

Expropriation and the Proposed High-Speed Rail Project

What Landowners Need to Know

March 2026

Overview

Today we will briefly discuss:

- How the federal Expropriation Act currently works
- What Bill C-15 proposes to change
- What these changes may mean for affected landowners

The Proposed High-Speed Rail Corridor



- Toronto
- Peterborough
- Ottawa
- Montréal
- Laval
- Trois-Rivières
- Quebec City

Why Expropriation Is Used for Rail Projects

Large infrastructure projects such as rail corridors require long, continuous corridors of land.

In many cases:

- Some landowners may be willing to sell
- Others may not wish to sell
Certain parcels may be strategically necessary for the route

Because of this, governments rely on expropriation powers.

Under the federal Expropriation Act, land may be taken if the Minister believes it is required for:

- a public work, or
- another public purpose.

Landowners do not need to consent, but they are entitled to compensation.

Can Landowners Stop an Expropriation?

The reality is:

It is very difficult to stop an expropriation once the government determines land is needed for a public project.

Courts generally defer to government decisions regarding:

- infrastructure
- transportation projects
- public works

Most legal disputes focus on compensation, rather than preventing the project.

Compensation Under the Act

Landowners are entitled to compensation for:

- Value of the expropriated interest
- Damage to remaining property
- Disturbance, moving, and relocation losses
- Business / economic losses, where applicable
- Reasonable legal, appraisal, and other claim-related costs
- Interest, including additional interest in some cases



Federal Expropriation Process

Under the *Expropriation Act* (the “Act”), the process generally includes:

1. Attempt to acquire by agreement
2. Notice of Intention to Expropriate
3. 30-day objection period
4. Public hearing (if there is an objection)
5. Minister’s decision
6. Notice of Confirmation
7. Ownership transfers to the Crown
8. Possession of the land
9. Compensation offer
10. Owner may accept without giving up rights
11. Negotiation (if needed)
12. Federal Court determination

Bill C-15: Proposed Changes

Bill C-15 proposes major amendments to the Act to facilitate construction of the high-speed rail corridor.

The purpose is to:

- accelerate federal land acquisition
- simplify procedures
- reduce delays caused by objections

In practical terms, the amendments would shift the process more strongly in favour of the Crown.

Bill C-15: Key Change #1

No Requirement to Attempt a Purchase

Under the current Act:

- The Crown must generally attempt to purchase land before expropriating it.

Under Bill C-15:

- This requirement would not apply to high-speed rail projects.

If the Minister concludes that land is required: the government may proceed directly to expropriation.

Bill C-15: Key Change #2

Removal of Public Hearings

Under the current Act:

- Landowners who object are entitled to a public hearing.
- A hearing officer reviews objections and prepares a report.

Under Bill C-15:

- Landowners may still file written objections, but
- public hearings would be eliminated.

Bill C-15: Key Change #3

New Federal Right of First Refusal

Bill C-15 also introduces a right of first refusal.

If registered on a property:

- the Crown corporation must be given the first opportunity to purchase the land before any sale.
- If a property is sold without respecting the notice the sale may be deemed void.

In practice, this can significantly limit an owner's ability to sell or leverage their property even before expropriation occurs.

Bill C-15: Key Change #4

New Noticed of Prohibition on Work

Bill C-15 also introduces a notice of prohibition of work.

If registered on a property:

- an owner of land, any lessee or occupant of the land must not undertake or cause to be undertaken any work on the land, other than work to prevent the normal deterioration of the land or to maintain its normal functional state.
- work begun before the notice is registered may be completed

In practice, this can significantly limit an owner's ability to increase the value of the land prior to the expropriation.

What This Means for Landowners

If enacted, Bill C-15 would:

- speed up the expropriation process
- reduce opportunities to challenge or delay expropriation

Landowners would still retain rights regarding:

- compensation
- legal representation
- appraisal evidence.

What Davies Howe Can Do For You

- Monitor the developments in the project and keep you informed
- Help you understand your rights and options
- Answer questions specific to your property and situation
- Guide you through the compensation and negotiation process
- Work to ensure you receive fair and full compensation

What An Appraiser Can Do For You

- Provide **independent opinions** of market value, highest and best use, and any related impacts for the lands taken and any remainder.
- **Review offers** by analyzing whether the appraisal and resulting offer properly reflect all compensable heads of claim.
- Prepare detailed, standards-compliant **expert reports** that provide market evidence, apply appropriate methodologies, and address “ignore the scheme” issues.
- Advise owners and counsel on **negotiation and litigation strategy** by explaining valuation risks, reasonable ranges of compensation, and the strength of competing appraisal positions.
- Provide **opinion evidence** at negotiation and/or court proceedings to assist in the determination of fair and full compensation.



Ward Lansink
Real Estate Appraiser

Robson Associates Inc.
www.robsonassociates.ca

Davies Howe 
LAND DEVELOPMENT ADVOCACY & LITIGATION

Disclaimer

This presentation is for general informational purposes only and does not constitute legal and appraisal advice, and if your property is affected, you should seek advice from experienced legal counsel—whether with our firm or another lawyer who specializes in expropriation law.



Ava Kanner
Managing Partner
ava@davieshowe.com
T: 416-263-4503



Robert Miller
Partner
bobm@davieshowe.com
T: 416-263-4508



Samantha Lampert
Partner
samanthal@davieshowe.com
T: 416-263-4521



Alexia Ivo
Associate
alexiai@davieshowe.com
T: 416-263-4510

Thank You

416.977.7088/ www.davieshowe.com