

Expropriation

Aird & Berlis has decades of experience representing a wide variety of expropriating/approval authorities and landowners/claimants across Ontario in all aspects of expropriation law. Headed by our Municipal & Land Use Planning Group of 17 lawyers and four land use planners, our specialized team combines the expertise of municipal and land use planning, real estate, litigation, environmental and tax lawyers to successfully and quickly address the requirements and challenges associated with the complex and contentious expropriation process.

The members of the Aird & Berlis Expropriation Group have acted for expropriating authorities such as municipalities, utilities and provincial agencies on numerous expropriations. With sought-after expertise, we are involved in large and complex expropriations for transportation and related infrastructure projects, from the inception.

We have also advised numerous claimants such as homeowners, developers, industrial operators, owners or tenants of commercial plazas and others affected by an expropriation. Our experience includes acting for the landowner in one of the largest transportation infrastructure expropriations in Ontario, as well as acting for claimants regarding various takings by public agencies for infrastructure projects such as transit, highway widenings and water and sewer works.

Services for Expropriating Authorities

- Advise on and assist with related environmental assessments
- Advise on proper expropriation strategy, including process, timing and avoidance of delaying tactics by other parties
- Assist with the retention of proper experts and consultants such as appraisers, business valuers, environmental engineers, surveyors, etc.
- Conduct land title and corporate searches as required
- Assist with drafting, preparing and presenting reports to Council/Expropriation Authority
- Prepare all notices, by-laws, plans, offers, agreements and other required documents in accordance with the Ontario *Expropriations Act* and related legislation
- Prepare submissions to and attend at Hearings of Necessity, if necessary
- Apply on behalf of utility companies to the Ontario Energy Board for orders to expropriate
- Negotiate possession and compensation
- Register on title all surveys, plans, documents, etc. as required
- Act in connection with adjudication of compensation before the Ontario Land Tribunal (formerly the Board of Negotiation and the Local Planning Appeal Tribunal) and the courts, if necessary
- Prepare for and attend before the courts in connection with collateral attacks on the expropriation, if necessary

Services for Claimants

- Review expropriation documentation, including related environmental assessments, and provide advice on options to modify the taking, if possible
- Assist with the retention of proper experts and consultants such as appraisers, business valuers, environmental engineers, planners, etc.

- Advise on proper expropriation strategy, so as to maximize the quantum of compensation and its timely receipt, and minimize the taxes payable on the compensation
- Provide advice and assistance in dealing with tenants, mortgagees and other entities with a relationship to the claimant also affected by the expropriation
- Prepare submissions to and attend at Hearings of Necessity, if necessary
- Negotiate and review agreements and documents required in the expropriation process
- Negotiate possession and compensation, with a focus on minimizing tax liability
- Act in connection with adjudication of compensation before the Ontario Land Tribunal and the courts, if necessary
- Prepare for and attend before the courts, if necessary

Whether we are advising expropriating authorities or claimants, we are committed to providing clients with the incisive guidance and assistance needed to navigate the complexities of the expropriation process in accordance with the legislation. Members of our Expropriation Group stay on top of relevant issues through active participation in the Ontario Expropriation Association.

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