

Special Difficulties in Relocation: For relocating a property wherein an owner is experiencing special difficulties due to unique characteristics of the property expropriated or otherwise, the owner may be entitled to compensation.

Consult with the City representative for more information if you have questions or wish to discuss other issues that are not covered under the general outline above.



WILL I NEED PROFESSIONAL ADVICE?

Whether the City acquires land from you by mutual agreement (through negotiation) or through expropriation, you are encouraged to seek professional advice. The City is not in a position to provide legal services to the vendor, so we recommend that you obtain legal counsel in closing a purchase and sale agreement. Payment for reasonable costs of pertinent services can be negotiated as part of an acquisition or expropriation settlement. In the expropriation process, the City will also reimburse you for required appraisal services. In such cases, we ask that you advise the City's representative in advance that you intend to retain professional assistance

Translation available online.

Traduction disponible en ligne

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For more information, please contact:

Senior Manager, Realty Services
City of Brampton
City Hall

2 Wellington Street
Brampton, Ontario L6Y 4R2
905-874-2000
www.brampton.ca

Other information sources:

Expropriations Act:
www.e-laws.gov.on.ca

Local Planning Appeal Tribunal (LPAT) & Board of Negotiation:

www.elto.gov.on.ca

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ROAD IMPROVEMENT PROJECTS AND YOUR PROPERTY

Find out how property is acquired for road improvement projects, what your rights are as a property owner, and how to get more information.





WHAT IS A ROAD IMPROVEMENT PROJECT?

Road improvements include road widening, bridges, new roads and intersection improvements.

HOW COULD MY PROPERTY BE AFFECTED?

The City of Brampton may need to acquire part or all of your property, or have permanent or temporary access to your property, in order to construct and maintain a road project.

HOW WILL I KNOW THAT MY PROPERTY IS AFFECTED?

You may find out about a project affecting your property during the environmental assessment process, which is required for most road improvement projects. The methods used to contact the public will depend on the project. You may be notified through the mail, notices in newspapers, signage, or the City of Brampton's website.

HOW CAN I FIND OUT MORE ABOUT A PROJECT AND SHARE MY FEEDBACK?

Public consultation, especially with property owners, is a key part of the environmental assessment process. Meetings called Public Information Centres (PICs) are held to present options and receive feedback from you. Your input is very important, especially if you have concerns about your property that should be considered in the environmental assessment report.

WHEN WILL I BE CONTACTED ABOUT PROJECTS IMPACTING MY PROPERTY?

Shortly after the environmental assessment has been approved, the detailed design for the project will start. During the detailed design, a representative from the City of Brampton will contact you by letter or in person well before the construction starts. Every effort is made to contact owners as early as possible, usually 18 months before construction begins. The City's representative will discuss how the project may affect your property, explain what property the City needs, discuss your concerns and be your main point of contact for negotiations.

HOW DOES THE CITY ACQUIRE THE PROPERTY IT NEEDS?

When a road construction project requires additional parcels of land, the City's goal is to acquire the property in a way that respects individual property owners' rights.

Our first goal is always to negotiate mutually acceptable agreements. However, the City must balance the larger community's public interest with that of affected individuals. If public interest requires that deadlines be met, or when a negotiated agreement cannot be reached, the City may exercise its authority under the Expropriations Act to acquire the property it requires. Affected property owners are entitled to compensation, whether negotiated or under the expropriation process.

WHAT ARE THE STEPS IN THE PROPERTY ACQUISITION PROCESS?

The steps are as follows:

1. A representative of the City of Brampton contacts the resident/owner to discuss its interest in the property and to identify issues and concerns.
2. A City representative or outside consultant will conduct surveys, appraisals and other property-related assessments at the City's expense.
3. Compensation is negotiated. If a tentative agreement is reached, an Offer to Sell is signed by the owner. The offer is then sent to City Council for its consideration and approval (if needed).
4. If an agreement cannot be reached, the City may start expropriation procedures. If necessary to meet deadlines, the expropriation process may run parallel with the negotiation process.
5. If the owner wishes to question the need for expropriation, he or she may request an independent inquiry called a Hearing of Necessity. As indicated in the notice issued by the City, there is a limited time within which a hearing of necessity must be requested. In such a case, an Inquiry Officer hears each party then reports on whether the City of Brampton's property requirements are fair, sound and reasonably necessary.

6. Brampton City Council then decides whether to approve the expropriation, or any settlement reached, and acquire the property.
7. If property is expropriated and no agreement on compensation is reached, the owner can request a meeting that is facilitated by the Board of Negotiation or arbitration through the Local Planning Appeal Tribunal (LPAT).

HOW IS COMPENSATION DETERMINED?

Fairness and consistency are two key principles of negotiating compensation. The City uses the framework set out in the Expropriations Act to ensure consistency. To ensure its offers are fair, the City relies on actual market information, usually provided by independent professional appraisers and/or other consultants.

COMPENSATION MAY BE BASED UPON ONE OR MORE OF THE FOLLOWING FACTORS:

Market Value: Market value is defined as "the amount that the land would be expected to realize if sold on the open market by a willing seller to a willing buyer."

Damages Attributable to Disturbance: These damages refer to the economic loss suffered by an owner as a result of the expropriation such as loss of improvements and landscaping, moving costs and temporary accommodation. Business losses may also be compensated although such compensation may not be determined until after expropriation.

Damages for Injurious Affection: Injurious affection is sometimes referred to as "consequential damages" to the remainder of your property. It has very precise and limited applications according to the law and can include items such as reduced market value. Compensation for injurious affection is assessed by the appraiser.

A claim for injurious affection must be made in writing with particulars within one year after the damage is sustained or becomes known, failing which the right to this compensation is forever barred.