

# 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

expropriated property before the Government can take possession from them under the new law and they must have received an offer of full compensation. If, however, the Government must take possession before the 90-day period has elapsed, it will be obliged to pay a special compulsory taking allowance. The additional amount is 10 per cent of the value of the expropriated property.

#### ABANDONMENT OF EXPROPRIATED PROPERTY

Under the present law, the Government can arbitrarily declare in writing that any expropriated property is not required and is abandoned, and the registration of such a document in the registry office automatically reverts the abandoned property in the person from whom it was taken. The new law will permit the Government to abandon expropriated property only if the person from whom it was taken elects to accept the abandonment following notice to them of the Government's intention to abandon the property.

#### NEGOTIATION PROCEDURE

Under the present law, there is no prescribed negotiation procedure to help in the resolution of disputes on compensation. The new law will give an owner or tenant the right to have a negotiator, appointed to inspect the property, consider appraisals, valuations and other evidence with a view to effecting a settlement of the compensation payable to him.

#### PRINCIPLES OF COMPENSATION

At present, the rules that govern the determination of the amount of compensation payable are unstated except in the decided case law. The new law will provide a comprehensive code for determining the compensation payable with the minimum or base amount being, in general, the market value of the property at the time of its taking. Provision is made to compensate for any losses incidental to disturbance including moving to other premises and for any element of special economic advantage related to occupation or use of the property.

New principles of compensation have been included to deal with the expropriation of property that was in use as a residence and with the expropriation of leasehold interests.

The new law will also provide that in valuing expropriated property, no account shall be taken of any increase or decrease in value resulting from an anticipated or actual expropriation.

#### INTEREST AND COSTS

Under the present law, interest is ordinarily paid on unpaid compensation money at the rate of 5 per cent *per annum* from the date the Government takes possession. Under the new law, interest will be paid at an economic rate that will fluctuate from time to time and that will not be less than the average yield from Government of Canada treasury bills. Special

provision is also made to pay additional interest at the rate of 5 per cent *per annum* if the Government's offer of compensation turns out to be unrealistically low, and this will occur if the offer falls below 90 per cent of the compensation awarded to the claimant. If the Government fails to offer compensation within 90 days, further interest at the rate of 5 per cent must be paid on the compensation for the period that the Government remained in default in making its offer.

A person claiming compensation under the present law, has no right to claim legal costs that are reasonably incurred in asserting his claim before legal proceedings begin. The new law also provides that legal and appraisal costs reasonably incurred in asserting a claim for compensation will be paid, as well as such court costs as may be awarded if legal proceedings start. However, under the new law, a claimant will be entitled to have the whole of his court costs paid by the Government, where the amount awarded to him exceeds the amount of compensation offered to him by the Government, and in any other case, the awarding of court costs will be at the discretion of the court.

#### AGRICULTURE LIAISON ABROAD

The Canada Department of Agriculture has established an International Liaison Service to co-ordinate its increasing international activities.

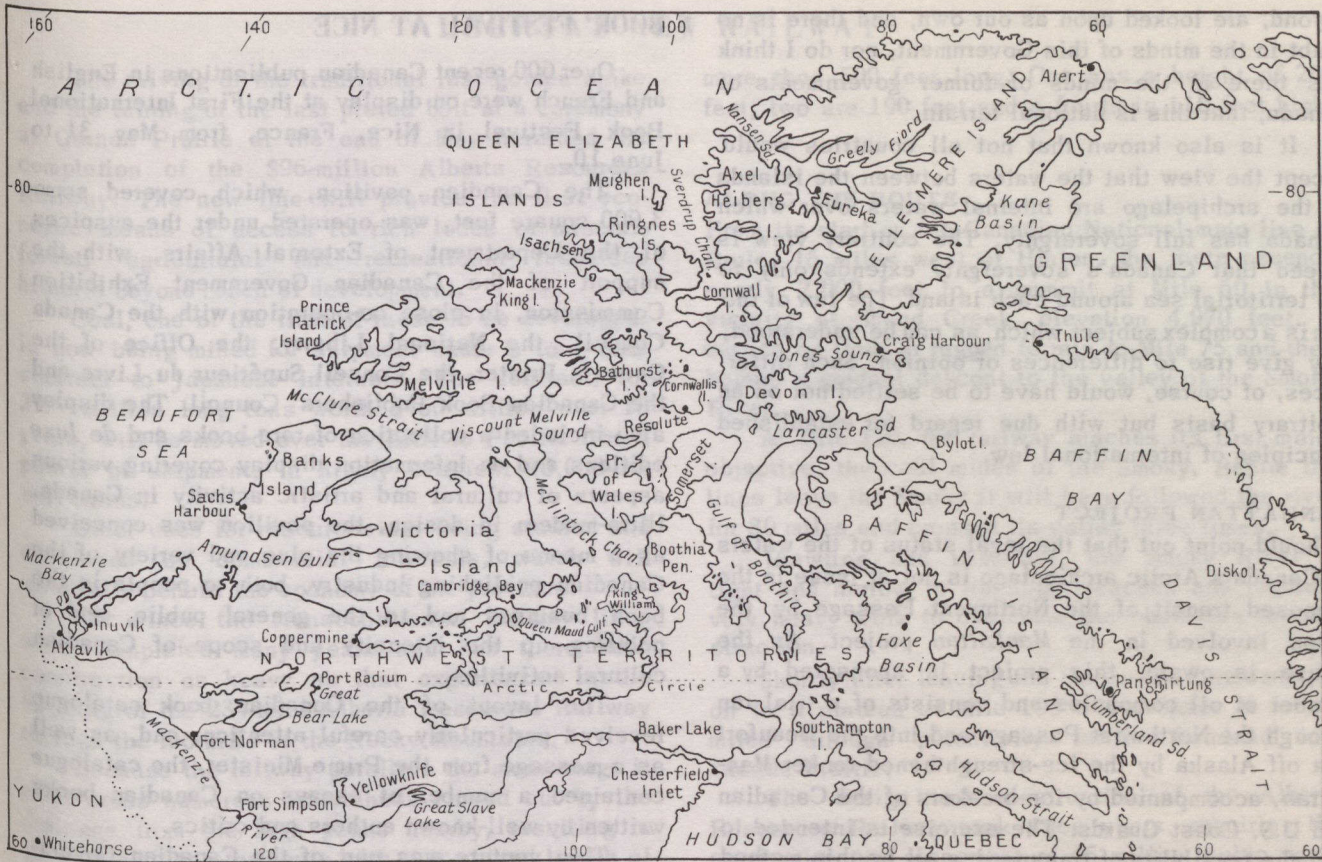
Participation by the Department in international agricultural organizations such as the Food and Agriculture Organization of the United Nations, the World Food Programme and the Organization for Economic Co-operation and Development has increased sharply in the past decade or so. So has its role in aid and development programmes administered by the Canadian International Development Agency in other countries.

Besides co-ordinating all international activities of the Department, ILS will maintain liaison with the Canadian International Development Agency and other federal agencies and departments, and with the various international agricultural organizations. It will also co-operate with the Trade Commissioner Service of the Department of Industry, Trade and Commerce to gather information on agricultural policies abroad and analyze and interpret these developments and their effect on Canada.

The Service also will serve as the CDA's liaison agent with foreign embassies in Ottawa and with visitors from abroad. In addition, it will co-ordinate the placement in Canadian universities, research centres and on farms of agricultural trainees from other countries.

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Canada's National Science Library in Ottawa is linked by Telex with more than 100 other university, government and public libraries, as well as 1,700 private firms in Canada.



### CANADA'S ARCTIC SUPREMACY

*The Prime Minister made the following statement to the House of Commons on May 15:*

I have already informed the House that Canada's sovereignty over its Arctic regions, including the islands of the Arctic archipelago, is well established and that there is no dispute concerning this matter. No country has asserted a competing claim; no country now challenges Canada's sovereignty on any other basis; and many countries have indicated in various ways their recognition of Canada's sovereignty over these areas. The Government is not aware of any maps allegedly disputing Canadian sovereignty over certain Arctic lands. I can assure the House that if any such maps do exist they have no official standing and do not affect Canada's position in any way. The Arctic mainland and islands form an integral part of Canada and we have extended to them the administrative, legislative and judicial framework which applies to all parts of Canada.

With reference to offshore resources in the Canadian Arctic, as elsewhere, the Geneva convention on the Continental Shelf provides that the coastal state exercises over the continental shelf sovereign rights for the purposes of exploring it and exploiting its natural resources. These sovereign

rights do not depend on occupation or on any express proclamation. No one may explore or exploit the continental shelf off any of our shores without our express consent. Canada's sovereign rights over the continental shelf in the Arctic follow from Canada's sovereignty over the adjacent lands, and again there is no dispute on this matter. No country has asserted a competing claim to the resources in question; no country has challenged Canada's claim on any other basis, and none can do so under international law. Foreign companies carrying out exploration activities on the continental shelf in Canada's Arctic areas operate under Canadian permit and licence and, in so doing, expressly recognize Canada's sovereign rights. The same is true, of course, of foreign oil companies operating on any of our lands in the Arctic or elsewhere.

#### UNCERTAINTY ABOUT ARCTIC WATERS

With respect to the waters between the islands of Canada's Arctic archipelago, it is well known that in 1958 the then Minister of Northern Affairs stated the Canadian position as follows:

"The area to the north of Canada, including the islands and the waters between the islands and areas

beyond, are looked upon as our own, and there is no doubt in the minds of this Government, nor do I think was there in the minds of former governments of Canada, that this is national terrain."

It is also known that not all countries would accept the view that the waters between the islands of the archipelago are internal waters over which Canada has full sovereignty. The contrary view is indeed that Canada's sovereignty extends only to the territorial sea around each island. The law of the sea is a complex subject which, as can be understood, may give rise to differences of opinion. Such differences, of course, would have to be settled not on an arbitrary basis but with due regard for established principles of international law.

#### MANHATTAN PROJECT

I should point out that the legal status of the waters of Canada's Arctic archipelago is not at issue in the proposed transit of the Northwest Passage by the ships involved in the *Manhattan* project. As the House is aware, this project is sponsored by a number of oil companies and consists of a trial run through the Northwest Passage and into the Beaufort Sea off Alaska by the ice-strengthened tanker *Manhattan*, accompanied by ice-breakers of the Canadian and U.S. Coast Guards. The exercise is intended to test the feasibility of transporting oil by this method from Alaska's Prudhoe Bay to the northeastern United States and perhaps to Europe.

Needless to say the trials of the *Manhattan* may be of considerable significance for the development of Arctic navigation. Such development is consistent with both Canadian and international interests, and I do not see that any conflict need arise between Canada's national policy and international responsibility in this connection. Arctic navigation will be an important factor in the general development of northern Canada and as such it will, of course, be encouraged rather than restricted by Canada.

For these reasons, the Canadian Government has welcomed the *Manhattan* exercise, has concurred in it and will participate in it. The oil companies concerned and the United States Coastguard have consulted with appropriate Canadian authorities in the planning of the operation. The Government will support the trials with the Canadian Coast Guard ice-breaker *John A. Macdonald*, as already indicated, and will also provide aerial ice reconnaissance and assume responsibility for the co-ordination of such reconnaissance. The Government has also selected and appointed an official Canadian Government representative on board the S.S. *Manhattan* who will act as technical adviser and as co-ordinator of Canadian support for the operation.

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Canadian scientists have identified 155 plants, 250 insects, 21 birds and 7 animals on Ellesmere Island, 560 miles from the North Pole.

#### BOOK FESTIVAL AT NICE

Over 600 recent Canadian publications in English and French were on display at the First International Book Festival in Nice, France, from May 31 to June 10.

The Canadian pavilion, which covered some 3,000 square feet, was operated under the auspices of the Department of External Affairs, with the support of the Canadian Government Exhibition Commission, in close co-operation with the Canada Council, the National Library, the Office of the Queen's Printer, the Conseil Supérieur du Livre and the Canadian Book Publishers' Council. The display also included a collection of rare books and *de luxe* editions and an information display covering various aspects of cultural and artistic activity in Canada. Ultra-modern in design, the pavilion was conceived as a means of showing the size and variety of the Canadian publishing industry, both to people in the book business and to the general public, and of pointing up the intensity and scope of Canadian cultural activities.

The layout of the Canadian book catalogue received particularly careful attention, and, as well as a message from the Prime Minister, the catalogue contained a number of essays on Canadian books written by well-known authors and critics.

This venture was part of the Canadian Government's effort to ensure greater international recognition for Canadian works published in French and English.

This policy has already led to regular representation for Canadian books at such important international events as the international book fairs in Frankfurt and Brussels, the annual convention of the American Library Association and various major exhibitions in other countries.

#### DOUGLAS FIRS FOR EXPO 70

A floating derrick capable of lifting 300 tons was needed recently in Vancouver Harbour, to hoist aboard a Japanese ship, the 459-foot *Ho-O Maru*, about 150,000 board feet of Douglas fir logs for the British Columbia pavilion at Expo 70 in Osaka.

The 109 massive logs - some 180 feet long, weighing up to 50 tons and 500 years old - were provided for the pavilion by members of the Council of the Forest Industries of B.C., which also paid for the operations as far as ship-side, a total gift worth about \$50,000.

Part of the pavilion, which will be built by a consortium headed by the Dominion Construction Company of Vancouver, consists of giant upright logs in graduated tiers representing the province's timbered slopes. Other parts of the pavilion will represent rushing streams and mines. The design is by Barclay McLeod and John Cunningham Design Limited of Vancouver.

## ALBERTA'S NEW RAILWAY

The driving of the traditional last golden spike and the turning of the last plated bolt at a ceremony at Grande Prairie at the end of May heralded the completion of the \$96-million Alberta Resources Railway. The new line will provide the first economic means of access to rich lodes of mineral, forest, agricultural and recreational resources hitherto beyond reach of development.

Coal, one of the first of these to be developed, is now being mined for shipment under a long term contract to Japanese interests. The contract, for 29.5 million long tons worth \$450 million over 15 years, will be moved over the ARR to Pacific Coast points of shipment, in highly efficient 10,000-ton unit trains.

Other uses for resources are being studied and developed by commercial interests, which will materially benefit the economy of the province.

Not since the transcontinental railway lines were completed many years ago has there been construction as heavy as that experienced in the building of the 234-mile Alberta Resources Railway through the foothills of the Rocky Mountains.

Because the railway parallels the main range it must cross numerous watersheds carved out by the drainage from the high peaks nearby, resulting in 16 bridges along the route with a combined length of two miles. Six of them are major structures, each

more than 500 feet long. One has a height of 200 feet, two are 190 feet and a fourth is 110 feet high.

### ALONG THE ROUTE

From its start on the Canadian National main line at Brule, 16 miles west of Hinton, the route ascends nearly 2,000 feet to a summit at Mile 60 in the vicinity of Shand Creek, elevation 4,970 feet. It carries on through rugged terrain to Mile 75 and then begins a gradual descent to the valley of the Smoky River.

At Mile 110, the railway reaches its first major objective, the coal mines of the Smoky. Before the lines leave the Smoky it will have followed the river for 80 miles and crossed its valley three times.

Brawling and immature, the Smoky River is tight and narrow in its upper reaches and required very heavy work to overcome the obstacles to construction.

Shortly after leaving the Smoky the line emerges on to a plateau at Mile 195 and crosses it for 40 miles through potentially fertile farmland into Grande Prairie.

The design and construction of the Alberta Resources Railway took three years, requiring the excavation and placement of 45 million cubic yards of materials.

## PAPER FOR THE CONGO

Canada is providing 2,100 tons of printing paper as part of the contribution of the Canadian International Development Agency's programme of textbook production in the Democratic Republic of the Congo (Kinshasa).

The paper, valued at about \$810,000, will be provided over the next three years to produce an estimated 12 million textbooks for the country's primary and secondary schools. This is part of a project that began in 1966, when Canada agreed to provide 900 tons of paper to the Congo. The last shipment of that consignment was made last December and will complete the production of approximately 5,200,000 textbooks, a substantial part of the Education Ministry's needs. The extension of this programme will ensure continued support to a vital sector of the Congo's economy.

## MANPOWER MOBILITY FACILITATED

Canadian workers will benefit from changes in the Manpower Mobility Programme announced recently, by Manpower and Immigration Minister Allan J. MacEachen.

The changes are intended, Mr. MacEachen says,

to render the programme more meaningful for workers with large families, many of whom now live on the bitter edges of poverty. They will also help families who now own homes in areas that have become declining labour markets and who need to move to find work.

Mr. MacEachen cited three changes in the mobility regulations that went into effect on May 15. All relate to manpower mobility relocation grants, which may be authorized for unemployed or underemployed workers who cannot get suitable employment locally and who have good jobs confirmed in more productive areas. They cover removal and travel expenses, a re-establishment allowance and a special allowance for homeowners who sell or buy when they move.

The re-establishment allowances are restructured to favour large families, and the ceiling of \$1,000 is removed. Single workers, for instance, will receive \$100, couples with one child \$400, couples with three children \$700 and so on. A man and wife with ten children may now receive \$1,400 whereas before they would have been limited to \$1,000.

### HOUSING ALLOWANCE INCREASED

A second change announced by the Minister increases the housing allowance from \$500 to a total of \$1,500. This recommendation is in line with the

Government's concern for housing in Canada. And it is expected to go a long way to helping families living in declining towns or in communities hit by the closing down of their main industry, who through no fault of their own, must expect to lose money in the sale of the old homes.

A third amendment plugs a gap in the regulations covering the payment of medical examinations for workers where these are required by employers as a condition of employment.

Mr. MacEachen expressed the belief that "these changes will materially assist workers to move from pockets of unemployment and poverty, and to fill the many well-paying jobs opening up in nearby expanding centres". "They will give assistance most particularly to mature workers with families who would otherwise probably face considerable financial loss in moving to more productive areas," he went on. "They are yet another example of the Government's determination to continue to strengthen its manpower programmes so as to reduce existing inequalities in job opportunities, and to meet the special needs of workers and poor families throughout the country."

### INLAND WATERWAY STUDY

A development study of the recreational resources of the Rideau-Trent-Severn waterways will be prepared by a task force of federal and Ontario officials, the Department of Transport has announced. These historic canal systems, which no longer serve the military and commercial purposes for which they were built, are proving a potent attraction for owners of pleasure-boats. More than two million such craft are registered within the use range of this 450-mile inland waterway, which links the Ottawa River to Georgian Bay.

The task force will investigate and recommend action with regard to pollution and water-level control,

municipal land-use zoning and park-planning, wildlife conservation and the development and upgrading of accommodation facilities related to recreation.

It will continue the work of a federal-provincial study of the Rideau system begun in 1966. Discussions have been held with all levels of government and in the private sector concerning a number of plans already proposed. The work of the new committee has been extended to include the Trent and Severn waterways and adjacent recreational facilities.

### STUDENTS IN 1967-68

More than six million full-time students were enrolled in Canadian educational institutes at all levels during 1967-68, according to the report *Preliminary Statistics of Education, 1967-68*, released recently by the Dominion Bureau of Statistics. Ninety per cent of these were in elementary and secondary schools.

While elementary-secondary enrolment showed an increase of 3 per cent over that of 1966-67, university enrolment increased by over 12 per cent. Full-time graduate enrolment increased by 22.7 per cent. As has been the case for some years, the increase in enrolment of women at university (13.7 per cent) was higher than that for men (11.6 per cent). In 1967-68, women accounted for 32.5 per cent of the full-time enrolment. Full-time enrolment in post-secondary vocational courses increased by almost one-third in 1967-68, to 41,236.

The total expenditure on education for 1968 is estimated at \$5,931 million, an increase of almost 21 per cent (\$1,016 million) over the previous year's figure. While education's share of local taxation decreased slightly, its share of net provincial expenditure increased from 33.6 per cent in 1966 to 35.5 per cent in 1967.