

APPENDIX "A"

Ontario Section 14	British Columbia Section 33
<p>S. 14</p> <p>MARKET VALUE</p> <p>(1) ...</p> <p>(2) Where the land expropriated is devoted to a purpose of such a nature that there is no general demand or market for land for that purpose, and the owner genuinely intends to relocate in similar premises, the market value shall be deemed to be the reasonable cost of equivalent reinstatement.</p> <p>(3) Where only part of the land of an owner is taken and such part is of a size, shape or nature for which there is no general demand or market, the market value and the injurious affection caused by the taking may be determined by determining the market value of the whole of the owner's land and deducting there from the market value of the owner's land after the taking.</p> <p>(4) In determining the market value of land, no account shall be taken of,</p> <ul style="list-style-type: none"> (a) the special use to which the expropriating authority will put the land; (b) any increase or decrease in the value of the land resulting from the development or the imminence of the development in respect of which the expropriation is made or from any expropriation or imminent prospect of expropriation; or (c) any increase in the value of the land resulting from the land being put to a use that could be restrained by any court or is contrary to law or is detrimental to the health of the occupants of the land or to the public health. <p>CO-OPERATIVE DEVELOPMENTS</p> <p>(5) Where two or more expropriating authorities, including Her Majesty the Queen in right of Canada, participate in a development or a number of related developments, the Lieutenant Governor in Council may, by regulation, designate such development or developments as a co-operative development and</p>	<p>S. 33</p> <p>EXCLUSIONS FROM MARKET VALUE</p> <p>33. In determining the market value of land, account must not be taken of</p> <ul style="list-style-type: none"> (a) the anticipated or actual purpose for which the expropriating authority intends to use the land, (b) an increase in the value of the land resulting from a use that, at the date of expropriation, was capable of being restrained by a court, (c) an increase in the value of the land resulting from improvements made to the land after the expropriation notice under section 6(1)(a) or order under section 5(4)(a) has been served, but not including improvements that are necessary to preserve the value or state of the land, (d) an increase or decrease in the value of the land resulting from the development or prospect of the development in respect of which the expropriation is made, (e) an increase or decrease in the value of the land resulting from any expropriation or prospect of expropriation, (f) an increase or decrease in the value of the land due to development of other land that forms part of the development for which the expropriated land is taken, or (g) any increase or decrease in value of the land that results from the enactment or amendment of a zoning bylaw, official community plan or analogous enactment made with a view to the development in respect of which the expropriation is made.

<p>subsection (4) shall apply to the determination of the market value of any land expropriated by any of the participating provincial expropriating authorities for any aspect or part of the co-operative development as if the entire co-operative development was a single development being carried out by that expropriating authority.</p>	
<p>Ontario Sections 1 and 21</p>	<p>B.C. Section 40</p>
<p>S. 1</p> <p>(1) In this Act,</p> <p>...</p> <p>“injurious affection” means,</p> <p>(a) where a statutory authority acquires part of the land of an owner,</p> <p>(i) the reduction in market value thereby caused to the remaining land of the owner by the acquisition or by the construction of the works thereon or by the use of the works thereon or any combination of them, and</p> <p>(ii) such personal and business damages, resulting from the construction or use, or both, of the works as the statutory authority would be liable for if the construction or use were not under the authority of a statute,</p> <p>(b) where the statutory authority does not acquire part of the land of an owner,</p> <p>(i) such reduction in the market value of the land of the owners, and</p> <p>(ii) such personal and business damages,</p> <p>resulting from the construction and not the use of the works by the statutory authority, as the statutory authority would be liable for is the</p>	<p>S. 40</p> <p>PARTIAL TAKINGS</p> <p>(1). Subject to section 44, if part of the land of an owner is expropriated, he or she is entitled to compensation for</p> <p>(a) the market value of the owner’s estate or interest in the expropriated land, and</p> <p>(b) the following if and to the extent they are directly attributable to the taking or result from the construction or use of the works for which the land is acquired:</p> <p>(i) the reduction in the market value of the remaining land;</p> <p>(ii) reasonable personal and business.</p>

<p>construction were not under the authority of a statute,</p> <p>and for the purposes of this clause, part of the lands of an owner shall be deemed to have been acquired where the owner from whom lands are acquired retains lands contiguous to those acquired or retains lands of which the use is enhanced by unified ownership with those acquired.</p> <p>S. 21</p> <p>COMPENSATION FOR INJURIOUS AFFECTION</p> <p>21. A statutory authority shall compensate the owner of the land for loss or damage caused by injurious affection.</p>	
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