

*Expropriation Act*

If a customer buys a pound of sugar off the shelf in a store he has to pay cash before being allowed to carry it home. Therefore, why should the crown be considered any different, particularly if we value the rights of property ownership which to me are one of the prerequisites of a strong democracy?

In a nation which has placed the legislative field of property and civil rights within the jurisdiction of provincial legislatures, the powers granted by this act seem to border on the unconstitutional, and on this point alone the government has a responsibility to see that the expropriation laws are revised. Unfortunately the expropriation of land by the government is often a necessity. In the planned development of our cities and towns this becomes all the more necessary. But the rules which govern expropriation should require that the needs of the property owner be weighed against the needs of the state. Not only must there be an assurance of fair compensation and an adequate forewarning to property owners that their land is to be expropriated, but public hearings must also be held before a judge to determine whether the action is necessary and is in the public interest. Beyond this it is imperative that every citizen be guaranteed the right to his own day in court. Justice demands that no citizen be deprived of his property without such hearings. Expropriation powers which permit the filing of a plan to take away the ownership of a man's land when his certificate of title tells him he is still the owner certainly do not reflect justice.

• (5:30 p.m.)

I believe it would be very easy and proper to provide a better law so that before any land is taken for a public purpose by expropriation a public hearing should be held before a judge. In this way, everyone could be satisfied it was in the public interest that the land be taken. It is not good enough that we go on and on saying the law is not right and that we must revise it, but never do so. We simply have not enacted legislation to amend the expropriation law of Canada to make it as just as it should be and as just as every citizen in our country expects our laws to be.

I believe also that an exact method of expropriation should be spelled out by law, such as a certain number of days' notice and disclosure of the intent of the authority. In addition, a safeguard should be provided so

that no land would be expropriated unnecessarily or by mistake. I can cite a number of cases of expropriation in the capital here where land was expropriated and then it was discovered later this land was not required. However, the land has never been returned to the rightful owners.

**Mr. Woolliams:** Like the parks.

**Mr. Thompson (Red Deer):** I suggest also that a clause be inserted elsewhere in the statutes of Canada guaranteeing Canadian citizens the right to own property, and that this clause should be specifically in the Expropriation Act. If we did this we would be protecting the rights of Canadian citizens as they deserve to be protected. I am sure all of us who have read the McRuer report as it relates to the expropriation laws of Ontario would agree with the remarks of that distinguished justice. He expressed in no uncertain terms his belief that the expropriation laws of Ontario should be revised.

I would say, Mr. Speaker, that the words of Abraham Lincoln as they relate to property ownership could well be heeded. I pass them on to the Minister of Justice. It was Abraham Lincoln who said that when individual rights and property rights are in question, the right of the individual must be given first place. This is what makes a democracy a democracy. I am convinced that the expropriation laws of this land must be revised. I sincerely hope our present Minister of Justice, who has made a public commitment to this end, will see that this revision is made during this session. Certainly, this law has been on the statute books far too long and does not reflect the true nature of what is expected from us as legislators.

I should like to close my remarks, Mr. Speaker, by quoting these words of the former President of the Exchequer Court, Mr. Justice Thorson. He had heard a case between Ethel Grayson and the Queen concerning the expropriation of property belonging to that lady, and he had this to say:

I have frequently called attention to these provisions of the law and stated that Canada has the most arbitrary system of expropriation of land in the whole of the civilized world. I am not aware of any other country in the civilized world that exercises its right of eminent domain in the arbitrary manner that Canada does. And unfortunately, the example set by Canada has infected several of the Canadian provinces in which a similar system of expropriation has been adopted.

So, Mr. Speaker, I again urge the minister to take heed of the words that have been