



The Canadian Real Estate Association
L'Association Canadienne De L'Immeuble

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November 25, 1980

Joint Clerks,
Special Joint Committee on the
Constitution of Canada,
Postal Box 1044,
South Block,
Parliament Buildings,
Ottawa, Ontario.
K1A 0A7.



Attention: Honourable Members of the Special
Joint Committee on the Constitution
of Canada

Dear Sir/Madam:

Upon examination of the proposed resolution respecting the Constitution of Canada, the Canada Act and the Constitution Act, 1980, The Canadian Real Estate Association notes with some concern the absence of a provision in the Canadian Charter of Rights and Freedoms respecting the right of an individual to enjoy property. Our Association views this as a serious omission.

As you are no doubt aware, the Canadian Bill of Rights at present provides that, in Canada, there has always existed, and shall continue to exist, the right of an individual to the enjoyment of property and the right not to be deprived thereof except by due process of law.

In view of the protection afforded property rights in this regard in the Canadian Bill of Rights and in the Constitution of the United States and the Constitution of the Commonwealth of Australia and the constitutions of many other nations, it is our submission that the proposed Charter of Rights and Freedoms should be amended to at least include the above described fundamental property rights contained in the Canadian Bill of Rights and we also submit that the Charter of Rights and Freedoms should confirm the principle of international law which provides a right to just compensation upon the expropriation of property for any public use. The Canadian Real Estate Association, therefore, submits

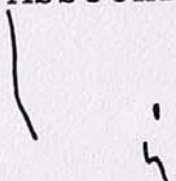
that section 7 of the Constitution Act, 1980, should be amended to read:

Everyone has the right of life, liberty, security of the person and enjoyment of property, and has the right not to be deprived thereof except by due process of law and, in the case of property, except upon the payment of just compensation.

On behalf of the 55,000 members of The Canadian Real Estate Association, we urge you to make these recommended alterations to the proposed Charter of Rights and Freedoms prior to its enactment.

We are yours sincerely,

THE CANADIAN REAL ESTATE
ASSOCIATION


Eric Charman
President

