Trespass to Property Act* (the Act) must be carried out in accordance with any applicable agreements and in the event of any conflict or inconsistency, the land resources and self-government agreement will prevail over the Act. The Department of Justice (the Department) noted that Bill 34 in no way prevents an Indigenous government from establishing their own trespass legislation. The Act will therefore be interpreted in a manner consistent with existing Indigenous and treaty rights in section 35 of the *Constitution Act, 1982*, and in accordance with land and self-government agreements.

Loitering versus trespassing

At the public meeting in Hay River, there was discussion and requests for clarity regarding understanding the distinctions between trespassing and loitering in Bill 34. These discussions were noted by small business owners who highlighted the example of loitering in stores as being a consistent occurrence.

Committee notes the definition of trespass that is found in Bill 34: that a person is trespassing if they stay on a property after being directed to leave by the occupier or a person authorized by the occupier. In their presentation to Committee, the Department provided the example that a person can enter a store normally, but would have to leave if the owner tells them to leave. Committee believes that loitering is captured in clause 3 of Bill 34 as part of the definition of trespass as an offence. In particular, clause 3(1)(b) states that a person is committing an offence of trespassing when they remain on the premises after being asked to leave. In addition, the Act allows regulations to be created that will list activities that are or are not permitted.

Signage and notices

There were numerous questions raised during public meetings about the use of signage and how the notice of prohibition of entry would be provided. More specifically, members of the public had questions regarding the types of signage or notices, whether there are clear instructions on how signs should be posted, etcetera. Committee acknowledges these questions and hopes to provide some clarity in terms of the operationalization of providing notice of prohibition of entry and methods of signage under Bill 34 in the following paragraphs.

Under Bill 34, clauses 4, 5, and 6 describe the prohibition of entry to a premises. Clause 4 notes that entry may be prohibited by notice, and subclause 4(2) lists premises that don't require any notice at all (such as a garden or field, or location that is enclosed in a matter intended to keep people or animals off the property). Subclause 4(3) states that there is a presumption that access for lawful purposes to the door of a building is permitted (i.e. delivering mail). Clauses 5 and 6 describe that notices can be posted for the prohibition of particular activities.

The Department noted in their presentation to Committee that the primary method of giving notice that someone is not allowed to access your property, in most cases, is going to be by way of a sign. This is where clauses 7, 8, and 9 come into play. Clause 7 describes that notices can be given orally or in writing, or by means of a sign that is visible in the daylight under normal conditions or in accordance with any prescribed marking system.

The Department noted that no marking system has been planned yet (such as instructions for colour and size of font, size of the sign, etcetera) as this would require additional thought and consultation. A marking system may be included in future regulations under the Act.

Schools

There were questions from the public regarding the use of the Act with schools in the NWT. In particular, there was confusion about whether school property becomes municipal property after hours, and how quickly to call the RCMP for assistance if there were a trespasser on school property. It is Committee's understanding that education bodies are defined as occupiers under Bill 34, to ensure that the legislation will also be applied to both private and public schools.

It is important that schools in the NWT understand how the Act will be applied to them, and therefore Committee presents the following recommendation to ensure smooth operation of the Act and to minimize confusion for school staff:

Recommendation 1:

The Standing Committee on Social Development recommends that the Government of the Northwest Territories issue clear guidance and instructions to schools across the Northwest Territories on how to use and apply the *Trespass to Property Act* to their settings, including providing additional funds for producing prohibition of entry signage as needed.

Youth

Committee had concerns regarding the protection of youth from being prosecuted under Bill 34, and the effects that arrest and prosecution could have on their lives moving forward. Section 13 of the *Criminal Code of Canada*⁴ does not allow for a youth under the age of twelve to be convicted of an offence, and the NWT's *Youth Justice Act*⁵ follows federal legislation. Similarly, the Government of Canada's *Youth Criminal Justice Act* applies to youth from the age of 12 to 17 years old, therefore it can be inferred that criminal responsibility begins at age 12⁶.

Committee trusts that youth 12 and under are sufficiently protected under federal and Territorial legislation.

Impact on unhoused populations

Numerous members of the public emphasized the need for targeted resources to support people experiencing homelessness, and expressed concern that unhoused individuals could be inadvertently caught up in the legislation's application. There was also apprehension that vulnerable individuals could be convicted of trespass and lack the financial means to pay any resulting fines and therefore lead to inevitable imprisonment.

Committee agrees these concerns are valid and wants to ensure the legislation is applied in a way that does not set vulnerable people up for failure. On that note, Committee is recommending measures that will create a graduated response to the enforcement of trespassing, including enforcement using tickets and allowing Orders prohibiting entry to

a premises (see Recommendation 2 and Motions 4 and 5). In addition to graduated responses, Fine Option¹ and Restorative Justice programs should continue to be made available, even for those convicted of trespassing.

Committee believes implementing a range of options will help ensure that individuals convicted of trespass are appropriately supported, while also maintaining efforts to address public safety concerns. Committee would also like to highlight that Bill 34 requires clear signage or verbal notice to inform individuals when they may be trespassing (see “Signage and Notices” section). Committee also proposed an amendment to help ensure that “no trespass” signs are not posted falsely (see Motion 6).

Further, in their presentation to Committee, the Department noted that the NWT’s *Human Rights Act*⁷ protects NWT residents from discrimination on protected grounds including race, nationality, political belief, ancestry, sex and gender identity or expression. Anyone who tries to misuse the *Trespass to Property Act* provisions, such as if they posted a sign or asked someone to leave on a protected ground, would be in violation of the *Human Rights Act*.

2. Expanding levels of response

Allowing enforcement by ticket

The Yellowknife Chamber of Commerce recommended reframing Bill 34 to prioritize warnings, banning and removal over arrest to help reduce criminalization and court backlog. They were supportive of refocusing the Bill for compliance over criminalization and stated that relying on arrest as the primary enforcement outcome imposes significant front-end and back-end demands on law enforcement resources. Committee believes it is crucial to expand the available enforcement options and summary convictions measures under the Bill. As mentioned in the previous section, numerous concerns were raised regarding the reality of an individual’s ability to pay fines and the realistic application of a summary conviction on a vulnerable person.

Committee seeks to expand upon the levels of response for trespassing, recognizing entrenched societal struggles with the justice system and criminal penalties. As a key example, the RCMP noted concerns that Bill 34 as it stands focuses solely on court process. The RCMP requested a measured approach whereby they could in the first instance, issue a violation ticket and in the second instance, issue a ticket for a higher amount. They provided the example that if there is repetitive behaviour, that may be a situation where they would seek an enforcement option leading to a court process where the judiciary could make a determination based on the facts presented.

¹ The [Fine Option Program](#) is a voluntary program that offers the opportunity to pay fines by doing unpaid and supervised work for communities.

Committee agrees that peace officers should have the ability to issue tickets to individuals for trespassing. This would create an additional enforcement option, and move away from Bill 34's current focus on court process. Another effort to expand upon the levels of response for trespassing is included in Motions 4 and 5, to add the ability to issue Orders prohibiting entry.

Therefore, Committee puts forward the following recommendation in an effort to expand upon the levels of enforcement of the Act:

Recommendation 2:

The Standing Committee on Social Development recommends that the Government of the Northwest Territories create regulations under the *Summary Convictions Procedures Act* to include ticketable offences for trespassing prior to Bill 34: *Trespass to Property Act* coming into force.

3. Effects on the justice system

System capacity and resource strain across the justice system

In their presentation to Committee, the RCMP spoke to the extent to which the implementation of trespass legislation would increase calls for service. The witness noted that, with the implementation of trespass legislation, there would not necessarily be a significant spike in calls, since the RCMP is already receiving a significant number of calls related to trespassing, currently treated in some cases as "mischief". He further reiterated that from the RCMP's perspective, there are many tools they can facilitate and the use of trespass legislation will not be at the "very top of our toolbox". He emphasized the importance of a measured approach, noting that trespass legislation can be used to manage certain behaviours.

Municipal enforcement personnel in Hay River also noted that using this legislation may help curb behaviours so that resources can be used towards more serious issues. Municipal enforcement and RCMP in Hay River also brought forward the reality that they are already receiving calls related to trespass. During the public hearing in Yellowknife, the Department noted that an increase to call volume would naturally be expected by way of introducing legislation that targets a specific activity such as trespassing.

Members of the public noted worries about overwhelming the courts with the prosecution of trespassing, including concerns with individuals not being financially able to pay fines which may result in overwhelming correctional centres. At the public hearing in Yellowknife, the Minister stated that the possibility of increased involvement in the justice system should not, in itself, prevent the legislation from being enacted where individuals are engaging in the behaviours the legislation seeks to address.

Committee emphasizes the importance of utilizing and promoting alternative justice programs – such as Restorative Justice and Fine Options – that help address difficult behaviours and the complex circumstances individuals may face, while still ensuring accountability. Committee also believes in supporting the RCMP with the application of this Act. Accordingly, Committee put forward Motions 3, and 9 to allow the Minister, through regulation, to prescribe classes of people authorized to enforce the Act. This will help ensure the RCMP are not overburdened by trespass enforcement and related calls for service, while enabling other enforcement personnel to apply the legislation where appropriate.

Current use of criminal code provisions

The RCMP indicated they support the intent of the legislation and view it as filling a legislative gap. In its absence, they noted their options are often limited to taking no action or proceeding directly to a criminal offence under the *Criminal Code*.

For instance, section 430 of the *Criminal Code* creates the offense of mischief for any person damaging property or interfering with the lawful use or enjoyment of property, among other acts⁸. Subsection 349(1) -- “being unlawfully in a dwelling-house” -- states that any person who, without lawful excuse, enters or is in a dwelling-house with intent to commit an indictable offence is guilty of an indictable offence⁹. As the RCMP highlighted, Committee believes that the Act will provide another tool for law enforcement to use to help curb behaviours outside of these *Criminal Code* provisions.

Measuring the effects of the legislation

A member of the public questioned what efforts will be in place for measuring the effectiveness of the legislation. Committee believes in analyzing what value trespass legislation will bring to the overall picture of public safety in the NWT. Therefore, Committee presents the following recommendation:

Recommendation 3:

The Standing Committee on Social Development recommends the Government of the Northwest Territories ensures that statistics on prosecution for trespassing are routinely included as part of general reporting on offences and convictions in the Northwest Territories once the *Trespass to Property Act* has come into force, to provide insight on the effectiveness of the legislation.

AMENDMENTS

Committee put forward nine (9) motions to amend Bill 34. These are included in Appendix B of this report.

1. Defining ‘occupier’ as lawful occupier

The City of Yellowknife (the City) presented a recommendation to Committee that the definition of occupier in Bill 34 be limited to “lawful” occupants only, referencing a definition found in British Columbia’s trespass legislation¹⁰.

The Department’s presentation to Committee noted their definition of occupier, which includes someone who has physical possession of the premises or who has responsibility and control over the condition of the premises or activities on the premises or control over persons allowed to access it. Committee believes it important to bring this definition one step further to ensure that the lawful occupiers of a premises are protected and can bring forward trespassing concerns without a debate of true lawfulness to a premises. The City provided a few examples to Committee where this would come into play, including a person erecting a tent on municipally owned land with or without lawful authority could be considered an “occupier” under the Bill as drafted. They noted that their ability to defend claims of Adverse Possession may be compromised or complicated. Committee would like to note that Bill 34 does not apply to trespass on public land, which would fall under the *Commissioner’s Land Act* and the *NWT Lands Act*¹¹.

The RCMP were also in favour of this change to ‘lawful’ occupier, stating that as the definition of occupier currently stands in Bill 34, there may be complications and threats to public safety should there be situations such as a drug dealer bullying their way into a home and arguing that they are an occupier.

There were questions raised regarding the relationship this Act would have with the NWT’s *Residential Tenancies Act*¹², and Committee understands that with the change to specifying a “lawful” occupier, landlords and tenants are themselves both included in this definition. Case law would aid in determining the varying and competing levels of ownership.

Therefore, Committee presented **Motion 1** by adding to the definition of ‘occupier’ that a person must be a ‘lawful’ occupier.

Motion 1 was met with concurrence from the Minister of Justice.

2. Improper use of signs

Concerns were raised regarding the improper use of no trespassing signs, particularly by those who are not the lawful occupiers of a premises, and may not have the authority to be issuing no trespass signage. While trespassing could not be legitimately prosecuted in such cases, it might dissuade people from enjoying lawful access to public lands. Committee believes that this is a significant risk and as such there should be an explicit penalty for those who post no trespassing signs without lawful authority to do so.

Committee therefore presented **Motion 6** to amend Bill 34.

Motion 6 was met with concurrence from the Minister of Justice.

3. Expanding enforcement powers

It was suggested by numerous stakeholders that enforcement powers in Bill 34 should be expanded to include peace officers (i.e. municipal bylaw officers). The City of Yellowknife recommended this change, stating this would increase the City's ability to respond to incidents of trespass on municipal property without increasing the burden on an already over-extended police force. The RCMP was in favour of this change, also providing the example of the potential use of sheriffs to broaden enforcement capability even further. While the City of Yellowknife submitted its support on expanding powers of arrest to municipal enforcement officers for the offence of trespassing, a municipal enforcement officer in Hay River noted his support for municipal enforcement to have the power to issue tickets rather than the power to arrest.

The issue of allowing private security officers enforcement powers under Bill 34 was also brought forward to Committee. There were varying degrees of concerns for allowing private security personnel the power to enforce, including worry for culturally safe interactions between members of the public and private security personnel, appropriate training for private security personnel, and the lack of regulating legislation for the profession in the NWT. Some stakeholders were in favour of including the powers of enforcement for private security personnel, while some were apprehensive due to reasons such as increased liability and a lack of training to properly and safely execute arrests. The RCMP noted that including enforcement powers for private security personnel would warrant further exploration and assessment.

Recognizing the balance for further research and proper implementation to expand the powers of enforcement to private security personnel as well as expanding the Bill to include peace officers as enforcers, Committee proposed **Motions 2, 3, 7, 8, and 9** to amend Bill 34. These motions are all related to expanding power of enforcement to peace officers, including a provision whereby the Minister can prescribe classes of people in the regulations once research and potential future regulation of professional bodies is enacted. Motions 2, 3, 7, 8, and 9 were met with concurrence from the Minister of Justice.

In addition to the Motions to amend Bill 34, Committee presents the following recommendations, in an effort to regulate private security in the NWT and streamline clear guidance on the use of the *Trespass to Property Act*:

Recommendation 4:

The Standing Committee on Social Development recommends that the Government of the Northwest Territories urgently create legislation that will regulate private security companies in the Northwest Territories, and include a requirement for Northern and Indigenous cultural awareness training.

Recommendation 5:

The Standing Committee on Social Development recommends the Government of the Northwest Territories create and publicize clear policy guidance for the general public, private security companies and Indigenous Governments in the Northwest Territories on how the *Trespass to Property Act* can be used.

4. Orders to prohibit entry

Members of the public, and business owners in particular, raised questions on their rights to ban people from their business premises who have consistently been removed due to loitering. Committee also had concerns with the fact that banning may already be occurring in the NWT in some business premises. The Department confirmed in the public hearing that a standalone provision regarding Orders prohibiting entry was not contemplated in the development of the Bill.

Committee presented two motions that speak to Orders for the prohibition of entry due to trespassing. Firstly, Committee presented **Motion 4**, which amended clause 3 of Bill 34 to allow for an additional penalty for the offence of trespassing, namely including Orders prohibiting entry to a premises for a term not exceeding three years. **Motion 5** added a section under clause 3 that outlines the summary convictions for when a person contravenes an Order prohibiting entry.

Motions 4 and 5 were met with concurrence by the Minister.

CONCLUSION

On February 25th, 2026, Committee held a clause-by-clause review where the nine motions described throughout this report to amend Bill 34 were carried and concurred with by the Minister of Justice. Committee passed a motion to report Bill 34 to the Legislative Assembly as ready for consideration in Committee of the Whole as amended.

This concludes the Standing Committee on Social Development's review of Bill 34.

Recommendation 6:

The Standing Committee on Social Development recommends that the Government of the Northwest Territories provide a response to this report within 120 days.

ENDNOTES

¹ [Bill 34: *Trespass to Property Act*](#).

² Video of Committee's January 20, 2026, public meeting in Yellowknife – Sõmbak'è with the Minister of Justice and RCMP is available at: <https://www.youtube.com/watch?v=Udvg9njzAjQ&t=549s>

³ Video of Committee's January 26, 2026, public meeting in Hay River is available at: https://www.youtube.com/watch?v=mYV7kUafq_g&t=2248s

⁴ [Section 13](#) of the *Criminal Code of Canada*.

⁵ Northwest Territories' [Youth Justice Act](#).

⁶ <https://ycja.ca/youth-justice/youth-criminal-justice-act>

⁷ Northwest Territories' [Human Rights Act](#).

⁸ [Section 430](#) of the *Criminal Code of Canada*.

⁹ [Section 349\(1\)](#) of the *Criminal Code of Canada*.

¹⁰ British Columbia's [Trespass Act](#).

¹¹ Northwest Territories' [Commissioner's Land Act](#), and NWT [Public Lands Act](#).

¹² Northwest Territories' [Residential Tenancies Act](#).

APPENDIX A
SUBMISSIONS and PRESENTATIONS

APPENDIX B
MOTIONS