

Property Protection Act

House of Commons Canada

Bill C-

An Act to Amend the Criminal Code (Section 35)

First Reading: When PPC Candidates Paul Mitchell (Red Deer - Mountain View) and/or Laura-Lynn Thompson (Red Deer - Lacombe) and/or Mark Friesen (Saskatoon - Grasswood) and/or Joseph Zelezny (Yukon) are Elected to the House of Commons

Mr. Mitchell, Mrs. Thompson, Mr. Friesen and Mr. Zelezny

Summary

This enactment protects the legal property owned by Canadians by authorizing them to effectively protect their legally owned property.

Bill C-

Preamble

Whereas Parliament authorizes Canadians take measures, including using adequate force to protect their legally owned property from theft, criminal interference or destruction;

And, Whereas Parliament wishes to specifically affirm its belief in, and support for, the protected rights to own and enjoy property in Canada;

Now, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short Title

This Act may be cited as the **Property Protection Act**.

Section 35 of the Criminal Code is replaced with the following:

Interpretation

1 The definitions in this section apply in these Regulations.

Act means the **Property Protection Act**

Property means something owned by a person to which that person has legal rights or title. Property includes, but is not limited to, things purchased or acquired lawfully, real estate, and intellectual creations by the person which have value.

Rural and Rural Small Town (RST) means all areas which are outside of larger urban centres with core populations of 10,000 or more inhabitants.

Application

Defence of Property

Use or threat of force to protect property

- 35 (1) A person is not guilty of an offence if
 - (a) they either believe on reasonable grounds that they are in peaceable possession of property or are acting under the authority of, or lawfully assisting, a person whom they believe on reasonable grounds is in peaceable possession of property;
 - (b) they believe on reasonable grounds that another person
 - (i) is about to enter, is entering or has entered the property without being entitled by law to do so,
 - (ii) is about to take the property, is doing so or has just done so, or
 - (iii) is about to damage or destroy the property, or make it inoperative, or is doing so;
 - (c) the act that constitutes the offence is committed for the purpose of
 - (i) preventing the other person from entering the property, or removing that person from the property, or
 - (ii) preventing the other person from taking, damaging or destroying the property or from making it inoperative, or retaking the property from that person;
 - (iii) detaining the other person until police arrive, and
 - (d) the act committed is reasonable in the circumstances.

Factors

(2) In determining whether the act committed is reasonable in the circumstances, the court shall consider that it is lawful to use adequate force to defend property, consider the relevant circumstances of the person, the other parties and the act, including, but not limited to, the following factors:

- (a) the nature of the force or threat;

- (b) the extent to which the use of force was imminent;
- (c) the person's role in the incident;
- (d) whether any party to the incident used or threatened to use a weapon;
- (e) the size, age, and physical capabilities of the parties to the incident;
- (f) the nature, duration and history of any relationship between the parties to the incident, including any prior theft, damage or destruction of property or other unlawful act;
- (g) any history of interaction or communication between the parties to the incident;
- (h) the nature and proportionality of the person's response to the use or threat of force; and
- (j) whether the act committed was in a rural or rural small town (RST) area, which shall be deemed an aggravating factor against the other person who entered, took, damaged or destroyed property.
- (k) Every one who is in peaceable possession of a dwelling-house, and every one lawfully assisting him or acting under his authority, is justified in using as much force as is necessary to prevent any person from forcibly breaking into or forcibly entering the dwelling-house without lawful authority.

No defence

(2) Subsection (1) does not apply if the person who believes on reasonable grounds that they are, or who is believed on reasonable grounds to be, in peaceable possession of the property does not have a claim of right to it and the other person is entitled to its possession by law.

No defence

(3) Subsection (1) does not apply if the other person is doing something that they are required or authorized by law to do in the administration or enforcement of the law, unless the person who commits the act that constitutes the offence believes on reasonable grounds that the other person is acting unlawfully.