

*Expropriation*

He said: Mr. Speaker, this is the first time that I have ever failed to accept a committee's decision at the report stage. With other bills for which I have been responsible, such as the Official Languages bill and the omnibus Criminal Code amendments, even where the decision went against me, I accepted the decision. However, in this case there were some rather peculiar circumstances, although I am making no reflection on anyone. There was a fast motion made and a fast vote taken. Before the minister or the committee had really realized what had happened the vote had been taken, and the committee refused to reopen the proceedings. Therefore, the only way I can have the matter properly tested is to bring it to the attention of the House as a whole.

**Mr. Knowles (Winnipeg North Centre):** Amendments are not faring very well today.

**Mr. Turner (Ottawa-Carleton):** The earlier amendments were given full and weighty consideration by the committee. This amendment was voted upon in rather a shotgun fashion before I had the opportunity to address myself to it—indeed, before the committee as a whole had thoroughly discussed it.

This subclause was amended in the Standing Committee on Justice and Legal Affairs. The purpose of the motion that I am making is to restore it to the form in which it appeared upon first reading of the bill. This subclause is an integral part of the legislative scheme incorporated in the bill.

Clause 14(1) imposes upon the minister an obligation to offer to pay each expropriated owner the full amount of the minister's estimate of the compensation payable to him without prejudice to the right of the owner to claim additional compensation. That offer is generally to be made within 90 days of the registration of the notice of confirmation. If it is not made within that period, the owner is entitled to additional interest under clause 33 (4).

If the offer made by the minister is less than the compensation adjudged to be payable, then the owner is entitled to interest at the basic rate on the difference, and in addition, if the offer is less than 90 per cent of the compensation adjudged to be payable, the owner gets interest at the rate of 5 per cent of the total compensation payable. That is provided by clause 33 (3).

On the other hand, if the minister's offer exceeds the compensation adjudged to be payable, the excess constitutes a debt due to

the Crown by the owner. That is provided by clause 32. So it is clear that it is in the interest of owners that the offers made by the minister not exceed the compensation determined to be payable by the court, if the matter goes to court, because the excess would have to be paid back to the Crown and the Crown could sue for it. It is also in the interest of the Crown, and the people of Canada, that the offers be as close as possible to the compensation adjudged to be payable in order to avoid the payment of excessive interest by way of penalty.

● (4:50 p.m.)

In order for owners to decide whether to claim additional compensation in the Exchequer Court they should, of course, know the precise basis upon which the minister has calculated the offer, and clause 14(3), as it read before amendment in the committee, requires the minister to send, together with the offer, a copy of the written appraisal upon which the offer is based.

The committee saw fit to amend this provision by requiring the minister to send with the offer copies of all appraisals which he may then have. It is my view that the amendment will tend to frustrate the purposes of the bill. I think all members will appreciate that the appraisal of land is not an exact science, and appraisers frequently differ widely in their opinions as to the value of the same lot or parcel of land. It is obviously desirable, therefore, for the Crown to obtain more than one appraisal and to obtain them at as early a date as possible in order to facilitate advanced planning of public works and the making of prompt payment to expropriated owners.

It is in the interest of the Crown and the owner that the Crown obtain a variety of opinions. If only one appraisal were to be obtained it might be much too low, and an offer made on that basis could well deprive the expropriated owner of early payment of the full compensation to which he is entitled. In addition, it would subject the Crown to the payment of penalty interest. On the other hand, if there were only one appraisal it could conceivably be much too high, and an initial payment of compensation on that basis might result in the owner being subjected to legal proceeding by the crown to recover the difference between the compensation adjudged to be payable and the amount of the payment to him.