



Province of Alberta

TRESPASS TO PREMISES ACT

Revised Statutes of Alberta 2000
Chapter T-7

Current as of December 5, 2019

Office Consolidation

© Published by Alberta King's Printer

Alberta King's Printer
Suite 700, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952

E-mail: kings-printer@gov.ab.ca
Shop on-line at kings-printer.alberta.ca

Copyright and Permission Statement

The Government of Alberta, through the Alberta King's Printer, holds copyright for all Alberta legislation. Alberta King's Printer permits any person to reproduce Alberta's statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and copyright is acknowledged in the following format:

© Alberta King's Printer, 20__.*

*The year of first publication of the legal materials is to be completed.

Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

TRESPASS TO PREMISES ACT

Chapter T-7

Table of Contents

- 1 Definitions
- 2 Trespass
- 3 Offences and penalties
- 4 Liability of driver
- 5 Arrest without warrant
- 7 Jurisdiction of judge
- 8 Exception
- 9 Other enactments

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

Definitions

1 In this Act,

- (a) “authorized representative of the owner” means a person authorized by the owner to give notice not to trespass;
- (b) “owner” means the owner of premises and includes the following:
 - (i) the occupier of the premises;
 - (ii) the person who is in possession or control of the premises;
- (c) “premises” means
 - (i) any building or structure or any part or portion of a building or structure, including any land used in connection with that building or structure for the purposes of

- (A) providing parking for vehicles,
 - (B) displaying or storing vehicles, equipment or other chattels,
 - (C) enhancing the appearance or use of the building or structure, or
 - (D) carrying out activities that are ancillary to the activities carried out in or on that building or structure,
- and
- (ii) any other land not referred to in subclause (i) if that other land
 - (A) is land to which the *Petty Trespass Act* does not apply, or
 - (B) is land that is not subject to a specific exception provided for in section 1.1 of the *Petty Trespass Act*;
 - (d) “signs” includes posters and signboards;
 - (e) “trespass” means a trespass committed under this Act;
 - (f) “trespasser” means a person who commits a trespass under this Act.

RSA 2000 cT-7 s1;2003 c41 s3

Trespass

2(1) No person shall trespass on premises with respect to which that person has had notice not to trespass.

(2) For the purposes of subsection (1), notice not to trespass may be given to a person

- (a) orally or in writing by the owner or an authorized representative of the owner, or
- (b) by signs visibly displayed
 - (i) at each of the entrances normally used by persons to enter the premises, and
 - (ii) in the case of premises referred to in section 1(c)(ii), at all fence corners or, if there is no fence, at each corner of the premises.

(3) For the purposes of subsection (1), a person is deemed to have had notice not to trespass when signs are displayed in accordance with subsection (2)(b).

(4) For the purposes of subsection (1), a person who enters on premises having obtained by false pretences permission to enter on the premises from the owner of the premises or an authorized representative of the owner of the premises is deemed to have trespassed on the premises.

RSA 2000 cT-7 s2;2019 c23 s5

Offences and penalties

3(1) A trespasser, whether or not any damage is caused by the trespass, is guilty of an offence and 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 premises, 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 corporation that aids, counsels or directs a person to trespass on premises, whether or not the person actually commits the trespass, is guilty of an offence and liable to a fine not exceeding \$200 000.

(3) 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.

(4) 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.

RSA 2000 cT-7 s3;2003 c41 s3;2019 c23 s5

Liability of driver

4 When a trespass 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.

1997 cT-8.5 s4

Arrest without warrant

5(1) A trespasser may be apprehended without warrant by

- (a) any peace officer, or
- (b) the owner or an authorized representative of the owner of the premises in respect of which the trespass is committed.

(2) Where a person other than a peace officer apprehends a trespasser, that person shall deliver that trespasser to a peace officer as soon as practicable.

1997 cT-8.5 s5

6 Repealed 2003 c41 s3.

Jurisdiction of judge

7(1) Nothing in this Act authorizes the Provincial Court to hear and determine a case of trespass in which the title to premises, or to any interest in the premises, is called in question or affected.

(2) A case that deals with the issues referred to in subsection (1) respecting the title to premises, or to any interest in the premises, shall be dealt with according to law in the same manner as if this Act had not been enacted.

1997 cT-8.5 s7

Exception

8 Nothing in this Act extends to a case where the trespasser acted under a fair and reasonable supposition that the trespasser had a right to do the act complained of.

1997 cT-8.5 s8

Other enactments

9 This Act does not affect any other enactment relating to trespass.

1997 cT-8.5 s9



Printed on Recycled Paper 