

THE NUISANCE ACT AND THE FARM PRACTICES PROTECTION ACT

EXECUTIVE SUMMARY

For centuries, the common law of nuisance has served to resolve conflicts between neighbours over incompatible land use. *The Nuisance Act* and *The Farm Practices Protection Act*, enacted in 1976 and 1992 respectively, restrict the role of the common law of nuisance in resolving such disputes. This legislation has important implications for the environment and the exercise of individual property rights, and in that respect merits careful consideration.

In this report, the Manitoba Law Reform Commission reviews the common law of nuisance and its historical role in regulating environmental and land-use conflicts. The Commission describes the history and role of *The Nuisance Act*, determining that the Act is rarely used in practice and is over-broad in its application. The Commission concludes by recommending the repeal of *The Nuisance Act*. The Commission also identifies both the merits and some of the perceived shortcomings of *The Farm Practices Protection Act*, and recommends a broad, inter-disciplinary and public review of the Act.