

Expropriation Act

we must concede that our present law falls far short of achieving this result.

Mr. R. N. Thompson (Red Deer): Mr. Speaker, it is a pleasure to support the resolution of the hon. member for Peel South (Mr. Chappell). The hon. member and myself have shared in the frustrating experience of being unable to bring about justice in the case of a professional educational institution in Toronto which had its property expropriated and had no recourse except to go before the courts of the land in a costly and prolonged procedure that not only disrupted that institution for some six years but in the end failed to bring about justice and fair remuneration. For five consecutive years I have had a similar motion on the order paper, and again this year I have a similar resolution, No. 23, on the order paper. Therefore I share the concern of the hon. member for Peel South. I would only hope that the Minister of Justice will take very careful note of what is being said. I would also hope that he will permit this motion to go to the appropriate committee where it can be discussed.

I realize that the minister has expressed his intention of revising the expropriation laws, but I have heard this for seven years from successive ministers of justice. In fact, it has been expressed by his predecessors back to at least 1959, always with the one intent, that the expropriation laws should be revised but seemingly never able to come to the necessary conclusion to bring those revisions before the house.

The history of parliament is a record of the resistance of representatives of the people to the usurpation of the powers of the crown or of its agencies. I believe it would be foolish indeed to think that because we have a constitutional parliamentary government in Canada we as the representatives of the people are not faced with the duty and responsibility of keeping the powers of the crown under control. It might be reasonable that in times of war or imminent danger to our country the federal government should have such powers, but today such powers belong in the War Measures Act and not in any peacetime legislation. We already have far too many punitive federal laws on our statute books. I am thinking in particular of some of the provisions of the Income Tax Act and of the Excise Act which are an open threat to the liberty and the property of the citizen.

[Mr. Chappell.]

I say to the house that the laws of this land as they concern the expropriation of private property were designed for a time of emergency and certainly not for a time of peace such as we are living in now. As I interpret the Expropriation Act, parliament has given to officers of the civil service down to a very junior level the right to deprive a citizen of the land he owns merely by filing a plan in the registry office and leave the citizen with nothing but the right to go to court to receive just payment for his property. Again I say that powers like those contained in the act relating to the expropriation of the land belong only in the War Measures Act, certainly not in civil legislation. There is no requirement to follow the usual practice that is followed in most provinces, although not all of them, as the McRuer report brought out very clearly a few months ago. Where there is a transfer of title there is need for a public hearing to ascertain whether or not any particular parcel of land is needed for public purposes.

Here in Ottawa over the last number of years many a home owner has awakened to read in the newspaper that his home has been included in the expropriation plans of the day or the week before. This should not be so. I have in my files a number of letters concerning cases which bear evidence to the fact that here in the capital city of Ottawa, under the authority of the National Capital Commission using the expropriation laws of Canada, property owners have been deprived of their property without due recourse to the law or to ordinary procedures that are required of private institutions or citizens in purchasing land. Many of the citizens of this city feel that the power of expropriation is a flagrant abuse of governmental power. I say further that the time has come when the expropriation laws which concern the right of the government to take a man's property should be altered so that property cannot be taken away from him without due notice being given.

It also seems to me it should be required that a plan or a description of the property be filed before the crown becomes owner of the land. The rightful owner must not be denied his rights. An owner whose property has been expropriated by the crown all too often is left waiting for years before he actually receives the money due him. If time would permit I could give the house illustrations of such occurrences which have taken place right here in Ottawa.