



Here's what you need to know about expropriations and the OMB

The Expropriation Act allows a municipality, approval authority or a public agency to take property for a purpose deemed to be in the public interest, even though the owner of the property may not be willing to sell it. Any interest in land and improvements, such as buildings, may also be expropriated.

When land is expropriated, some of the factors that will be taken into consideration to calculate the amount of compensation to which the owner is entitled are:

1. Market Value of the land;
2. Damages attributed to the disturbance;
3. Damages for injurious affection; and
4. Any special difficulties in relocation.

Under certain sections of the Act, a notice of arbitration may be submitted to the Board against a property owner or a statutory authority (i.e. municipality, region, or public agency).

Who do I file a notice of arbitration with when my land has been expropriated?

If your land has been expropriated and you are unhappy with the amount of compensation that has been offered by the expropriating party, you have a couple of options. There are currently two tribunals with which you can file an appeal. The first is the Board of Negotiation.

The Board of Negotiation serves as an informal tribunal that negotiates compensation settlements in expropriation cases. Through mediation, the Board of Negotiation attempts to bring the parties to an agreement on the appropriate compensation for the specific case. With no power to impose a settlement, the Board of Negotiation will, where sufficient information has been submitted, provide an opinion about how to reach fair compensation.

Your other option is to file a notice of arbitration and statement of claim with the Ontario Municipal Board. Unlike the Board of Negotiation, the Ontario Municipal Board is an adjudicative tribunal which will conduct a hearing and listen to arguments and evidence from all parties and will then make a determination on the amount of compensation that is to be given to the party in exchange for their property. The OMB also has the ability to conduct mediations and can conduct settlements if the parties reach an agreement through the appeal process.

How do I file an appeal with the OMB?

Under subsection 26(b) of the Expropriations Act, either the statutory authority or the owner may serve a notice of arbitration upon the other party and upon the Board to have the compensation determined by arbitration. The Board also requires a statement of claim which is a written statement in which the requester states their case, the facts on which they intend to rely upon and the relief that they seek from the other party. Also, you will need to include the required filing fee of \$300 (certified cheque or money order made out to "The Minister of Finance").

How do I file a notice of arbitration if I have suffered personal or business damages from municipal construction projects or other related expropriation issues?

Under subsection section 22 of the Expropriations Act, a claim for compensation for injurious affection shall be made in writing by the person suffering the damage or loss and shall include particulars of the claim within one year after the damage was sustained or after it became known to the person. This can be completed by filing a notice of arbitration and a statement of claim on the statutory party as well as on the OMB provided that the required filing fee of \$300 (certified cheque or money order made out to "The Minister of Finance") is submitted when serving the Board

What happens after the appeal is received by the OMB?

The OMB will review the appeal and if it's complete, then the OMB will process the request and await a reply from the responding party. Once this response has been received, the OMB will schedule a prehearing for the expropriation. After the hearing process, the Board will issue a decision and an order finalizing the compensation to be made to the property owner.

Where can I get more information?

For more detailed information about expropriations, please see the Expropriation Act. The Act is available to view online at www.e-laws.gov.on.ca. You may also contact the Board at (416) 212-6349 or toll free at 1-866-448-2248.

Please Note

The information contained in this information sheet is not intended as a substitute for legal or other advice, and in providing this information, the Ontario Municipal Board (OMB) assumes no responsibility for any errors or omissions in this information sheet, and shall not be liable for any reliance placed on the information in this information sheet. Additional information, including the OMB's *Rules of Practice and Procedure*, is available at www.omb.gov.on.ca, or by calling (416) 212-6349 or toll free 1-866-448-2248.



The **Environment and Land Tribunals Ontario (ELTO)** includes the Assessment Review Board, Board of Negotiation, Conservation Review Board, Environmental Review Tribunal, Ontario Municipal Board, Niagara Escarpment Hearing Office and the Office of Consolidated Hearings. The Tribunals operate under specific legislative requirements and share resources and best practices. The Ontario Municipal Board hears appeals and applications on a wide range of municipal and land-related matters including official plans, zoning by-laws, subdivision plans, consents and minor variances, land compensation, development charges, ward boundaries, and aggregate resources. For more information contact us at:

Environment and Land Tribunals Ontario
655 Bay Street, Suite 1500, Toronto, ON M5G 1E5
Telephone: (416) 212-6349 or toll free: 1-866-448-2248
Website: www.elto.gov.on.ca