

SCHEDULE A

Notice of intended expropriation

1 Within 30 days of the signing of a declaration of expropriation the expropriating authority shall

(a) serve notice of the intended expropriation upon all owners of the land so far as they may be ascertained from the records of the land titles office and the latest revised realty assessment roll on which the land is entered;

(b) publish notice of the intended expropriation in a newspaper having general circulation in the locality in which the land is situate; and

(c) submit the declaration to the confirming authority having jurisdiction together with proof of the service and the publication of the notice.

Contents of notice

2 The notice shall include a statement of the provisions of section 3 of this Schedule applicable thereto, giving the name and address of the confirming authority having jurisdiction.

Notice of objection

3 The owner of any interest in the land who objects to the intended expropriation may, within 30 days from the date notice of the intended expropriation is served upon him or within 30 days from the date publication is made pursuant to section 1 of this Schedule, whichever is the later, serve upon the Minister of Justice and the confirming authority a notice of his objection in writing stating his name and address, the nature of his objection and the grounds upon which it is based, and the nature of his interest in the matter of the intended expropriation.

S.M. 1993, c. 48, s. 64.

Confirming authority's action

4(1) Forthwith after the expiration of the period of 30 days referred to in section 3 of this Schedule, the confirming authority shall

(a) if it has not been served with a notice of objection, confirm the declaration, or

(b) if it has been served with a notice of objection, request the Minister of Justice to appoint an inquiry officer.

Appointment of inquiry officer

4(2) The Minister of Justice, on receipt of the request, shall appoint a suitable person who is not an officer or employee or member of the council (if any) of the expropriating authority to be the inquiry officer.

Costs of inquiry officer

4(3) The expropriating authority is liable to pay and shall pay to the inquiry officer the remuneration and expenses approved by the Minister of Justice by his certificate forthwith upon the delivery of the certificate to the expropriating authority.

Legal costs of owner

4(4) Every owner of land described in the declaration of expropriation is entitled to legal costs reasonably incurred by him in preparing and filing any notice of objection given under section 3 of this Schedule and in attending and participating in the inquiry, which shall be paid by the expropriating authority.

Taxing of legal costs

4(5) Where there is a dispute as to the legal costs reasonably incurred to which an owner of land is entitled under subsection (4), the expropriating authority may apply to the taxing officer of the court to tax the legal costs of the owner on a solicitor and client basis and, in that case, the owner is also entitled to his legal costs reasonably incurred in respect of the taxation of the costs.

S.M. 1993, c. 48, s. 64.

Notice of public hearing

5(1) The inquiry officer shall fix a suitable time and place for a public hearing and cause notice thereof to be given by publication in at least one issue of a newspaper having a general circulation in the area in which the land is situate and by sending a notice thereof to the expropriating authority, to each person who has been served with the notice of the intended expropriation pursuant to section 1 of this Schedule and to each other person who has served a notice of objection on the confirming authority.

Two or more matters dealt with at one inquiry

5(2) The inquiry officer may, with the approval of the Minister of Justice, conduct two or more related inquiries as one inquiry, but by his report shall deal separately with each intended expropriation.

S.M. 1993, c. 48, s. 64.

Parties to inquiry

6(1) The expropriating authority and each person who has served a notice of objection shall be parties to the inquiry.

Duties of inquiry officer

6(2) At the public hearing the inquiry officer shall inquire into whether the intended expropriation is fair and reasonably necessary for the achievement of the objectives of the expropriating authority, and for that purpose the inquiry officer

(a) shall require the expropriating authority to attend at the hearing and to produce such maps, plans, studies and documents as he deems necessary for his inquiry;

(b) may add any owner whose land would be injuriously affected by the intended expropriation, or by the work for which the intended expropriation is required, as a party to the inquiry;

(c) shall give each party to the inquiry a reasonable opportunity to present evidence and argument and to examine and cross-examine witnesses, either personally or by his counsel or agent; and

(d) may inspect the lands intended to be expropriated or the lands of an owner referred to in clause (b), either with or without the presence of the parties;

and in his inquiry he shall not be bound by any technical or legal rules of evidence.

Restrictions on inquiry

6(3) In an inquiry conducted under this Schedule, an inquiry officer shall not consider any matter or question relating to

- (a) the due compensation that would be payable if the expropriation is continued; or
- (b) the advisability, expediency, legality or necessity of the objectives of the expropriating authority for the achievement of which the land to be expropriated is being acquired.

Revoking appointment of inquiry officer

7 When the inquiry officer is unable to, or fails to, carry out his duties in accordance with this Schedule, the Minister of Justice shall immediately revoke his appointment and appoint another inquiry officer in his place.

S.M. 1993, c. 48, s. 64.

Report of inquiry officer

8 The inquiry officer shall within 30 days from the date of his appointment make and deliver to the confirming authority his report in writing setting forth

- (a) a summary of the evidence and of the arguments of the parties;
- (b) his determination of the facts;
- (c) his opinion on the question in issue; and
- (d) such other matters as he considers expedient and in the public interest.

Action after report

9(1) The confirming authority shall consider the report of the inquiry officer and make its order in respect of the declaration of expropriation; and, where the order is not in accordance with the opinion of the inquiry officer, it shall state its reasons for making the order.

Copies of report to parties

9(2) Forthwith after delivering his report to the confirming authority, the inquiry officer shall send a copy of the report to each party to the inquiry.

SCHEDULE B

FORM 1

Declaration of Expropriation

(Section 4)

To the District Registrar of the Land Titles District of _____ (name of authority) hereby declares that pursuant to section _____ of the _____ Act (and (set out any other authority under which the expropriation takes place)) it expropriates (here describe the land and interest expropriated. The description may refer to a plan which must then be attached.)

for the purpose of (here describe purpose for which land is expropriated).

The land (or interest) is expropriated free of encumbrances (or subject to the following existing interests).

It is hereby declared that (pursuant to by-law numbered _____ of the Authority) the said land shall, by and upon the registration of this declaration in the land titles office, be opened as a highway and dedicated to the public use for that purpose.

- or -

The land is being acquired for the purpose of a highway at some future time, and is not presently to be opened or dedicated as a highway.

The (chief) office of _____
(name of authority)

in Manitoba is at _____
(address of office)

Dated at _____, in Manitoba, this _____ day of _____, 19 _____.

SCHEDULE B

FORM 2

Notice of Expropriation

(Section 14)

To _____ (owner's name and address).

Take notice that _____ (name of authority) has expropriated _____ (here describe land and interest expropriated) for the purpose of _____ (here describe purpose for which land is expropriated) pursuant to section _____ of the _____ Act (and (here set out any other Act, by-law, etc. authorizing the expropriation)).

The declaration of expropriation in respect of the above described lands was registered in the Land Titles Office at _____ in the _____ noon of the _____ day of _____, 19____, as No. _____. Under *The Expropriation Act* _____ (name of authority) is bound to pay due compensation to the owners of the land expropriated.

WARNING: If you are at present in occupation of the land, you must give at least seven days notice to (name of authority) at _____ (address of authority in Manitoba) before you vacate the premises or you may be liable for damages arising from your leaving the land vacant.

Dated at _____, in Manitoba, this _____ day of _____, 19____.

SCHEDULE B

FORM 3

[Repealed]

S.M. 1993, c. 25, s. 20.