

possible to develop industrial sites all along the bank of the new shore line with a railway spur line joining the main line.

In developing a plan for this area, complete co-ordination as among equals will have to be maintained between the Ontario Hydro, Canadian National Railway, the Ontario Department of Highways and the municipalities involved with respect to the position of stations, bridges, grade separated crossings, cloverleaves, docks, airfields, etc., so that the economics of the local communities will not be lost sight of in deciding matters of relative internal economy to the national transportation systems.

(c) Compensation to the individual property owner

To the individual this is by far the most important feature. He will want to know what he is entitled to. I am not an expert on this and can only give you the benefit of my experience arising out of the expropriation which takes place under the Department of Transport.

As a general rule the measure of compensation in cases of land expropriated for a public work is the value of the land to an owner in its actual condition at the time of the taking, with its existing advantages and the existing value of its prospective potentialities, but excluding any advantage due to the execution of the public work.

The principles of compensation in expropriation cases were reviewed in the case of Woods Manufacturing Company, Limited, versus The King, 1951, 2 D.L.R., page 465. This is a judgment of the Supreme Court of Canada. The case dealt with the expropriation of the property of the Woods Manufacturing Company situated in the City of Hull. This was a business property but the general principles to be applied in assessing compensation to the owner for property expropriated by the Crown were outlined by the Chief Justice.

In estimating the fair value of land expropriated the Court must estimate the price which the land will fetch if offered for sale in an imaginary market. That price is the amount which a prudent man in the position of the owners would be willing to pay for the land sooner than fail to obtain it.

"It does not follow, of course, that the owner whose land is compulsorily taken is entitled only to compensation measured by the scale of the selling price of the land in the open market. He is entitled to that in any event, but in his hands the land may be capable of being used for the purpose of some profitable business which he is carrying on or desires to carry on upon it and in such circumstances it may well be that the selling price of the land in the open market would be no adequate compensation to him for the loss of the opportunity to carry on that business there." In such a case here is the formula suggested: that the owner is entitled to that which a prudent person in his position would be willing to give for the land sooner than fail to obtain it.

In the Woods case referred to above the Supreme Court gave approval to the granting of an allowance for compulsory taking to be added to the value of the land and buildings expropriated. The allowance was fixed at 10 per cent but it