

Expropriation

September there was a panel on the new bill in which my deputy minister participated, and here again we were able to derive some useful ideas. I expect as well that when the bill is referred, if it is, to the Standing Committee on Justice and Legal Affairs, some more useful ideas from all sides of the House will be brought forward.

Mr. Arnold Peters (Timiskaming): May I ask if the bill in its present form has been amended from the draft that was sent out to the society.

• (12:20 p.m.)

Mr. Turner (Ottawa-Carleton): The hon. member seems to be somewhat telepathic. I was just going to say yes, it has been amended. There are 11 changes, most of them technical, and we hope technical improvements. None of them affect the principle of the bill.

Perhaps, Mr. Speaker, I might just review the highlights of the bill without, I hope, trespassing on the rules of this place by referring to specific clauses. The first amendment of consequence is the introduction of a public notice of intention to expropriate. Under the present law the government can decide to expropriate property without giving any notice of its intention to expropriate to an owner or tenant, and the person whose land or interest is expropriated sometimes learns about it only after expropriation takes place. The new law will require, in advance of any property being taken, that there be publication in a local newspaper of a notice of intention to expropriate, and notification by registered mail to any person whose interest against the property appears in the local registry office. The notice must describe the property to be taken, indicate the public work or purpose for which it is required, and inform all interested persons of their right to object to the intended expropriation. I would hope that in this way the current shroud or curtain of secrecy that surrounds expropriations will be lifted.

[*Translation*]

As for the second reform, it deals in principle with the holding of a public hearing before the expropriation. The legislation as it stands now, Mr. Speaker, does not grant an owner or a tenant the right to object in law to the expropriation of his property, even if he is always free to complain to his member of parliament once the property has been expropriated.

The new act will give him or any other person the right to appraise the minister con-

cerned of the reasons for his opposition to the expropriation contemplated and to get, either personally or through his lawyer or solicitor, a public hearing to be held by the investigator specially appointed by the Attorney General of Canada for the purpose of looking into objections to expropriations.

The investigator, not a public servant, is required to prepare a report dealing with the objections to the expropriation, and the minister must accept and study that report before confirming his intention to expropriate and before actually expropriating the property.

Furthermore, if the responsible minister decides to expropriate the property, he is required, upon request by the litigant, to supply him with a copy of the investigator's report, and to give him the reasons why he disregarded his objections.

It is especially provided that persons who submit objections will be reimbursed for any reasonable expenses incurred in that connection. However, when expropriation is not carried out, the law provides for a special right to claim compensation, to the extent of any real loss due to the registration of a notice of intent to expropriate in the course of the period during which such notice was effective.

[*English*]

Thirdly, Mr. Speaker, under the present law a person whose property has been expropriated without notice and without a hearing can be required to give up possession immediately and prior to the payment of any compensation by the government. The new law will provide that following the registration of a notice of confirmation—and this confirmation will effect the actual expropriation or taking, to use the technical term, of the property—each person who is entitled to compensation must be offered, within 90 days of that notice of confirmation, an amount estimated to be his full compensation. This offer must be on an unconditional and without prejudice basis.

The offer so made by the minister must be made in writing, based upon a written appraisal, and a copy of the appraisal must be sent to each person entitled to compensation. Persons receiving such offers will be free to accept them or press for an additional amount in court if they are not satisfied with the amount so offered.

Mr. Brewin: May I ask what I think is a very fundamental question? I think it is more than a question of detail. Supposing the offer