

Standing Committee on
Social Development



Report on Bill 34: *Trespass to Property Act*

20th Northwest Territories Legislative Assembly

Chair: Ms. Jane Weyallon Armstrong

MEMBERS OF THE STANDING COMMITTEE ON SOCIAL DEVELOPMENT

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SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Social Development is pleased to provide its Report on Bill 34: *Trespass to Property Act* and commends it to the House.



MLA Jane Weyallon Armstrong
Chair, Standing Committee on Social Development

**STANDING COMMITTEE ON
SOCIAL DEVELOPMENT**

REPORT ON BILL 34: *TRESPASS TO PROPERTY ACT*

TABLE OF CONTENTS

INTRODUCTION AND BACKGROUND	1
PUBLIC ENGAGEMENT.....	1
1. Operationalization of the legislation	2
Indigenous rights	2
Loitering versus trespassing	2
Signage and notices	3
Schools.....	4
Youth	4
Impact on unhoused populations.....	4
2. Expanding levels of response	5
Allowing enforcement by ticket	5
3. Effects on the justice system.....	6
System capacity and resource strain across the justice system	6
Current use of criminal code provisions.....	7
Measuring the effects of the legislation.....	7
AMENDMENTS	7
1. Defining ‘occupier’ as lawful occupier	8
2. Improper use of signs.....	8
3. Expanding enforcement powers.....	9
CONCLUSION	10
ENDNOTES	11
APPENDIX A.....	12
APPENDIX B.....	13

**STANDING COMMITTEE ON
SOCIAL DEVELOPMENT**

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

From: [Adrian Bell](#)
To: [DST LEG Committees](#)
Subject: Concerns about the Trespass Act
Date: Thursday, January 22, 2026 8:14:51 AM

To the members of the committee considering the new Trespass Act,

I'm not sure if the information reported in Cabin Radio this morning was accurate (see link below), but if municipal bylaw officers are not authorized to enforce the Trespass Act, even in situations where municipal councils have passed behavioural bylaws, that concerns me greatly. I believe private security guards should be empowered to do so as well, mind you there would need to be a requirement for appropriate training.

The RCMP already ignore calls from business owners and staff related to public drunkenness and drinking in public - both of which are criminal code violations. They have declared many times in the past that they simply don't have the resources to deal with these types of "mischief" complaints, and trespassing situations will be viewed the same way in the long term. Unless MED officers are empowered to assist, the RCMP, by necessity imposed on them given their resource limits, will address only the situations where there is a significant risk to a homeowner or tenant. Businesses will be no further ahead in dealing with their own trespassing situations.

Regards,

Adrian Bell, Broker of Record

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RCMP offer nuanced view of what NWT trespass law would actually do
cabinradio.ca



CITY OF YELLOWKNIFE
OFFICE OF THE MAYOR

January 9, 2026

VIA EMAIL: Committees@ntassembly.ca

Legislative Assembly of the Northwest Territories
4570 48 Street
Yellowknife, NT X1A 3A5.

Dear Committee Members,

RE: City Feedback on Bill 34 - Trespass to Property Act

Please find attached the City of Yellowknife's considered views on Bill 34, the proposed *Trespass to Property Act*. We appreciate the opportunity to provide feedback and trust that our observations and recommendations will assist in refining this important legislation.

Should you have any questions or require further clarification, please do not hesitate to reach out.

Sincerely,

Ben Hendriksen
Mayor of Yellowknife

Enclosure

DM#812579



CITY OF YELLOWKNIFE

Date: January 9, 2026

To: Standing Committee on Social Development
Legislative Assembly of the Northwest Territories

RE: Feedback on Draft Bill 34 – Trespass to Property Act

We appreciate the opportunity to provide feedback on Bill 34, the proposed *Trespass to Property Act* (“Bill 34”). The City of Yellowknife (the “City”) supports the principles and intent of Bill 34 and is eager to see its implementation. The City is both a local government with interest in orderly land administration within our jurisdiction, as well as a landowner who needs this tool to enforce municipal property rights.

After reviewing the current draft legislation, we wish to raise the following observations and concerns:

1. The definition of ‘occupier’ as the plaintiff in trespass is too broad.

As currently worded, any occupant, whether lawfully on the land or not, may claim to be a plaintiff in trespass under Bill 34. When someone not lawfully on the land can exclude others from that land, it may inadvertently create a de facto interest in land where one did not previously exist. This could be highly problematic for the City and its public land.

For example, if on municipally owned land, a person erects a tent and fences off the area around the tent they have set up a “portable structure designed or used for residence, or shelter” which may fall under the definition of “premises” under Bill 34. An “occupier” under Bill 34 includes both “a person who is in physical possession of premises”, and “a person who has...control over persons allowed to enter the premises”. Thus, in this situation, someone who has erected a tent with a fence on municipal land, with or without lawful authority, could be an “occupier” for the purposes of section 3 of Bill 34, and therefore able to grant permission to enter, and direct others to leave, their premises. Further, they may be a plaintiff under Bill 34 despite not having a lawful property interest.

Following the example further, if a person tenting on municipal land directs a member of the City’s Municipal Enforcement Division (“MED”) to vacate their premises, the MED member may have to do so, regardless of whether the person is lawfully on municipal land or not, or MED risks committing an offence under section 3 of Bill 34. This situation would be untenable and severely limit the City’s ability to manage unauthorized or dangerous uses of its municipally owned land.

This same concern could also apply to a situation where a landlord was trying to evict a tenant who had not paid rent. Under Bill 34 as drafted, it may not be possible to remove the tenant, as the tenant is the occupier of the premises. There is no way under Bill 34 to determine rights between competing occupiers, even where one occupier does not have a legal right to be occupying the property.

Finally on this point, if any occupier of a property can act as a plaintiff under Bill 34, the City's ability to defend claims of Adverse Possession may be compromised, or at least complicated. It is foreseeable that the City may have issues where any individual claiming to be an occupier brings a cause of action to remove others from municipally owned property. The City does not have the resources to continually monitor all municipal property to prevent entrenchment or erection of 'premises'. As we have seen in the recent Supreme Court of Canada decision *Kosicki v Toronto (City)*¹, municipal public land is not immune from Adverse Possession. Municipalities operate in a distinct sphere, where a balance must be struck between public access and protection of municipal land and property. As opposed to offering further clarity on balancing these interests, this legislation as currently written could instead lead to confusion and misapplication.

Our recommendation is that the definition of occupant be limited to "lawful" occupants only, or as the British Columbia *Trespass Act* says, "a person lawfully entitled to possession of those premises", narrowing the possible plaintiff group only to those who have a lawful authority to occupy the land. The onus to prove lawful occupation should be on the plaintiff.

2. Lack of separate articulated defences.

Bill 34 does not separate the offence of trespass from the defence to trespass. In law, the 'colour of right' refers to a defence that is based on essentially a mistake of fact. The defendant can raise it when they had an honest mistaken belief about their right to possession or use of property that, if true, would provide a legal justification or excuse for their possession or use of the property. The way that the offence of trespass is currently worded in Bill 34, absence of colour of right is an element of the offence. This structure means the absence of colour of right must be proven by the plaintiff, instead of being a defence that must be raised by the defendant. Essentially, under Bill 34 the plaintiff must prove that the defendant had no honest mistaken belief in their right to be on that property. Making the plaintiff prove a negative is extremely difficult, if not impossible in situations of trespass. This shifts the typical onus for proving offences and defences.²

In addition to removing the lack of defence from the offence itself, we recommend adding to the Bill a legal presumption of trespass. This would simplify the prosecution of trespass claims by shifting the focus of the claim to the main issue, which is whether the defendant can prove they have a right to occupy the property. This presumption is a part of the British Columbia *Trespass Act*, for example:

¹ *Kosicki v. Toronto (City)*, 2025 SCC 28 (CanLII), <<https://canlii.ca/t/kfgtp>>

² Both British Columbia and Ontario have the defence of 'colour of right' separated from the elements of the offence in their *Trespass Acts*.

(2) A person found on or in premises that are enclosed land is presumed to be on or in the premises without the consent of an occupier of the premises or an authorized person.³

3. Include Peace Officers for Enforcement

We wish to ask the Committee to consider expanding the powers of arrest to Municipal Peace Officers, not just RCMP Members. The rationale for this change would be to allow the City of Yellowknife's Municipal Enforcement Division Officers to enforce violations under Bill 34. 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.

MED Officers are frequently called to assist residents with issues relating to trespass. Currently, they do not have jurisdiction to make arrests in such cases, even where it may be justified. The calls for service for MED will continue and perhaps increase after the passing of a NWT Trespass Act. Allowing them the jurisdiction to act will allow the officers to be more responsive to the needs of residents of Yellowknife.

³ *Trespass Act*, RSBC 2018, c 3, s.2(2) <<https://canlii.ca/t/54wtg>>



January 30, 2026

Standing Committee on Social Development
Legislative Assembly of the Northwest Territories
P.O. Box 1320, Yellowknife, NT X1A 2L9
committees@ntassembly.ca

RE: NWT Chamber of Commerce concerns about the draft Trespass Act

To the Members of the Standing Committee on Social Development,

On behalf of the Northwest Territories Chamber of Commerce, I am writing to express concerns regarding the proposed new Trespass Act, specifically the provisions that restrict enforcement authority exclusively to members of the Royal Canadian Mounted Police (RCMP). While the Chamber supports the modernization of territorial legislation and the protection of individual rights, we believe the proposed enforcement framework will unintentionally undermine public safety and leave businesses and municipalities without practical tools to address persistent trespassing issues.

Trespassing is a frequent and ongoing challenge for many businesses across the Northwest Territories. Retailers, hospitality operators, property managers, and service providers routinely face situations involving individuals unlawfully entering premises, refusing to leave, damaging property, or creating unsafe environments for employees and customers. These incidents impose real costs on businesses and contribute to staff safety concerns, operational disruptions, and declining confidence in commercial areas.

Under the proposed Act, enforcement powers—including the authority to remove trespassers, issue fines, or make arrests—would rest solely with the RCMP. Municipal bylaw enforcement officers and private security personnel would have no meaningful authority under the legislation. In practice, this would require businesses and municipalities to rely entirely on the RCMP to respond to trespassing complaints, regardless of their frequency or urgency.

This approach does not reflect the operational realities of policing in the Northwest Territories. The RCMP is widely recognized as being stretched across a broad range of responsibilities, including violent crime, domestic violence, substance-related emergencies, traffic enforcement, and policing vast geographic areas. As a result, trespassing complaints are often treated as “mischief” or low-priority calls, leading to delayed responses or no response at all.

While the Chamber recognizes that the Government of the Northwest Territories funds RCMP operations and faces fiscal constraints, there is an important distinction between limited police capacity and legislation that actively prevents other capable actors from assisting. The proposed Trespass Act not only relies on an under-resourced RCMP, but also removes the ability of municipalities and property owners to manage trespassing through trained bylaw officers or licensed private security personnel.

Municipal bylaw enforcement officers already play a role in maintaining public order and community safety, particularly in commercial areas. Similarly, private security personnel are commonly employed to monitor premises and respond professionally to incidents. Denying these actors any authority under the Trespass Act eliminates effective front-line responses that could reduce harm and ease pressure on police services.

The result is a framework that concentrates responsibility without providing capacity. Businesses are left with limited options: tolerate repeated trespassing, rely on delayed police responses, or place employees in unsafe situations by confronting trespassers themselves.

The Chamber is not advocating for unchecked enforcement powers. Rather, we urge a balanced approach that allows municipalities to designate trained bylaw officers and permits property owners to authorize licensed security personnel to act under clearly defined, accountable conditions. Other Canadian jurisdictions have adopted such approaches successfully.

In closing, we respectfully submit that the proposed Trespass Act risks creating a gap between legislative intent and practical enforcement. We encourage the Legislative Assembly to revisit the enforcement provisions and work with municipalities and the business community to ensure the Act is both principled and workable.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Nes', written in a cursive style.

Newton Grey
President,
Northwest Territories Chamber of Commerce



To:

Members of the Standing Committee on Social Development
Legislative Assembly of the Northwest Territories

Attention:

- MLA Daniel McNeely – Sahtu
- MLA George Nerysoo – Mackenzie Delta
- MLA Jane Weyallon Armstrong – Monfwi
- MLA Kieron Testart – Range Lake
- MLA Shauna Morgan – Yellowknife North
- MLA Sheryl Yakeleya – Dehcho

Subject: *Submission on Bill 34 – Trespass to Property Act*

Dear Members of the Standing Committee,

The Yellowknife Chamber of Commerce appreciates the opportunity to provide further input on Bill 34: the proposed Trespass to Property Act.

The Chamber supports the GNWT's objective to enhance community safety and protect property owners, businesses, employees, and the public. This issue falls squarely within the Committee's mandate to ensure legislation is both effective and implementable across all communities.

After reviewing the Bill, and consulting with the RCMP and a national security firm with operations in Yellowknife, the Chamber has identified areas where the legislation could be strengthened. While the Bill establishes a clear legal framework, its current draft is unlikely to materially improve on-the-ground safety outcomes in communities without further refinement.

The following submission outlines the Chamber's perspective on how Bill 34 can be strengthened to better achieve its stated public safety objectives. Drawing on operational experience, RCMP input, and insights from the private security sector, it focuses on the practical realities of trespass enforcement and the need for a graduated, proportionate approach that emphasizes compliance and early resolution, while preserving police capacity for higher-risk situations.

Refocusing the Act: Compliance Over Criminalization

A central issue is that Bill 34 is being interpreted primarily as legislation that culminates in arrest. Relying on arrest as the primary enforcement outcome imposes significant front-end and back-end demands on law enforcement resources, discouraging its use in the numerous low-impact, high-frequency nuisance trespass situations the Act is intended to address. This challenge is further compounded by the exclusion of private security personnel, who are commonly relied upon due to the RCMP's finite resources relative to the volume of incidents.



Most business-related trespassing incidents involve repeat shoplifting, chronic nuisance behaviour, refusal to leave private property, or harassment of staff or customers. These situations require immediate, proportionate intervention to restore order and safety, not automatic criminalization.

Both the RCMP and private security operators emphasized that arrest must remain a transparent, credible, and necessary consequence where non-compliance persists or escalates, particularly in cases of repeat defiance, deliberate disregard for lawful direction, violence, or serious risk to public safety. This aligns with RCMP triage realities and helps ensure police resources remain focused on higher-impact emergencies.

For the Act to be effective, it must be enforceable at this level by the occupier of the property, as defined in the Act, and those acting under the occupier's authority. On-the-ground personnel require clear legal tools to issue warnings, impose and enforce bans, refuse entry, document non-compliance, and, where necessary, escort individuals from the premises using reasonable and proportionate means. These measures must be available before escalation to arrest.

As currently drafted, Bill 34's narrow enforcement authority creates an operational gap. Section 10(1) limits enforcement and arrest authority solely to the RCMP, even though private security is often the first and sometimes only responders to trespass incidents. Without recognizing their role as the occupiers' authorized agents, the Act lacks the practical tools needed for timely, on-the-ground enforcement.

Effective public safety outcomes depend on matching enforcement tools to the severity and frequency of incidents, while ensuring that any elevated enforcement authority is exercised only by individuals with appropriate training and certification. Licensed private security personnel already play a critical part in the law enforcement continuum. They are well positioned to manage the high volume of low-impact trespass incidents, provided they operate within clear standards and oversight.

Standards and Training: Alignment Without Delay

To balance these priorities, the Chamber recommends a standards-based, staged approach that allows the Act to move forward now while ensuring that any enforcement role for private security is conditional on appropriate training, certification, and regulatory safeguards.

Recommendations

1. **Graduated Enforcement** - Reframe the Act to prioritize warning, banning, and removal over arrest. Strategic Benefit: Reduces unnecessary criminalization and court backlog.
2. **Authorized Persons** - Expand the definition of "member" or "authorized person" to include licensed, trained security personnel acting as agents. This creates a strategic advantage, providing businesses with immediate and legal tools to manage property.
3. **RCMP Primacy** - Preserve RCMP authority for all arrests and serious or violent incidents while ensuring high-risk situations remain under the control of the police.



The Act should reference future regulatory standards that enable the GNWT to establish governing training, licensing, use-of-force limits, reporting, and oversight for private sector security personnel.

As an interim step, GNWT could accept equivalent training and licensing from other jurisdictions, such as Alberta, until it sets territorial standards.

This approach ensures trained professionals carry out enforcement, prevents unnecessary delays in implementation, and aligns with standard practice across Canada in areas such as trades certification, professional licensing, and public safety regulation.

Alignment with RCMP and Private Sector Perspectives

The Chamber, RCMP, and private security providers are aligned in these recommendations to:

- Reduce repeat trespass and nuisance behaviour;
- Improve safety for staff, customers, and the public;
- Avoid unnecessary criminalization of minor conduct;
- Ensure enforcement authority is exercised responsibly, proportionately, and with proper oversight; and
- Preserve RCMP capacity for high-risk, high-impact incidents.

The proposed amendments strengthen, rather than weaken, the Act by making it more applicable to the situations it will most often be called upon to address.

Requested Actions

Based on extensive consultation and alignment with enforcement agencies and industry stakeholders, the Chamber recommends the following pragmatic amendments to strengthen Bill 34:

- Reframe the Act to prioritize compliance, warnings, bans, and removals, with arrest as a last-resort escalation.
- Amend Section 10(1) to authorize licensed, trained private security personnel, acting as agents of property occupiers, to enforce low-level trespass provisions.
- Make such authority conditional on prescribed regulatory standards to be developed by the GNWT.
- Include an interim mechanism that allows the GNWT to recognize equivalent training and licensing standards from another jurisdiction, such as Alberta, to avoid implementation delays.
- Maintain clear safeguards, oversight, and RCMP primacy for arrest and serious incidents.

Without these changes, there is a significant risk that Bill 34 will remain enforceable in theory but ineffective in practice for the day-to-day situations that drive public safety and economic concern.

The Chamber supports the GNWT's goal of strengthening the trespass law to enhance safety and property protection. However, without expanded enforcement authority and training-based authorization, Bill 34 risks failing in practice.



If the GNWT adopts the suggested changes, it can deliver a law that is responsible and practical. The result will be greater compliance, greater accountability, and solutions that reflect the realities of communities in the Northwest Territories.

The Yellowknife Chamber of Commerce thanks the Committee for considering these ideas. We are ready to join further discussions or provide additional practical insights as the law progresses.



Mark Henry
President
Yellowknife Chamber of Commerce



APPENDIX B
MOTIONS

MOTION

TRESPASS TO PROPERTY ACT

That subclause 1(1) of Bill 34 be amended by deleting the definition "occupier" and substituting the following:

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

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

MOTION

LOI SUR L'ENTRÉE SANS AUTORISATION

Il est proposé que le paragraphe 1(1) du projet de loi 34 soit modifié par suppression de la définition d' «occupant» et par substitution de ce qui suit :

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

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

MOTION

TRESPASS TO PROPERTY ACT

That subclause 1(1) of Bill 34 be amended by
(a) deleting the definition "member"; and
(b) adding the following definition in alphabetical order:

"peace officer" means

- (a) a member as defined in subsection 2(1) of the *Royal Canadian Mounted Police Act* (Canada), or
- (b) a member of a class of persons prescribed as peace officers under subsection 1(4); (*agent de la paix*)

MOTION

LOI SUR L'ENTRÉE SANS AUTORISATION

Il est proposé que le paragraphe 1(1) du projet de loi 34 soit modifié par :

- a) abrogation de la définition de «membre»;**
- b) insertion de la définition suivante, selon l'ordre alphabétique :**

«agent de la paix»

- a) Un membre au sens du paragraphe 2(1) de la *Loi sur la Gendarmerie royale du Canada* (Canada);
- b) un membre d'une catégorie de personnes désignées comme agents de la paix en vertu du paragraphe 1(4). (*peace officer*)

MOTION

TRESPASS TO PROPERTY ACT

That Bill 34 be amended by adding the following after subclause 1(3):

Peace officers
by virtue of
office

(4) The Minister may prescribe classes of persons who, by virtue of their offices, are peace officers for the purposes of this Act.

MOTION

LOI SUR L'ENTRÉE SANS AUTORISATION

Il est proposé que le projet de loi 34 soit modifié par adjonction, après le paragraphe 1(3), de ce qui suit :

(4) Le ministre peut, par règlement, désigner des catégories de personnes qui, en raison de leurs fonctions, sont des agents de la paix pour l'application de la présente loi.

Agents de la
paix d'office

MOTION

TRESPASS TO PROPERTY ACT

That Bill 34 be amended by deleting subclause 3(2) and substituting the following:

Offence

- (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to one or more of the following:
- (a) a fine of not more than \$10,000;
 - (b) a term of imprisonment not exceeding six months;
 - (c) an order prohibiting them from attending the premises for a term not exceeding three years.

MOTION

LOI SUR L'ENTRÉE SANS AUTORISATION

Il est proposé que le projet de loi 34 soit modifié par suppression du paragraphe 3(2) et par substitution de ce qui suit :

Infraction

- (2) Quiconque contrevient au paragraphe (1) est coupable d'une infraction et est passible, sur déclaration de culpabilité par procédure sommaire, de l'une ou de plusieurs des peines suivantes :
- a) une amende d'au plus 10 000 \$;
 - b) une peine d'emprisonnement maximale de six mois;
 - c) une ordonnance lui interdisant de se présenter aux lieux pour une durée ne dépassant pas trois ans.

MOTION

TRESPASS TO PROPERTY ACT

That Bill 34 be amended by adding the following after subclause 3(2):

Failing to
comply with
prohibition
order

(2.1) A person who contravenes an order made under paragraph 3(2)(c) commits an offence and is liable on summary conviction to one or more of the following:

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

MOTION

LOI SUR L'ENTRÉE SANS AUTORISATION

Il est proposé que le projet de loi 34 soit modifié par insertion, après le paragraphe 3(2), de ce qui suit :

(2.1) Quiconque contrevient à l'ordonnance rendue en vertu de l'alinéa 3(2)c) est coupable d'une infraction et est passible, sur déclaration de culpabilité par procédure sommaire, de l'une ou de plusieurs des peines suivantes :

Omission de
se conformer
à une
ordonnance
d'interdiction

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

MOTION

TRESPASS TO PROPERTY ACT

That Bill 34 be amended by adding the following after clause 7:

Unlawful Notice

Unlawful
Notice

7.1. (1) A person shall not give notice that entry is prohibited to premises unless
(a) they are the occupier of the premises; or
(b) they are authorized by the occupier of the premises.

Offence

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not more than \$2,000.

MOTION

LOI SUR L'ENTRÉE SANS AUTORISATION

Il est proposé que le projet de loi 34 soit modifié par insertion, après l'article 7, de ce qui suit :

Avis illégal

7.1. (1) Nul ne peut donner une avis interdisant l'accès aux lieux, sauf dans l'un ou l'autre des cas suivants : Avis illégal

- a) lorsqu'il est l'occupant des lieux;
- b) lorsqu'il est autorisé par l'occupant des lieux.

(2) Quiconque contrevient au paragraphe (1) commet une infraction et est passible, sur déclaration de culpabilité par procédure sommaire, d'une amende ne pouvant excéder 2 000 \$. Infraction

MOTION

TRESPASS TO PROPERTY ACT

That Bill 34 be amended in subclauses 10(1) and (2) by striking out "member" and substituting "peace officer".

MOTION

LOI SUR L'ENTRÉE SANS AUTORISATION

Il est proposé que le projet de loi 34 soit modifié aux paragraphes 10(1) et (2) par suppression de «membre» ou de «le membre» et par substitution d'«agent de la paix» ou de «l'agent de la paix», respectivement.

MOTION

TRESPASS TO PROPERTY ACT

That Bill 34 be amended by striking out "member" and substituting "peace officer" in each of the following provisions:

- (a) subclause 11(1);**
- (b) that portion of subclause 11(2) preceding paragraph (a);**
- (c) paragraph 11(2)(b).**

MOTION

LOI SUR L'ENTRÉE SANS AUTORISATION

Il est proposé que le projet de loi 34 soit modifié par suppression de «membre» ou de «le membre» et par substitution d'«agent de la paix» ou de «l'agent de la paix» respectivement, dans les dispositions suivantes :

- a) le paragraphe 11(1);**
- b) le passage introductif du paragraphe 11(2);**
- c) l'alinéa 11(2)b).**

MOTION

TRESPASS TO PROPERTY ACT

That Bill 34 be amended by adding the following after paragraph 13(a):

- (a.1) prescribing classes of persons who, by virtue of their offices, are peace officers for the purposes of this Act;

MOTION

LOI SUR L'ENTRÉE SANS AUTORISATION

Il est proposé que le projet de loi 34 soit modifié par insertion, après l'alinéa 13a), de ce qui suit :

- a.1) prévoir les catégories de personnes qui, en raison de leurs fonctions, sont des agents de la paix pour l'application de la présente loi;