

The “Freeman on the Land” and other OPCA Adherents

Practical Pointers for Municipal Officials Dealing with Organized
Pseudo-legal Commercial Arguments

Presented by Derek J. King



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Origin & Background

- Sovereign Citizen movements dating back to 1970s
 - Posse Comitatus
 - Redemption Movement
 - Montana Freemen
- “Freeman-on-the-Land” first appeared around 2004
 - Canadian Origins
 - Robert Menard, Mary Elizabeth: Croft
- Adoption in UK and Ireland
 - British Constitution Group



Freeman Beliefs

- Two parts to existence
 - Man/Woman – flesh and blood
 - Person – legal entity
- All Statute Law is Contractual
 - Statute Law is only applicable if the individual consents
 - Independent of Government Jurisdiction
- Admiralty or Maritime Law
 - Claim these govern the commercial world



Freeman Tactics

- Notice of Understanding and Intent and Claim of Right
 - Understanding of the legal entity vs. the Man or Woman
 - Intention to exist free of statutory obligations
 - Claim of Rights entitled to
- Lawful Rebellion
 - Opting out of society to cease abiding by the law
- Government as a Corporation
 - Nations are operating in bankruptcy



Freeman Tactics

- Against Police and Regulators
 - Video or Audio Recording
 - Refuse to provide information
 - Denial of right to access land
 - Reference to s. 39 of Criminal Code – Defence with claim of right
 - Refusal to apply for appropriate permits
 - Refusing service
- In Court
- Fee Schedules or Penalty Schedules



Example “Documents”

NON-NEGOTIABLE
PRIVATE NOTICE



2014

LAWFUL NOTICE OF ESTOPPEL

NOTICE TO AGENT IS NOTICE TO PRINCIPAL
NOTICE TO PRINCIPAL IS NOTICE TO AGENT

For the purpose of this notice “private owner” means, private owner(s) of this “Lawful Claim of Right” and not necessarily the land title holder(s).

DISHONOUR | FAILURE TO FULFIL A DUTY OF CARE

Example “Documents”



Freeman Successes



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Are Freeman Arguments Legally Valid?

NO!



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Extreme Situations

- Sovereign Citizen incidents in the USA
 - West Memphis, Arkansas
 - Jerry and Joseph Kane
 - Oklahoma City
 - Terry Nichols
 - LaPlace, Louisiana
 - Terry Lyn Smith



Impacts on Public Works

- Interference with Utilities
 - Meters, service connections, refusing smart meters
 - Inspections, maintenance
 - Unauthorized connections / modifications
- Occupation or unauthorized restriction of access to municipal lands
 - Roads
 - Public lands
 - URWs

Impacts on Public Works

- Safety Codes
 - Construction, modification of lands, utility services without authority, approvals
 - Interference with inspections

Do Municipalities have the Tools
to dealing with Foolish FOTLs?

YES!

Municipal Tools

- Municipal Government Act
 - Authorization to inspect and enforce – s. 542
 - Authorizes a designated officer to enter the land to carry out the inspection, enforcement or action required
 - Request anything to be produced to assist in the inspection
 - Make copies of anything related to the inspection
 - Must provide reasonable notice



Municipal Tools

- Municipal Government Act
 - Court Orders – s. 543
 - Court authorized inspection and access
 - Can be obtained if a person refuses or interferes with entry or an inspection, or
 - Refuses to produce anything to assist in the inspection or enforcement
 - Order will restrain the person or compel them to produce anything to assist



Municipal Tools

- Municipal Government Act
 - Order to Inspect Meters – s. 544
 - If Designated Officer believes meter has been tampered with
- Can apply to Prov. Court for Order:
 - Authorizing employees to
 - Enter onto the lands, into structures to inspect or test meter
 - Note that Order evidence that there are reasonable grounds to believe meter tampered with

Municipal Tools

- Municipal Government Act
 - Enforcement Order –S. 545
 - Contraventions of Bylaws / MGA / Other Statutes
Municipality Authorized to enforce
 - Designated Officer issues it
 - Directs that action or measure be taken, deadline for compliance
 - Failure to comply, Municipality authorized to take action (including entering lands, structures)
 - Registerable on Title
 - Costs of enforcement recoverable as taxes

Municipal Tools

- **Municipal Government Act**
 - Enforcement Order – s. 546 (Dangerous Premises)
 - Useful for addressing safety issues created by unauthorized interference with service connections, non-compliant utility connections (if safety a factor), roads and URW encroachments
 - Even for addressing safety code violations (if accredited)
 - Same authorities as for a section 545 Order
- **Safety Codes Act (if accredited)**
 - Section 49 Order
 - Court authorization for access, enforcement

Municipal Tools

- Municipal Government Act
 - Injunctions – s. 554
 - Can be obtained when a structure is being unlawfully constructed, or
 - **For an ongoing contravention**, or
 - For carrying on a business or doing any act without having paid money required by a bylaw
 - Order can provide:
 - Confirmation of contravention
 - Access to land
 - RCMP assistance
 - Costs can be recovered



Practical Tools

- RCMP assistance
 - Briefed on how to handle Freeman
 - Zero tolerance
- Witnesses on inspections
- Non-intrusive inspections
 - Off-site photographs
 - Interviewing neighbours
- Recognition of Dangerous Situations
- Patience



Conclusion

- Growing Movement
- Pose problems with Municipal Enforcement
- Potential to become violent
- Use tools in place to deal with Freeman



Freeman on the Land

Questions?

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