

407 EAST *Environmental Assessment Fact Sheet*

Property

This fact sheet has been prepared to provide basic information regarding the acquisition of property during the 407 East Environmental Assessment (EA) study.

In dealing with property owners, the Ministry of Transportation will respect and protect their rights as an individual under the laws of Ontario.

HOW IS A NEW ROUTE DETERMINED?

Before plans for a new transportation facility (i.e. highway, transitway, etc.) are implemented, years of research and planning take place, utilizing the skills and knowledge of multidisciplinary experts. Traffic volumes, demand studies and traffic flow patterns are analyzed for the project. Aerial photographic surveys, environmental investigations, engineering, feasibility, ground survey and soil test studies are carried out as required. These activities are undertaken, documented and approved according to the Ministry's obligation under both the *Canadian Environmental Assessment Act* and *Ontario Environmental Assessment Act*.

An Individual Environmental Assessment (EA) study is being undertaken for the 407 East. Once a transportation facility is identified as the recommended alternative to the undertaking, a technically preferred route will be developed as part of the EA study.

HOW WILL I KNOW IF THE MINISTRY REQUIRES MY LAND?

Public participation and consultation is an important part of the EA study. We welcome public input, suggestions or concerns regarding the study and any proposed transportation facility. The general public and all affected property owners are urged to participate in the process and to provide feedback.

Public Information Centres (PICs) will be held throughout the study to provide information to the public and obtain feedback. In addition to the PICs, other methods of communications and consultation such as workshops, meetings and newsletters will be undertaken. The Ministry will identify potentially impacted landowners and consult with them during the EA study. Members of the public are welcome to comment at anytime during the study, by contacting the Project Manager, Project Office or through the website: www.407eastea.com.

Once the Minister of the Environment approves the Environmental Assessment (EA), and the recommended route for the transportation facility, the route will become designated and the Ministry can proceed with the acquisition of the required properties.

WHAT IS THE BASIS OF COMPENSATION FOR THE LAND REQUIRED?

The Ministry is required to compensate a property owner according to the provisions of the *Expropriations Act*. Compensation is generally based on the market value of a 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. If the Ministry buys only a portion of the property, the effect of the acquisition on the rest of the property will be taken into consideration. In addition, there is provision for payment of other reasonable expenses actually incurred upon final settlement.

After completion of the appraisal, a Ministry real estate officer will present an offer of compensation based on the appraisal report. Hopefully a mutual agreement can be reached at that time.

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

One of the requirements under the *Expropriations Act* provides for a 'Hearing of Necessity' to review whether the taking of land is fair, sound and reasonably necessary for the required construction to proceed.

If there is not a request for a hearing, one will not be held. If there is a request, an inquiry officer is appointed by the Ministry of the Attorney General. The inquiry officer will notify the Ministry of Transportation, the property owner and the owner's representative of the date and location for the hearing.

Please note that the hearing will only deal with the necessity of the Ministry to acquire the lands identified. It does not deal with the matter of compensation.

WHAT IF I DISAGREE WITH THE COMPENSATION OFFERED?

If a landowner is not satisfied with the offer presented, there is a dispute mechanism provided within the *Expropriations Act*. A request can be made to bring the case before the 'Board of Negotiation'. This board was established to conduct informal hearings into compensation matters. The recommendations for settlement are not binding on either party. However, as an independent third party their opinion is helpful in resolving the difference between the parties.

If an agreement is not reached, the Ontario Municipal Board (OMB), Land Compensation Office can be asked to determine the compensation. The decision of the OMB is binding, unless appealed by either party to the Divisional Court within six weeks of the decision of the board.

ADVANCE PROPERTY PURCHASE

Property acquisition is normally initiated two or three years in advance of the Ministry's scheduled construction period. In instances where construction has not yet been scheduled, owners may initiate the advance purchase of their property on a willing seller/willing buyer basis.

Advance property purchases will be considered on a case-by-case basis where the subject property is substantially impacted by the new Technically Recommended Route.

Advance property purchases will only be made if funding is available within a given program year and on the basis of a willing seller / willing buyer. Negotiations are carried out on the basis of market value as appraised by the Ministry.

All advance purchase requests should be made in writing to the Ministry's Project Manager.

FOR FURTHER INFORMATION CONTACT

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