

Expropriation

forth with that precision in clause 24 of the bill.

The new law will provide for a comprehensive code in determining the compensation that is payable to owners of expropriated property. In general, the minimum or base value of the amount paid to owners of property expropriated by the federal government will be the market value of the property at the time of its taking by the federal government. Provision is made in clause 24, which is related to clause 23, to compensate for any loss or cost incidental to the disturbance faced by the expropriated owner, including moving to other premises and any element of special economic advantage related to the operation of the property.

Special rules are also provided to compensate owners of specially designed buildings such as schools, hospitals or religious institutions for which there is no general market value because there is no general demand for the property. Also, the statutory rules set forth in clause 24 relate to the value that is to be paid to the holders of secured interest in mortgages, and so on, in the property.

The statutory rules in clause 24 set forth the new principles of compensation the principle of a home for a home, and the right under the new law of an expropriated person to claim as compensation the cost of relocating his residence in reasonably equivalent premises if the compensation otherwise payable to him, represented by the market value, is not sufficient to establish himself in premises equal to those which have been expropriated. In the case of a tenant, the length of the term remaining under his lease, his prospect of obtaining a renewal of the lease and the investment he may have in the leased premises, and so on, including the nature of the business carried on by him on the premises, all are taken into consideration in determining the compensation payable to him.

All this illustrates that clause 24, to which clause 23 relates, sets forth a statutory code of compensation. The main objection the government has to the amendment introduced both at the committee stage, and rejected there, and now by the hon. member for Greenwood through the courtesy of his colleague the hon. member for Winnipeg North Centre, is that it attempts to provide an overriding provision to the effect that each owner shall receive full and fair compensation, so that the amount computed by the application of the rules will, in effect, be the minimum only.

It is the intention of the bill that the rules set forth in statutory form to provide full and fair compensation be of such a nature that the owners and the people of Canada, through the Crown, can evaluate with some measure of certainty what the ground rules are. I submit to Your Honour that the rules set forth in clause 24 provide for all appropriate compensable economic loss flowing from the taking of the property, and frankly we do not see the necessity for such an amendment.

My main objection to the proposal is that it would relegate, in effect, to a secondary position the statutory basis or ground rules for compensation set forth in clause 24, leaving the primary principle of compensation to judicial interpretation of whatever the words "full and fair compensation" mean. That would leave the door open, in my opinion, to vague interpretations of such things as "interest to the owner", and so on, which currently rely upon the uncertainty of judicial decisions.

For these reasons we feel that the clauses relating to compensation are fair and are meant to be statutory guidelines for the courts. Because in fact we feel that they do compensate in a full and fair way the owner of any interest expropriated by the federal government, we would recommend as we did at the committee, and as the committee accepted, the rejection of this judicial overriding of statutory provisions.

Mr. Woolliams: Mr. Speaker, perhaps I could make one point in an effort to expedite the matter. If you look at amendments 8, 9, 10 and 11 you will see they all relate to clause 24 dealing with rates of compensation. I was wondering whether they could all be packaged together. My amendment asks for the whole thing to be abolished. The amendment proposed by the hon. member for Greenwood (Mr. Brewin) makes certain changes. I submit the whole argument could be dealt with in a package, and I make the suggestion to save time.

Mr. Turner (Ottawa-Carleton): Mr. Speaker, on the same point of order, the hon. member for Greenwood used a rapier instead of a hammer, and he may prefer to have his particular motion dealt with separately.

Mr. Woolliams: They could be voted on separately, but they are one and the same thing. I do not mind if the minister wants to extend the debate.