

TO THE PROPERTY OWNER

This brochure provides information on the acquisition of property for highway construction contracts.

The Public Transportation and Highway Improvement Act allows for property acquisition.

HOW IS A NEW ROUTE OR HIGHWAY WIDENING DECIDED?

Before plans for a new highway, or highway improvements are implemented, months and even years of research and planning take place.

Traffic volumes, demand studies and traffic flow patterns are analyzed. Aerial photographic surveys, environmental investigations, engineering, feasibility, ground surveys and soil test studies are done. Costs of different routes and options are also considered. The new highway route is selected, or the widening is determined based on all of the information collected and in accordance with the Environmental Assessment Act.

PUBLIC PARTICIPATION

We welcome your input about the proposed highway design. All affected property owners are urged to participate in the process and to provide feedback on our proposal.

If you have any questions, please feel free to call or write to the Property Section of the nearest Ministry of Transportation regional office listed on the back.

HOW WILL I KNOW IF MY PROPERTY IS REQUIRED FOR HIGHWAY CONSTRUCTION?

Representatives of the ministry will contact you if any part of your property is required. They will carry identification that you should insist on seeing. They explain the procedures for the acquisition of the property by the ministry.

This may involve:

- a survey crew obtaining your approval to enter on to your property to determine grades for entrances, ditches and to survey the property requirements;
- a real estate appraiser estimating the market value or the compensation for the property to be acquired by the ministry;
- a ministry real estate officer explaining the appraiser's findings, the ministry's proposed construction plans, your rights as a property owner, and presenting an offer of compensation.

Absentee owners will be contacted by mail.

MINISTRY OF TRANSPORTATION

PROPERTY OFFICE

301 St. Paul Street
St. Catharines, Ontario
L2R 7R4
Phone (905) 704-2231
Fax (905) 704-2030

REGIONAL OFFICES

Central	1201 Wilson Avenue 3rd Floor, Building D Downsview, Ontario M3M 1J8 Phone (416) 235-4953 Fax (416) 235-4940
Eastern	1355 John Counter Boulevard Kingston, Ontario K7L 5A3 Phone (613) 544-2220 Fax (613) 540-5154
Northeastern	447 McKeown Avenue Suite 301 North Bay, Ontario P1B 9S9 Phone (705) 472-7900 Fax (705) 497-5509
Southwestern	659 Exeter Road London, Ontario N6E 1L3 Phone (519) 873-4100 Fax (519) 873-4388
Northwestern	615 South James Street Thunder Bay, Ontario P7E 6P6 Phone (807) 473-2000 Fax (807) 473-2167

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HIGHWAY PROPERTY PURCHASING

Information for Property Owners



We respect your rights.



WHAT IF I DISAGREE WITH THE NEED TO TAKE MY LAND?

You can ask for a Hearing of Necessity to review whether the taking of your land is fair, sound and reasonably necessary for the required construction to proceed.

A hearing is only held if it is requested. An inquiry officer, appointed by the Ministry of the Attorney General, will notify the ministry, the property owner and the owner's representative, of the date and place of the hearing.

The hearing only deals with the necessity for the ministry to acquire the land. It does not deal with the matter of compensation.

WHAT COMPENSATION WILL I GET?

Compensation is based on the market value of your property or the loss in market value to your property in the case of a partial acquisition. The market value is based on what similar land might be expected to sell for if sold on the open market by a willing seller to a willing buyer. There is also a provision for payment of other reasonable expenses actually incurred, upon final settlement.

After the appraisal is completed, a ministry real estate officer will present an offer of compensation.

WHAT IF I HAVE A MORTGAGE?

The ministry searches all land titles to ensure every person with an interest in the property is aware of the property acquisition. If the title search reveals a mortgage, or other registered interest, special release forms will be sent to all interested parties with the necessary instructions.

WHAT IF I DO NOT AGREE WITH THE COMPENSATION OFFERED?

There is a dispute mechanism provided within the Expropriations Act. You may request that your case be considered by the Board of Negotiation, although recommendations for settlement are not binding on either party. A Board opinion is helpful in resolving the differences between the parties.

HOW WILL MY ENTRANCE BE AFFECTED IF PROPERTY IS NOT REQUIRED ?

Usually construction work will take place within the right-of-way. Occasionally permission to enter a property is needed to reconstruct an existing entrance to tie into the new construction.

HOW LONG WILL MY ENTRANCE BE CLOSED?

All efforts will be made to provide access to your property at all times, except the short time to actually reconstruct the residential entrance. Commercial and paved entrances may take longer. A ministry representative will advise you when and how long construction will take, to minimize any inconvenience.

WHAT IF MY PROPERTY IS REQUIRED FOR A MAJOR PROJECT THAT WILL NOT BEGIN FOR A NUMBER OF YEARS?

Property acquisition is normally started two to three years before a scheduled construction project. In cases where construction has not yet been scheduled, owners can initiate the advance purchase of their property on a willing buyer/ seller basis, but only if most of the property is within the proposed right-of-way.

A property owner may demonstrate hardship:

- if permits for development or redevelopment, which would otherwise have been approved, are denied because of the ministry proposal; or

- if a property, which is substantially contained in the proposed right-of-way, has not sold after being listed on the open market at a reasonable price for a reasonable period of time. A reasonable price is defined as within approximately 10 percent of the market value as appraised by the ministry.

Advance property purchases are subject to the availability of funding as well as the demonstration of hardship. Until the conditions are fulfilled, the ministry cannot consider the acquisition of your property.

If more information is required, please contact your closest regional office listed on the back of this pamphlet.

...property owners are urged to participate...

