

*Expropriation Act*

with the expropriation of the land in question. In that event, Mr. Speaker, if the expropriation were proceeded with the relevant date for the determination of the amount of compensation payable should be the date on which the notice of intention to expropriate was given.

The minister might decide to abandon the property expropriated, or if he did not proceed with the expropriation after a certain time had elapsed from the date of the notice of intention to expropriate he would be deemed to have abandoned. In that event I believe the owner of the land in question who had had the land isolated and neutralized by notice of expropriation should be entitled to compensation.

I believe that the implementation of this type of proposal should go a long way toward assuring owners of land and the people of Canada that their lands are not to be expropriated except for good reason. Moreover, this will enable the minister—indeed, it would compel the minister concerned—to be satisfied that he is aware of all of the relevant facts before deciding whether to expropriate a given property.

There are other matters mentioned in the resolution moved by the hon. member for Peel South. I have talked about the question of notice. The hon. member also calls for a substantial advance of money at the time of the taking of the property. I believe that compensation should be paid at the time the property is expropriated and be based on the estimate by the minister of the value of that property, subject to review by the negotiating board or by the courts. But surely, Mr. Speaker, the minister's estimate of the value of the property ought to be paid over at the time of expropriation.

Now, Mr. Speaker, when could the crown take possession? I believe that in any statute a certain period of notice prior to the taking of possession should be provided—shorter notice in special circumstances allowed by regulation is something we would have to contemplate—and at the time the property was expropriated the minister's estimate of the compensation should be paid. If the property was required on shorter notice, then further compensation should be paid for the additional inconvenience occasioned to the owner. That is also something we might well contemplate and goes even beyond the optimistic view expressed by the hon. member for Peel South. He asked for the spelling

out of measures regarding compensation. I agree that the rules for compensation ought to be spelled out in the statute.

The hon. member also calls in his resolution for the change of interest rate to the bank rate of interest. Having heard the debate on some of the agricultural measures recently before the house I can only say at this stage that there will have to be some formula worked out for payment of interest; and so I cannot be any more precise with regard to that part of the hon. member's resolution.

The hon. member's final suggestion is that the statute should provide that if property is affected or invaded in part by an act on the part of expropriation authorities, then the owner may call upon the authorities to take all of his land or property. The hon. member has since amended that part of his resolution. In his speech today he said that that is only reasonable if a substantial part of the property is expropriated, in which case the owner should be free to call upon the crown to expropriate it all.

I do not want to use a pun here, Mr. Speaker, but I cannot buy all of that. We would have to watch such a situation. For example, we could have the ridiculous situation where the crown merely wanted to expropriate an easement or a servitude. Surely the owner of the property should not be able to force the crown to expropriate all of his property under such circumstances. However, this matter might well go to compensation, the owner being rewarded for expropriation of a lesser interest in his property. Perhaps the hon. member's point could be satisfied in terms of compensation rather than in terms of compelling the crown to expropriate the entire interest in his property.

I did mention in passing that the statute should provide for some type of negotiating procedure between the crown and the person whose land is expropriated. If the negotiating procedure did not succeed in adducing agreement, then freedom to litigate in the ordinary manner would be preserved.

The matters to be considered in arriving at the compensation payable will, of course, appear in the statute. I think there is a good argument to be made for saying that the current rules of the court should be broadened to provide fair treatment for persons whose land has been expropriated. It might be suggested, for instance, that allowance be made for legal