



Property



This fact sheet has been prepared to provide basic information regarding the acquisition of property during the 427 Transportation Corridor Environmental Assessment (EA) study.

In dealing with property owners, the Ministry of Transportation (MTO) will respect and protect the owners rights as an individual under the laws of Ontario.

HOW IS A NEW ROUTE DETERMINED?

An individual EA study is being undertaken for the 427 Transportation Corridor. Once a transportation facility is identified as the recommended alternative to the undertaking, a technically preferred route will be developed as part of the EA study.

Before plans for a new transportation facility (highway, transitway, etc.) are implemented, years of research and planning take place, utilizing the skills and knowledge of multidisciplinary experts. Traffic volumes, traffic demand studies and traffic flow patterns are analyzed for the project. Aerial photographic surveys, environmental investigations, engineering, feasibility, ground survey and soil test studies are carried out as required. These activities are undertaken, documented and approved according to the MTO's obligation under both the *Canadian Environmental Assessment Act* and *Ontario Environmental Assessment Act*.

HOW WILL I KNOW IF THE MINISTRY REQUIRES MY LAND?

Public participation and consultation is an important part of the EA study. We welcome public input, suggestions or concerns regarding the study and any proposed transportation facility. The general public and all affected property owners are urged to participate in the process and to provide feedback.

Public Information Centres (PICs) will be held throughout the study to provide information to the public and obtain feedback. In addition to the PICs, other methods of communications and consultation such as workshops, meetings and newsletters will be undertaken. The MTO will identify potentially impacted landowners and consult with them during the EA study. Members of the public are welcome to comment at anytime, by contacting the Project Team directly or through the website: www.427corridor.com

If the Minister of the Environment approves the EA and the recommended route for the transportation facility, the route will become designated and the MTO can proceed with the acquisition of the required properties.

WHAT IS THE BASIS OF COMPENSATION FOR THE LAND REQUIRED?

The MTO is required to compensate a property owner according to the provisions of the *Expropriations Act*. Compensation is generally based on the market value of a property or, in the case of a partial acquisition, the loss in market value to a property. The market value is based on what similar land might be expected to sell for if sold on the open market by a willing seller to a willing buyer. If the MTO buys only a portion of the property, the effect of the acquisition on the rest of the property will be taken into consideration. In addition, there is provision for the payment of other reasonable expenses actually incurred upon final settlement.

After completion of the appraisal, an MTO real estate officer will present an offer of compensation based on the appraisal report. Hopefully, a mutual agreement can be reached at that time.



WHAT IF I DISAGREE WITH THE NEED TO TAKE MY LAND?

One of the requirements under the *Expropriations Act* provides for a "Hearing of Necessity" to review whether the land requirement is fair, sound and reasonably necessary for the required construction.

If there is no request for a hearing, one will not be held. If there is a request, an inquiry officer is appointed by the Ministry of the Attorney General. The inquiry officer will notify the MTO, the property owner and the owner's representative of the date and location of the hearing.

Please note that the hearing will only deal with the necessity of the MTO to acquire the lands identified; it will not deal with the matter of compensation.

WHAT IF I DISAGREE WITH THE COMPENSATION OFFERED?

If a landowner is not satisfied with the offer presented, there is a dispute mechanism provided within the *Expropriations Act*. A request can be made to bring the case before the "Board of Negotiation". This board was established to conduct informal hearings into compensation matters. The recommendations for settlement are not binding on either party. However, as an independent third party, their opinion is helpful in resolving the difference between the parties.

If an agreement is not 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 of the decision of the board.

ADVANCE PROPERTY PURCHASE

Property acquisition is normally initiated two or three years in advance of the MTO scheduled construction period. In instances where construction has not yet been scheduled, owners may initiate the

advance purchase of their property on a willing seller/willing buyer basis and demonstrate hardship.

In the case of the 427 Transportation Corridor EA, advance property acquisition would normally only be considered once the need for a transportation facility has been determined and a recommended route has been approved. The MTO will consider advance property purchase on a case-by-case basis for the 427 Transportation Corridor EA where the owner has demonstrated hardship.

Advance purchase requests will be prioritized based on the nature of the demonstrated hardship. In situations where the grounds for hardship are not well-proven or defined, recommendations for advance purchase will be reviewed by MTO senior staff who will exercise judgement and make final decisions regarding the existence of hardship.

Advance property purchases will only be made if funding is available within a given program year. Negotiations are carried out on the basis of market value as appraised by the MTO. The MTO also pays reasonable legal fees incurred by the owner for the conveyance of the land.

FOR FURTHER INFORMATION CONTACT

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