

A Primer on Expropriation

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Expropriation is defined as the government's right to take the whole or part of privately owned land for public use and benefit, upon the obligation to pay just compensation to the owner. Depending on the nature of the taking and the applicable legislation, the owner of the property can receive compensation in the form of market value of the property, injurious affection, disturbance, and special value. Interest and consulting costs are also commonly awarded in the owner's compensation package.



This paper serves as a refresher on basic principles of expropriation and compensation. The main focus of this paper is to provide a checklist of due compensation for the category of "disturbance" which is generally broadly defined to include any costs, expenses and losses arising of or incidental to the expropriation. The law of expropriation has developed significantly over the past 20 years, and in most Canadian jurisdictions the law has undergone a complete restructuring. Almost all expropriation statutes across the provinces now provide for generous compensation and reasonable procedures.

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