



Province of Alberta

## **PETTY TRESPASS ACT**

Revised Statutes of Alberta 2000  
Chapter P-11

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# PETTY TRESPASS ACT

## Chapter P-11

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HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of Alberta, enacts as follows:

#### **Crown land**

**1** This Act does not apply to Crown land except, subject to section 1.1, Crown land subject to a disposition granted under the *Public Lands Act*.

RSA 2000 cP-11 s1;2003 c11 s2;2003 c41 s2;2020 c23 s12

#### **Non-application of Act**

**1.1** This Act does not apply in respect of a person who, for recreational purposes within the meaning of the regulations under section 62.1 of the *Public Lands Act*, enters Crown land that is the subject of a grazing lease, grazing permit, farm development lease, cultivation permit, grazing licence, authorization to harvest hay or head tax grazing permit issued under that Act, whether or not the entry is in accordance with that Act and the regulations.

2003 c11 s2

#### **Prohibition**

**2(1)** No person shall

- (a) enter on land without the permission of the owner or occupier of the land if entry is prohibited under section 2.1(1), or
- (b) fail to leave land immediately after being directed to do so by the owner or occupier of the land or a person authorized by the owner or occupier.

**(1.1)** No person shall enter on land without the permission of the owner or occupier of the land if entry is prohibited under section 2.2.

**(1.2)** No corporation shall aid, counsel or direct a person to enter on land without the permission of the owner or occupier of the land if entry is prohibited under section 2.1(1) or 2.2.

**(1.3)** A person who contravenes subsection (1) is guilty of an offence, whether or not any damage is caused by the contravention, and is liable

- (a) in the case of an individual,
  - (i) for a first offence, to a fine not exceeding \$10 000, or to imprisonment for a term not exceeding 6 months, or to both a fine and imprisonment, and
  - (ii) for a 2nd or subsequent offence in relation to the same land, to a fine not exceeding \$25 000, or to imprisonment for a term not exceeding 6 months, or to both a fine and imprisonment,

and

- (b) in the case of a corporation, to a fine not exceeding \$200 000.

**(2)** A person who contravenes subsection (1.1) is guilty of an offence, whether or not any damage is caused by the contravention, and is liable

- (a) in the case of an individual,
  - (i) for a first offence, to a fine not exceeding \$10 000, and
  - (ii) for a 2nd or subsequent offence in relation to the same land, to a fine not exceeding \$25 000,

and

- (b) in the case of a corporation, to a fine not exceeding \$200 000.

**(2.1)** A corporation that contravenes subsection (1.2) is guilty of an offence, whether or not the person being aided, counselled or directed actually enters on land in contravention of subsection (1) or (1.1), and is liable to a fine not exceeding \$200 000.

**(2.2)** In a prosecution for an offence under this section, it is sufficient proof of the offence to establish that the offence was committed by an agent or employee of the corporation, whether or not the agent or employee is identified or has been prosecuted for or convicted of the offence.

**(2.3)** Where a corporation commits an offence under this section, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of that offence and liable to the penalty provided for the offence, whether or not the corporation has been prosecuted for or convicted of that offence.

**(2.4)** For the purpose of this section, a person who obtains by false pretences permission to enter on land from the owner or occupier of the land is deemed to have entered on the land without permission.

**(3)** It is a defence to a charge under subsection (1) or (1.1) for the accused to establish that the accused had a right or authority conferred by law to be on the land.

**(4)** There is a presumption that access for lawful purposes to the door of a building on land by a pathway apparently provided for the purpose of access is not a trespass.

RSA 2000 cP-11 s2; 2003 e41 s2;2019 c23 s3

### **Entry prohibited with notice**

**2.1(1)** Entry on land may be prohibited by notice to that effect.

**(2)** For the purposes of subsection (1), notice may be given

- (a) orally,
- (b) in writing, or
- (c) by posters or signboards visibly displayed
  - (i) at all places where normal access is obtained to the land, and

(ii) at all fence corners or, if there is no fence, at each corner of the land.

(3) Substantial compliance with subsection (2)(a), (b) or (c) is sufficient notice.

(4) No person shall tear down, remove, damage, deface or cover up a poster or signboard that prohibits trespass that has been posted by an owner or occupier of the land.

(5) A person who contravenes subsection (4) is guilty of an offence and is liable to a fine not exceeding \$2000.

2003 c41 s2;2019 c23 s3

### **Entry prohibited without notice**

**2.2** Entry is prohibited without any notice on land

- (a) that is a lawn or garden,
- (b) that is used for
  - (i) the production of crops, including fruits and vegetables, through the cultivation of land,
  - (ii) the raising and maintenance of animals, including birds and fish, or
  - (iii) the keeping of bees,
- (c) that is surrounded by a fence, a natural boundary or a combination of a fence and a natural boundary, or
- (d) that is enclosed in a manner that indicates the owner's or occupier's intention to keep persons off the land or to keep animals on the land.

2019 c23 s3

### **Liability of driver**

**3** When a trespass to which this Act applies is committed by means of a motor vehicle, the driver of the vehicle is guilty of the contravention of this Act and liable to the fine.

RSA 1980 cP-6 s3

### **Apprehension without warrant**

**4** Any person found committing a trespass to which this Act applies may be apprehended without warrant by any peace officer, or by the owner or occupier of the land on which the trespass is committed, or the servant of, or any person authorized by the owner or occupier of the land, and may be forthwith taken before

the nearest judge of the Provincial Court or justice of the peace to be dealt with according to law.

RSA 2000 cP-11 s4;2008 c32 s23

**5** Repealed 2003 c41 s2.

**Jurisdiction of judge**

**6** Nothing in this Act authorizes any judge of the Provincial Court or justice of the peace to hear and determine a case of trespass in which the title to land, or to any interest in land, is called in question or affected, but every such case shall be dealt with according to law in the same manner as if this Act had not been passed.

RSA 2000 cP-11 s6;2008 c32 s23

**7** Repealed 2003 c41 s2.



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