



# Bulletin

Vol. 24, No. 24

June 11, 1969

## LAND EXPROPRIATION BILL CHANGES

Justice Minister John N. Turner recently introduced a bill in the House of Commons designed to update the law relating to the compulsory acquisition, or expropriation, of land by the Federal Government and its agencies. Mr. Turner said that this comprehensive revision would largely remove the arbitrary features long associated with the existing federal expropriation law. In providing "a clear and consistent legislative scheme" predicated on advance notice of intent, public hearing before expropriation, prompt offer of payment, revised negotiation procedures and enlightened principles of compensation, the new bill should in large measure meet the criticism that was directed at federal expropriation procedures in the past.

Highlights of the bill are:

### PUBLIC NOTICE

Under the present law, the Government can decide to expropriate property without giving notice of its intention to do so to an owner or tenant who will not know of the expropriation of his property until it has taken place. The new law will require in advance the publication of a notice of intention to expropriate it in a local newspaper and notification by registered mail of any person appearing to have any interest in the property, as well as the filing of the notice of intention in the local registry office. The notice must describe the property, 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.

### PUBLIC HEARING BEFORE EXPROPRIATION

Under the present law, an owner or tenant has no legal right to object to the expropriation of his

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property. The new law will entitle him, as well as any other person, to state his objections to the Minister concerned and to participate personally and by counsel in a public hearing held by a Hearing Officer specially appointed by the Attorney General of Canada to consider objections to the proposed expropriation. The Hearing Officer, who cannot be employed in the Public Service, must prepare a report dealing with the objections and the Minister must receive and consider that report before he can confirm the intention to expropriate and proceed to expropriate the property. Specific provision is made to reimburse persons for their reasonable costs incurred in asserting their objections.

### POSSESSION AND PAYMENT

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, full compensation must be offered in writing within 90 days. Additional claims may be made if persons are not satisfied with the amount offered.

Unless there are special circumstances that require immediate possession, a minimum notice of 90 days must be given to persons in occupation of