

The Highway 407 Project

PROPERTY EXPROPRIATION FACT SHEET

Expropriation is the transfer of lands to a government authority for government required work. While a property owner's consent is not required for the transfer of lands under expropriation, the property owner is compensated for lands required and for reasonable out-of-pocket expenses.

WHAT ARE MY RIGHTS?

Property owners have the right to be treated fairly and equitably, receive market value for their lands, receive reasonable out-of-pocket expenses and request mediation and/or arbitration.

Owners should obtain independent legal advice, if they feel it is necessary.

WHY IS YOUR PROPERTY BEING EXPROPRIATED?

If your property is required for the Highway 407 project and you did not reach an agreement with the Ministry to acquire your property, the Ministry may commence the expropriation process.

Up to and during the expropriation process, the Ministry continues to negotiate with property owners to reach agreement.

WHY HAS A HEARING OF NECESSITY BEEN WAIVED?

Orders signed by the Lieutenant Governor-in-Council have waived the Hearing of Necessity for properties required for the Highway 407 Project. The Ministry studied the need for, benefits of, and best location for the Highway 407 Project. The Ministry demonstrated the need for properties and undertook significant outreach to inform property owners of this need. This waiver of the Hearing of Necessity does not, in any way, interfere with your rights to compensation as provided for in the *Expropriations Act*.

WHAT IF YOU ARE NOT SATISFIED WITH THE OFFER OF COMPENSATION AND WISH TO DISPUTE IT?

You can request that your case be brought before the Board of Negotiation, established to conduct informal hearings into compensation matters.

The recommendations for settlement are not binding on either party. As an independent third party, the Board's opinion is helpful in resolving the difference between the parties.

WHAT IF AN AGREEMENT CANNOT BE REACHED?

The Ontario Municipal Board (OMB) Land Compensation Office can be asked to determine the compensation.

The decision of the OMB is binding, unless appealed by either party to the Divisional Court within six weeks from the day the decision or order was served on the parties.

EXPROPRIATION PROCESS

THE FOLLOWING ARE STEPS THAT THE MINISTRY WILL TAKE IF YOUR PROPERTY IS TO BE EXPROPRIATED.

Step 1: Notify property owners of intention to expropriate

The Ministry will notify property owners by registered mail, including those in negotiations with the Ministry, of the intention to expropriate their property under the *Expropriations Act*.

Step 2: Produce an Expropriation Plan of required property

An expropriation plan will be registered in the Land Registry Office. An Expropriation Plan is a survey plan that defines the limit of the property that will be transferred to the Ministry.

Step 3: Notify property owners of the date they are required to vacate property

A Notice of Expropriation, Election and Possession will be mailed to owners of a required property who have not reached an agreement.

Those property owners who have reached an agreement, but title to the property has not yet been transferred to the Ministry (e.g. Purchase Agreement has not yet closed), will also receive the Notice of Expropriation, Election and Possession.

The purpose of this notice is that it advises you of the date the Ministry requires you to vacate the property. This date will be a minimum of three months after the Expropriation Plan has been registered.

Step 4: Provide an offer of compensation (Section 25 Offer)

If a property owner has not reached an agreement with the Ministry, they will receive an offer of compensation, otherwise known as a Section 25 Offer. As set out in the Expropriations Act, the Ministry cannot take possession of an owner's property prior to the owner receiving a written offer of compensation. This offer of compensation will be made within three months from the date the Expropriation Plan was registered.

EXPROPRIATION PROCESS

Notification of the Ministry's intent to proceed under the *Expropriation Act*

Expropriation Plan registered in the Land Registry Office

Notice of Expropriation, Election & Possession sent to property owners

An offer of total compensation and an immediate payment within three months

Date of Possession to be a minimum of 3 months after the registration of the Expropriation Plan

MTO continues to negotiate with property owners

FOR FURTHER INFORMATION, CONTACT:

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