

**LAW AMENDMENTS COMMITTEE**

**Red Chamber, Province House**

**Tuesday, October 15, 2019**

**Bill #177 - Public Utilities Act (amended)**

*No representation*

**Bill #169 - Expropriation Act (amended)**

6:00 p.m.            1.    John Traves, Counsel  
*Halifax Regional Municipality*

**Bill #175 - Marine Renewable-energy Act (amended)**

6:15 p.m.            2.    Colin Sproul  
*Bay of Fundy Inshore Fishermen's Association*

6:30 p.m.            3.    Jason Hayman, Managing Director  
*Sustainable Marine Energy*

**Bill #180 - Fatality Investigations Act (amended)**

6:45 p.m.            4.    Harry Critchley  
                              Hanna Garson  
*East Coast Prison Justice Society*

7:00 p.m.            5.    Darlene MacEachern  
*Elizabeth Frye Society*

6.    Michael Perry, Councillor  
*Municipality of East Hants*

**Bill #187 - House of Assembly Act (amended)**

7:15 p.m.            7.    Norbert LeBlanc, President  
                              Marie-Claude Rioux, Executive Director  
*Fédération acadienne de la Nouvelle-Écosse*

- 7:30 p.m.            8.    Evelyn LeBlanc-Joyce  
                              *Société acadienne de Clare*
- 7:45 p.m.            9.    Lisette Aucoin-Bourgeois, Executive Director  
                              *La Société Saint-Pierre*
- 8:00 p.m.            10.    Josette Marchand, Directrice générale  
                              *La Picasse*
- 8:15 p.m.            11.    Luc d'Eon  
                              *Conseil acadien de Par-en-Bas*

**Bill #169 - Expropriation Act (amended) (continued)**

- 8:30 p.m.            12.    Robert Pineo  
                              *Patterson Law*

**Bill #187 - House of Assembly Act (amended) (continued)**

- 8:45 p.m.            13.    Réjean Aucoin, Q.C.  
                              *Réjean Aucoin Avocat-Barrister Inc.*

**Bill #180 - Fatality Investigations Act (amended) (continued)**

- 9:00 p.m.            14.    Dolly Mosher  
                              *Silent Witness Nova Scotia*

**Bill #187 - House of Assembly Act (amended) (continued)**

- 9:15 p.m.            15.    Patrick Sullivan, President and CEO  
                              *Halifax Chamber of Commerce*

**Bill #180 - Fatality Investigations Act (amended) (continued)**

- 9:30 p.m.            16.    Dr. Leah Genge

Traves  
Presentation #1

Good evening Mr. Chair and members of the Committee, my name is John Traves Q.C. and I am Director of Legal, Municipal Clerk, and External Affairs with the Halifax Regional Municipality – Municipal Solicitor if you prefer.

I appreciate the opportunity to speak in support of Bill 169, an Act to Amend Chapter 156 of the Revised Statutes 1989, the *Expropriation Act*.

Halifax supports this Bill, in particular the government's goals around clarifying that one of the purposes of the Expropriation Act is for people impacted by expropriation to be reasonably compensated.

As you may be aware, HRM is an Expropriating Authority both on its own and on Halifax Water's behalf.

Having acted in Expropriation matters I can tell you from first-hand experience that Expropriation is difficult for all involved, however none more so than the landowners who are directly impacted.

**HALIFAX**

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Expropriation is not undertaken lightly given the reality that we are forcing property owners to put the public need for their property ahead of their own personal interests.

The clarity this Bill brings is important because without a clear understanding of reasonable compensation, we often see uncertainty and expectations both by the expropriating authority and property owners lead to more stress, problems and litigation than is necessary or helpful.

We are also supportive of the administrative changes that would see cases for injurious affection without a taking dealt with by the Supreme Court rather than the UARB. Like most administrative tribunals the UARB has experience and expertise it brings to bear (generally in assessing property values in expropriation cases) however in these limited expropriation cases the claim is essentially a form of claim in nuisance and moving this to the Supreme Court we believe will result a in more consistent treatment of these sorts of claims generally.

Expropriation is and should be costly for expropriation authorities, but as the Minister has said in second reading, infrastructure investments are a priority. To help advance these priorities, the expropriation process needs to provide landowners with a fair and reasonable compensation while balancing the interests of tax payers, ensuring responsible fiscal management, and providing more clarity of all concerned.

Thank you,