

FEDERAL EXPROPRIATION ACT | WITH BILL C-15 MODIFICATIONS

FLOW CHART

1 INITIAL NEED FOR LAND

Minister / Alto → Determine land required for public purpose or high-speed rail
No need for prior purchase attempts → (Bill C-15)

2 PRE-EXPROPRIATION TOOLS (BILL C-15)

A. NOTICE OF RIGHT OF FIRST REFUSAL

Alto registers notice (valid up to 8 years)
If owner sells → Must provide agreement to Alto
Alto has 60 days:
• Exercise right → purchase at agreed price + pay third-party costs
• Decline → notice removed
Unauthorized sale → VOID

B. NOTICE OF PROHIBITION ON WORK

Minister registers notice (valid up to 4 years)
Effects → No development (except maintenance) → Entry allowed for inspection/appraisal
If expires → Compensation payable for actual losses + costs

3 INITIATION OF EXPROPRIATION

Minister → Attorney General → Register Notice of Intention to Expropriate + plan
Outcome → Expropriation process formally begins

4 NOTICE REQUIREMENTS (MODIFIED BY BILL C-15)

Minister must → Send notice to affected parties (as soon as feasible)
→ Publish in Canada Gazette → Publish locally or make publicly available

5 OBJECTION PROCESS

Within 30 days → Any person may file written objection
(Bill C-15) → No mandatory hearing process → Objection submitted directly to Minister

6 MINISTER'S DECISION

After objection period:

OPTION A: CONFIRM INTENTION → Must provide reasons if objector requests

OPTION B: ABANDON INTENTION → Process ends (compensation may still apply)

Time limit → Deemed abandoned if not confirmed within 2 years (Bill C-15)

7 CONFIRMATION & VESTING

Attorney General registers Notice of Confirmation

Outcome → Land vests in Crown immediately → Existing interests extinguished (to extent required)

8 POST-CONFIRMATION STEPS

Minister must → Notify affected parties → Make compensation offer within 90 days → Provide appraisal supporting offer

9 POSSESSION OF LAND

Scenarios:
• No occupant → immediate possession
• Voluntary surrender → possession taken
• Otherwise → 90 days' notice required
• Urgent cases → accelerated possession allowed

10 COMPENSATION FRAMEWORK

Compensation includes:
• Market value of land
• Damages to remaining land
• Disturbance damages
(Bill C-15) → No value increase from prohibited work considered

11 NEGOTIATION STAGE

Within 60 days of offer → Either party may trigger negotiation
Negotiator → Attempts settlement → Report within 60 days

12 COURT PROCEEDINGS (IF NO SETTLEMENT)

→ Federal Court determines compensation

13 PAYMENT & INTEREST

Crown must → Pay compensation + interest

14 ABANDONMENT (POST-CONFIRMATION)

Before compensation paid → Minister may abandon → If accepted → land reverts

15 COSTS

Crown pays:
• Legal fees
• Appraisal costs
• Other reasonable expenses

END OF PROCESS

Outcome → Land acquired by Crown OR → Process abandoned with compensation where applicable