

Ontario Takes Next Steps to Acquire Property for the Parkway

MTO moves forward to deliver the Windsor-Essex Parkway

NEWS

November 13, 2009

With agreements finalized on over one third of properties and negotiations well underway with property owners of another third, the Ontario Ministry of Transportation (MTO) has made significant progress to assemble the 900 properties required for construction of the Windsor-Essex Parkway.

Responding to hundreds of requests from owners for the early purchase of their property, over 350 amicable (willing seller/willing buyer) agreements have been reached with property owners. Since the provincial environmental assessment for the Windsor-Essex Parkway was approved in August, the ministry has actively engaged property owners in negotiations.

MTO is now entering the next phase of property assembly – proceeding in accordance with the provisions of the *Expropriations Act* – to acquire the remaining properties. Owners, including those in negotiations with MTO, tenants and those with a registered interest in the required property are being notified of MTO's intention to proceed under the *Expropriations Act*.

MTO is committed to work with property owners to reach and finalize amicable agreements and will expropriate only after other ways to reach agreements have been exhausted.

QUOTES

"We have a responsibility to be fair and considerate with each and every property owner. Amicable negotiations are still our first approach to working with people and we look forward to talking about individual needs and finalizing agreements with as many property owners as possible, as soon as possible."

— Amy Viragos, Property Supervisor, MTO

QUICK FACTS

- The *Expropriations Act* is the legal regulation which outlines the process, ministry responsibilities and the property owners' entitlements when the expropriation of properties for a provincial undertaking is necessary.
- Under the *Expropriations Act*, property owners' rights to be treated fairly and equitably and to receive market value for their lands are protected and MTO will respect these rights.
- Expropriation does not take away a property owner's right to fair compensation but allows MTO to proceed with moving this project forward.
- The ministry is inviting owners, tenants and those with a registered interest on required properties to a workshop on expropriation on December 3, 2009.

- The Windsor-Essex Parkway is an innovative six-lane below-grade freeway providing transportation benefits, green space, recreational trails and community connections. It will directly link Highway 401 to the U.S. Interstate system via new inspection plazas and a new international crossing.

LEARN MORE

Explore [The Windsor-Essex Parkway](#).

View the [Expropriations Act](#).

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Ontario's Expropriation Process

November 13, 2009

The Ontario Ministry of Transportation (MTO) is proceeding in accordance with the provisions of the *Expropriations Act* to acquire all property required for the full construction of The Windsor-Essex Parkway.

Expropriation

Expropriation is the transfer of lands to a government authority for government required works. While a property owner's consent is not required for the transfer of lands under expropriation, the property owner is compensated for lands required and reasonable out-of-pocket expenses, moving and other entitlements continue to be negotiated throughout the expropriation process.

Owners' rights

Owners' rights will be fully explained to them by an MTO Real Estate Officer. Owners should obtain independent legal advice if they feel it is necessary. Property owners have the right to be treated fairly and equitably, receive market value for their lands, receive reasonable out-of-pocket expenses and request arbitration.

Steps for Expropriation

- MTO will continue to negotiate with property owners to seek amicable agreements during the expropriation process.
- Owners, including those in negotiations with MTO, will be notified of our intention to proceed under the *Expropriations Act*.
- The Minister of Transportation will be requested to approve the expropriation by signing the Certificate of Approval to Expropriate.
- An Expropriation Plan along with the Certificate of Approval to Expropriate will be registered in the Land Registry Office.
- Where MTO and the property owner have not reached an amicable agreement after the registration of these documents, MTO must, within three months, provide an offer of full compensation and an offer of immediate payment of 100 per cent of the market value of the property as estimated by MTO. This offer must be made before MTO can take possession of the required property.
- The date of possession will be a minimum of three months after the registration of the Expropriation Plan and the Certificate of Approval to Expropriate and after an offer has been made.
- The *Expropriations Act* enables MTO and/or the property owner to seek mediation (through a Board of Negotiation) and arbitration (through the Ontario Municipal Board).

Workshop

An Expropriation Workshop will be held on December 3, 2009, for those who have received an invitation and notice of intention to expropriate from the ministry. MTO representatives will walk through the expropriation process, timelines, and provide individuals the opportunity to ask questions and meet with an MTO Real Estate Officer.