

CODE OF CONDUCT AND ETHICS FOR THE LAND AND PROPERTY RIGHTS TRIBUNAL

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Preamble

The people of Alberta have a right to a public service which is conducted with impartiality and integrity. It is this special obligation to Albertans that demands that there not be, nor seem to be, any conflict between the private interests of employees and members of the Tribunal and their duty to the public. At the same time, it is recognized that employees and members of the Tribunal should enjoy the same rights in their private dealings as any other citizens, unless it can be demonstrated that a restriction is essential to the public interest.

Susan McRory
LPRT Chair

Date

1.0 Definitions

1.1 In this Code:

- (a) “Chair” means the individual appointed to preside over the Tribunal under section 3(2) of the *Land and Property Rights Tribunal Act*, SA 2020, c L-2.3 and who has primary responsibility for the operations of the Tribunal.
- (b) “CIA” means the *Conflicts of Interest Act*, R.S.A. 2000, c. C-23.
- (c) “Code” means this *Code of Conduct* for the Land and Property Rights Tribunal.
- (d) “Code Administrator” means the individual or individuals responsible for administering the Code.
- (e) “Crown” means His Majesty the King in Right of Alberta.
- (f) For the purposes of Section 11, “gift” means any voluntary and intentional transfer of property or money without consideration.
- (g) “Member” means part-time and full-time Tribunal members appointed pursuant to the *Land and Property Rights Tribunal Act*, SA 2020, c L-2.3.
- (h) “Political Party” means an organization, one of the purposes of which is to participate in public affairs by endorsing one or more of its members as candidates and supporting their election, as defined in the *Election Finances and Contributions Disclosure Act*, RSA 2000, c E-2.
- (i) “Tribunal” means the Land and Property Rights Tribunal.

2.0 Application

2.1 This Code applies to all members, employees, senior officials, and designated senior officials of the Tribunal, including the Chair and any temporary employees.

2.2 This Code is in addition to any statute pertaining to the actions of employees and to any instructions issued by the Government or a department head to Deputy Heads or Senior Officials.

2.3 Conflicts between the private interests of employees and members and their duty to the public not specially addressed in this Code must be dealt with according to the principles and intent of the Code.

2.4 The Code Administrator is responsible for managing this Code and resolving any complaints about Code breaches. The Code Administrator for each member or employee is as follows:

- (a) the Deputy Minister of Municipal Affairs for the Chair;
- (b) the Chair for members; or
- (c) the employee’s supervisor for employees.

2.5 A supervisor may refer any issue or situation covered by this Code to the Chair.

2.6 The Chair will review this Code annually.

3.0 Residency Requirement

3.1 Tribunal members must be residents of Alberta.

3.2 For the purposes of this section, a resident is an individual who:

- (a) ordinarily resides in Alberta; and
- (b) files personal income taxes as a resident of Alberta under the *Income Tax Act*, RSC 1985, c 1 (5th Supp).

4.0 Adherence to Code

4.1 Each member, employee, senior official, and designated senior official will

- (a) review this Code when hired or appointed and any other time the Code Administrator requests; and,
- (b) affirm annually their understanding, commitment to and compliance with this Code either in writing or through the Tribunal's electronic Learning Management System as directed by the Code Administrator.

5.0 Impartiality

5.1 Employees and Tribunal members must act impartially in carrying out their duties at all times.

6.0 Self-Interest

6.1 Employees and Tribunal members must not act in self-interest or further their private interests by virtue of their position or through carrying out their duties.

7.0 Political Activity

7.1 Subject to this section, employees or Tribunal members may participate in political activities including holding membership in a political party, supporting a candidate for elected office or a candidate who is seeking elected office, provided that said political activities do not result in an actual or perceived conflict with the interests and work of the Tribunal.

7.2 Employees or Tribunal members must not participate in fundraising or soliciting contributions of any kind for a political candidate, political party, or constituency association.

7.3 Employees or Tribunal members must not hold an executive position in any political party or constituency office.

7.4 Employees or Tribunal members who wish to seek a nomination or run as a candidate for public election to any municipal, provincial or federal office must obtain a prior written approval from their Code Administrator. In making this decision, the Code Administrator shall take into account the core values and guiding principles identified in this Code.

7.5 Employees or Tribunal members who accept a nomination or run as a candidate for public election to any municipal, provincial or federal office must notify their Code Administrator in writing immediately and file a written request for a leave of absence.

7.6 If the member or employee is elected, he or she is deemed to have resigned as a member or employee on the day of the election.

7.7 If the employee or Tribunal member is not elected or resigns from candidacy, he or she may resume Tribunal work the day after the election as though the nomination had not occurred.

7.8 A member or employee must not engage in lobbying activities as defined in the *Lobbyists Act*, SA 2007, c L-20.5.

8.0 Requirement to Disclose Conflicts of Interest

8.1 At the earliest opportunity, employees and Tribunal members must disclose, in writing, to their Code Administrator any real or apparent conflict of interest, including all circumstances where their private interest could conflict, appear to conflict, or do conflict with the performance of their duties.

8.2 The Code Administrator may give direction or take any action he or she deems appropriate to manage or avoid the conflict.

9.0 Advocacy Before Panels

9.1 Tribunal Members and employees must not appear as witnesses or advocates before a panel composed of other members or before a municipal Assessment Review Board.

9.2 A member or employee who files a complaint, appeal, or other application with the Tribunal or with an Assessment Review Board must be represented by another person.

10.0 Supplementary Employment and Other Activities

10.1 Employees and members may participate in a supplementary appointment, volunteer work, business, undertaking or employment, including self-employment, (“Supplementary Employment and Volunteer Work”) unless it:

- (a) causes a real or apparent conflict of interest;
- (b) is performed in such a way as to appear to be an official act of the Tribunal, or to represent the Tribunal’s opinion or policy;
- (c) interferes through telephone calls, email, or otherwise with regular duties or has an impact on the employee’s performance or impartiality with the Tribunal; or
- (d) involves the use of insider knowledge or of the Tribunal premises, equipment, supplies, or proprietary knowledge.

10.2 Prior to accepting any Supplementary Employment and Volunteer Work, employees and Tribunal members must notify their Code Administrator in writing about the nature of such Supplementary Employment and Volunteer Work. The Code Administrator must review the

proposed Supplementary Employment and Volunteer Work for real or apparent conflicts of interest. If there is no real or apparent conflict of interest, the Code Administrator must approve the Supplementary Employment and Volunteer Work in writing. If there is a real or apparent conflict of interest, the Code Administrator must then, in writing, either deny the Supplementary Employment and Volunteer Work or allow the Supplementary Employment and Volunteer Work and put procedures in place to manage the real or apparent conflict of interest.

11.0 Gifts

11.1 This section applies to cash, cash equivalents as gifts, invitations to cultural, social or sporting events, hospitality, or other benefits that are received by an employee or Tribunal member in his or her private capacity and that are not claimable under the Tribunal's expense claims policy.

11.2 Employee and Tribunal members must not accept gifts, cash, cash equivalents as gifts, invitations to cultural, social or sporting events, hospitality, or other benefits from parties who appear before the Tribunal.

11.3 Employees and Tribunal members must not use their position to solicit gifts, cash equivalents as gifts, invitations to cultural, social or sporting events, hospitality, or other benefit.

11.4 Employees and Tribunal members shall not accept gifts, hospitality or other benefits that are or may be perceived as being connected directly or indirectly with the performance of their duties from any individual or organization, other than in the following limited instances:

- (a) within the course of the normal exchange of gift, hospitality or other benefits between persons doing business together;
- (b) tokens exchanged as part of protocol;
- (c) the normal presentation of gifts, hospitality, or other benefits to people participating in public functions; and
- (d) the normal exchange of gifts between friends.

11.5 Gifts that fall into the exemptions provided for in section 11.6 are subject to the following additional limitations:

- (a) the value of a single tangible gift shall not exceed \$50.00;
- (b) the total value of all tangible gifts received by an employee or Tribunal member in a calendar year from a single source shall not exceed \$100.00;
- (c) the value of a single event invitation, inclusive of admission, travel fees, hospitality and accommodation shall not exceed \$100.00; and,
- (d) the total value of all event invitations received by an employee or Tribunal member in a calendar year from a single source shall not exceed \$250.00.

11.6 Members and employees may accept conference invitations with prior written approval from their Code Administrator.

12.0 The Chair's Obligations

12.1 The Chair is both a “senior official” under the *CIA* and a “designated senior official” under Order in Council 085/2018.

12.2 The Chair breaches this Code if he or she takes part in a decision in the course of carrying out his or her office or powers knowing that the decision might further a private interest of the Chair, a person directly associated with the Chair or the Chair's minor or adult child.

12.3 The Chair breaches this Code if he or she uses his or her office or powers to influence or to seek to influence a decision to be made by or on behalf of the Crown or a public agency to further a private interest of the Chair, a person directly associated with the Chair or the Chair's minor or adult child or to improperly further any other person's private interest.

12.4 The Chair breaches this Code if he or she uses or communicates information not available to the general public that was gained by the Chair in the course of carrying out his or her office or powers to further or seek to further a private interest of the Chair or any other person's private interest.

12.5 The Chair breaches this Code if he or she fails to appropriately or adequately disclose a real or apparent conflict of interest.

12.6 The Chair must not be involved in any appointment, volunteer work, business, undertaking, or employment, including self-employment, other than their employment as the Chair (“Concurrent Employment and Volunteer Work”), unless the Chair applies to the Ethics Commissioner for approval in writing to engage in the Concurrent Employment and Volunteer Work and complies with any conditions imposed on the same.

12.7 Before applying to the Ethics Commissioner for approval, the Chair must obtain approval from the Minister for the Concurrent Employment and Volunteer Work.

12.8 Pursuant to section 23.93 of the *CIA*, the Chair must not own or hold a beneficial interest in publicly traded securities unless held in a blind trust or investment arrangement approved by the Ethics Commissioner or the Ethics Commissioner grants prior approval of the retention of the ownership or beneficial interest. Approvals must be granted in writing by the Ethics Commissioner.

12.9 Publicly traded securities must be addressed in accordance with this section within 60 days of this provision coming into effect for the Chair or of the acquisition of publicly traded securities by gift or inheritance. The Ethics Commissioner may set out a longer period.

12.10 Each year at a time specified by the Ethics Commissioner, the Chair must provide to the Ethics Commissioner a disclosure statement of the assets, liabilities, and financial interests of the Chair, the Chair's spouse or adult interdependent partner, the Chair's minor or adult children, and any private corporation controlled by the Chair, the Chair's spouse or adult interdependent partner, the Chair's minor or adult children, or any combination thereof.

12.11 The Chair also must provide a return relating to persons directly associated to the Ethics Commissioner within 60 days of this provision coming into effect for the Chair. The Chair must file an updated disclosure statement or return relating to persons directly associated within 30 days of

any material changes to a previous disclosure statement or return relating to persons directly associated. The Chair also must file an updated return relating to persons directly associated within 30 days of ceasing to be the Chair.

12.12 Pursuant to section 23.937 of the *CIA*, for 12 months after the last day that the Chair holds the position as the Chair, the Chair is subject to the following post-employment restrictions:

- (a) must not lobby any public office holder, as defined in the *Lobbyists Act*, SA 2007, c L-20.5;
- (b) must not act on a commercial basis or make representations on behalf of any party in connection with any ongoing matter in connection with which the Chair directly acted for or advised the Tribunal;
- (c) must not make representations with respect to or solicit or accept on his/her own behalf a contract or benefit from a department or public agency with which the Chair had a direct and significant official dealing; and,
- (d) must not accept employment with an individual, organization, board of directors, or equivalent body of an organization with which the Chair had direct and significant official dealing.

12.13 The Chair may apply to the Ethics Commissioner for a waiver or reduction of the time period applicable to the post-employment restrictions.

12.14 The provisions in this section come into effect for the current Chair on the earlier of: (i) July 01, 2024 or (ii) upon renewal or extension of their contract or employment. For new hires or appointments, this provision will come into effect immediately.

13.0 Disclosure, Breach, Discipline, and Review Process

13.1 Employees and Tribunal members shall report any actual or suspected breaches of the Code in writing to their Code Administrator.

13.2 When reporting a potential breach of another employee or Tribunal member in good faith and with reasonable grounds, the reporting person will be protected from reprisal for such reporting.

13.3 Once an actual or potential breach of the Code has been reported, the Code Administrator will review the circumstances and details of the actual or potential breach and ensure the confidentiality of all disclosures.

13.4 If a reported breach or potential breach relates to an employee or Tribunal member other than the person reporting it, the employee or Tribunal member in question must be made aware of the allegations and must be given the opportunity to respond to the allegations and provide any other relevant information before a decision is made.

13.5 The Code Administrator must make a decision and complete a written report with reasons in a timely manner and will provide the report to the employee or Tribunal member that was the subject of the report, their immediate supervisor, and other parties as necessary.

13.6 Breaches of this Code may result in disciplinary action, up to and including suspension or termination of their position with the Tribunal.

13.7 The employee or Tribunal member who was the subject of the report may request in writing that the Deputy Minister of Municipal Affairs review a decision made by the Code Administrator about a breach of the Code.

14.0 Coming into Effect

14.1 This code will be published on or before September 1, 2025 and will come into effect 90 calendar days after it is published.

14.2 This Code replaces all previous Tribunal Codes of Conduct.