

MUNICIPAL EXPROPRIATION GUIDE

November 2014

Table of Contents

TABLE OF CONTENTS.....	2
BACKGROUND.....	3
LIST OF TERMS.....	4
STEPS PRECEDING EXPROPRIATION.....	5
1. Preliminary	5
2. Valuation, Offer and Negotiation.....	6
DETERMINATION OF PROCESS.....	7
1. Expropriation Process.....	7
2. Agreement Process	7
3. Combination Process.....	7
EXPROPRIATION PROCESS.....	8
1. Prepare Expropriation Bylaw (Section 3)	8
2. Prepare and Deposit a Plan (Section 4).....	8
3. Serve Notice (Section 5)	8
4. Enter the Land to do work (Section 6)	9
5. Prepare a survey or feature plan (Section 14-17)	9
6. Obtain Minister's Approval (Section 17 – 18.1).....	10
7. Forward approved Plan to the Controller of Surveys. (Section 17-18).....	11
8. Apply to the Registrar of Titles (Section 18-18.1).....	11
9. Publish Notice of Completion of Work (Section 19).....	12
AGREEMENT PROCESS.....	13
1. Prepare Offer(s) of Purchase.....	13
2. Prepare a Survey or feature plan (Section 14-17).....	13
3. Obtain Minister's Approval (Section 17 – 18.1).....	13
4. Forward approved Plan to the Controller of Surveys. (Section 17-18).....	14
5. Apply to the Registrar of Titles (Section 18-18.1).....	15
CLAIMS FOR COMPENSATION UNDER <i>THE MUNICIPAL EXPROPRIATION ACT</i>.....	16
EXPROPRIATION FLOW CHART.....	17
CHECKSHEET FOR EXPROPRIATION PROCEDURE.....	18
SAMPLE RESOLUTIONS	20
SAMPLE BYLAW	21
SAMPLE NOTICE OF INTENTION.....	22
SAMPLE NOTICE.....	23

Background

The Municipal Expropriation Act (the Act) authorizes a municipality both to acquire land and/or acquire an interest in the land, for any purpose allowed by an appropriate municipal act, where the municipality cannot obtain the land or interest by agreement with the landowner. The process required by the Act applies equally to either, the acquisition of land or an interest in the land.

The Act may also be used for roadway expansion where all landowners are in agreement, or where the municipality owns all the land affected. Using the Act simplifies the survey and registration process.

Since the procedure may involve submissions to courts, the municipality is encouraged to have its solicitor review the specific documents and procedures to ensure they are correct.

Disclaimer

This manual has been prepared based on the expropriation provisions outlined in the Act. It has no legal authority. In the interests of brevity and/or simplifying language, details may have been omitted or minimized.

If after reading the manual you are in doubt about any procedures, consult the legislation or contact Advisory Services for clarification.

Advisory Services

Saskatchewan Ministry of Government Relations

1010 – 1855 Victoria Avenue
Regina, Saskatchewan S4P 3T2
Phone: (306) 787-2680
Fax: (306) 798-2568

List of Terms

- Act:** *The Municipal Expropriation Act*. This Act may be found at the following link or by contacting Queen's Printer:
<https://publications.saskatchewan.ca/#/products/641>
- Controller of Surveys:** The Controller of Surveys (formerly the Chief Surveyor) is a Saskatchewan Land Surveyor employed by ISC and appointed by the Minister. Under *The Land Surveys Act, 2000*, the Controller is responsible for the coordination of the establishment, maintenance, and preservation of the province's land survey system. *The Land Surveys Act, 2000* is administered by the Minister responsible for ISC through the Controller of Surveys. Contact and other information regarding Land Surveys can be found at the following web address:
www.isc.ca
- Court:** Her Majesty's Court of Queen's Bench for Saskatchewan
- ISC:** Information Services Corporation
- Judge:** A judge of Her Majesty's Court of Queen's Bench for Saskatchewan sitting at the judicial centre nearest to which a municipality is wholly or mainly situated
- Land:** Includes a right or interest in, and an easement over land
- Minister:** The member of the Executive Council to whom the administration of *The Municipal Expropriation Act* is assigned. Currently, administration of this act is the responsibility of the Ministry of Municipal Affairs.
- Owner:** A person who has any rights, title, estate or interest in the land.
- Plan:** A plan of survey and/or a feature plan. The type of plan required depends on the type of work being done. For example in the case of an interest regarding a public utility, a feature plan may be required.
- Section:** The applicable section in *The Municipal Expropriation Act*, except where specified otherwise.

Prior to considering expropriation, the municipality should have completed the following actions. However, if any part of the ‘Steps Preceding Expropriation’ are incomplete or have been missed, they should be completed before proceeding with the expropriation process.

Steps Preceding Expropriation

1. Preliminary

- (1) **Identify the land required and state the authorized purpose.** Where a municipality has no option other than expropriation to acquire land needed for a **municipal purpose**, council must ensure that they are considering expropriation for only the amount of land absolutely required. This may be different from the amount of land originally desired where an agreement of sale could be secured. At this time, the legal landowners need to be identified. A **resolution of council** must be passed to reflect any decision of council, including the identification of land for authorized purchase.
- (2) **If the land required is in another municipality**, the council of that municipality should be contacted to let them know of the proposal before contacting the landowners affected. If necessary, meet with the council of the municipality to resolve any of their concerns.
- (3) **Ensure that all requirements of any legislation or regulations** such as local zoning bylaws are met. In addition, if only part of a registered site is required, the municipality must also ensure that the plan of the area meets the requirements of any legislation or regulations with regards to subdivision.
- (4) **Prepare the plan and engineering specifications.** While this is not technically required until later, preparing the plan as one of the first steps clarifies what is being done and defines the exact area of land needed. The actual physical survey of the land cannot be done until the expropriation bylaw has been passed and landowners notified. Owners include anyone with an interest in the land (refer to list of terms on page 4 for definition of owners).

Note: This plan may be a plan of survey or a feature plan depending on the type of expropriation; acquisition of land or acquisition of an interest over the land.

- (5) **Review the plan with Community Planning Branch of Municipal Affairs prior to performing any work** to ensure that the plan meets all requirements of *The Planning and Development Act, 2007*. Although not a requirement, this measure is recommended to minimize complications during the final stages of expropriation (i.e. Minister’s approval and title registration pursuant to Section 17).

2. Valuation, Offer and Negotiation

- (1) **Place a value on the land identified.** the Act defines the relevant factors to consider in establishing the value of each piece of land:
 - (a) The value of the land and improvements as of the date of the deposit of the plan; and
 - (b) The value of damages, if any, to any remaining land.

If an application for the determination of compensation is made to a judge or arbitrator, they shall deduct any increased value to the remaining land of the claimant by virtue of the work done or to be done.

Note: Where an application is made to the courts for determination of compensation, the municipality would need to provide evidence which would support their position as to the value of the land. Councils are encouraged to make every reasonable effort to acquire the land by agreement before proceeding with expropriation.

If there is no recent basis for determining land value, the municipality may wish to consult with the affected landowner(s) to identify an appraiser acceptable to both parties to establish the value.

- (2) **Prepare and serve a written offer to the landowner(s).** A written offer should be made including a statement stating the reason why the land is required. A resolution must be passed authorizing the offer. At this time, the council may wish to discuss their options if no agreement can be obtained from the landowner (i.e. are they prepared to negotiate further; is this the final offer; will they call a special meeting to discuss future actions or are they willing to proceed with expropriation ?).

Determination of Process

Process determined by response(s) to the Offer to Purchase

The process that the municipality will follow may vary depending on the responses to the 'Offer to Purchase'.

1. Expropriation Process

No landowners sign agreement.

If a negotiated agreement cannot be reached, council may proceed to expropriation. This should only be done if all attempts to **negotiate a settlement in good faith** have failed. The negotiation process should be documented to show that it has taken place in good faith and in a reasonable manner. A resolution indicating council's decision is recommended. This process will be described in detail in the following pages. A flowchart showing this process is provided on page 17.

2. Agreement Process

All landowners sign agreement. (Section 22)

Where all landowners have signed an agreement, the municipality may proceed to acquire the land without using the expropriation process. However, where the purpose of acquiring the land is for opening, widening, altering or diverting a road, street, lane or other public highway, the municipality may wish to proceed under the Act, Section 22.

Using the Act in these situations simplifies the survey and registration process. The municipality is required to provide proof of agreements from all affected landowners however; no bylaw or notices are required. A resolution is recommended indicating council's decision.

The steps for this process are provided in the section entitled Agreement Process starting on page 13 and a flowchart showing this process is provided on page 17.

3. Combination Process

Some, but not all landowners sign agreements.

Where a municipality receives several different responses to the offer for purchase, the municipality may proceed by using a combination of (1) and (2) above.

Expropriation Process

1. Prepare Expropriation Bylaw (Section 3)

Council must pass an expropriation bylaw. This bylaw establishes a municipality's authority to expropriate pursuant to the Act. The bylaw must state the legal land description of the area to be acquired and the authorized purpose for which it is required. A sample bylaw is provided on page 21.

2. Prepare and Deposit a Plan (Section 4)

This plan may already be prepared as suggested in the preliminary steps. Where the municipality has not prepared a plan to this point one must be prepared. The plan must:

- Show the **property to be expropriated** on the plan;
- Show the **specifications of any work** to be done on the plan;
- Show the **name(s) of the owner(s)** of record according to the latest assessment roll and Land Titles Office on the plan.
 - Remember the definition of owner includes any person who has an interest in the land. Refer to page 4, List of Terms.
- **Be deposited with the Administrator.**
 - It is recommended that council pass a resolution indicating the council direction to accept and deposit the plan as prepared.

3. Serve Notice (Section 5)

The landowner(s) must be notified in writing of council's intent to expropriate. A sample letter of intent and notification is provided on page 22. The notice must include:

- (1) The **date the plan** was deposited with the Administrator;
- (2) A **statement indicating that claims for compensation must be filed** with the Administrator within 30 days (60 days for landowners outside Saskatchewan) from the date of the service of notice;
- (3) A **statement indicating that claims not filed within this period** may be voided by application of the municipality to a judge.

The notice must be hand delivered or sent by registered mail to the landowner(s). If sent by **registered mail it is deemed served** on the day of the receipt of the notice by the addressee as shown by the post office. A print proof of the tracking of the notice to the landowner may be obtained from the Canada Post website at the following link: www.canadapost.ca

If the **landowner cannot be found**, is unknown, absent from Saskatchewan or incompetent, the municipality may make application to a judge to appoint a person to act on behalf of the owner. (Section 20)

4. Enter the Land to do work (Section 6)

A municipality may enter the land to do the work before it has received title if specific conditions are met.

(1) Entry for Roadway

If the land is being taken for a roadway, the municipality may enter onto the land to do the work, unless the landowner(s) obtain(s) a judge's order requiring the municipality to apply for a judicial order to enter the land.

(2) Entry for Other Works

For any other purpose, the municipality may apply to a judge for permission to enter on and use the land. The municipality may be required to deposit with the court, sufficient money to cover compensation claims.

Note: Warrant

If the municipality is obstructed in lawfully entering the land, it may apply to a judge for a warrant to take the land and ensure entry.

Caution: Stopping Process (Section 21)

The municipality may elect to stop expropriation proceedings **before entering** the land to carry out any works, other than the survey. This action may be considered if the courts awarded, to the landowner, an amount which the municipality is not prepared to pay. In this case, the municipality is liable only for costs incurred by the landowner, and damages resulting from the passage of the bylaw and survey.

5. Prepare a survey or feature plan (Section 14-17)

Once again it is important that the municipality is expropriating only what is necessary for the public work.

Plan of Survey Required	Plan of Survey Not Required
<p>A plan of survey or feature plan must be prepared by a qualified land surveyor where no plan exists. If only part of a parcel is expropriated, the plan must meet the requirements of <i>The Planning and Development Act, 2007</i> with respect to the subdivision of land. Where a feature plan is necessary for the purpose of registering an interest in the land, Community Planning Branch approval is required to ensure that it meets the requirements of <i>The Planning and Development Act, 2007</i>.</p> <p>Contact the Community Planning Branch to ensure all requirements regarding subdivision are met. Although an application for a subdivision approval is not required, the plan must still meet all subdivision requirements.</p> <p>Ensure compliance with all local bylaws regarding zoning and development.</p> <p>Ensure the land surveyor has applied signature</p>	<p>Where the municipality is expropriating an entire parcel and a survey plan exists, a new survey plan is not necessary.</p>

Plan of Survey Required	Plan of Survey Not Required
blocks on the plan to be sent for approval.	
<p data-bbox="298 138 899 212">Within six months of entering onto the land, the municipality must have it legally surveyed.</p> <p data-bbox="298 226 899 331">Upon receipt of the plan of survey prepared by the surveyor, the plan must be signed by the Reeve/Mayor and the Administrator.</p>	

6. Obtain Minister's Approval (Section 17 – 18.1)

Currently the Act is administered by the Ministry of Government Relations.

Plan of Survey Required (Section 17)	Plan of Survey Not Required (Section 18.1)
<p data-bbox="298 636 873 709">The following information is to be submitted when requesting approval from the Minister:</p> <p data-bbox="298 709 873 772">a) a certified copy of the Expropriation Bylaw; AND</p> <p data-bbox="298 779 873 884">b) a copy of the plan of survey or feature plan that meets the requirements of <i>The Planning and Development Act, 2007</i>.</p> <p data-bbox="298 926 911 1136">These documents are to be sent to the Community Planning Branch, who will, after ensuring that the plan meets all requirements of <i>The Planning and Development Act, 2007</i>, forward the documentation to the minister for Plan approval. (Section 17)</p> <p data-bbox="298 1178 886 1350">Note: The Minister’s approval does not imply endorsement of the expropriation. It ensures that the plan meets any requirements of <i>The Planning and Development Act, 2007</i>, with respect to the subdivision of land.</p>	<p data-bbox="941 636 1516 709">The following information is to be submitted when requesting approval from the Minister:</p> <p data-bbox="941 709 1516 772">a) a certified copy of the Expropriation Bylaw; AND</p> <p data-bbox="941 779 1516 842">b) a copy of the resolution establishing council’s authority to transfer land.</p> <p data-bbox="941 884 1516 1062">This resolution must indicate that pursuant to the Expropriation Bylaw and Sections 14 and 18.1 of the Act, the municipality intends to transfer the specific land as described. A sample resolution is provided on page 18.</p>

7. Forward approved Plan to the Controller of Surveys. (Section 17-18)

Plan of Survey Required (Section 17)	Plan of Survey Not Required (Section 18.1)
<p>Forward the approved plan to the Controller of Surveys (formerly the Chief Surveyor)</p> <p>After the Controller of Surveys approves the plan:</p> <p>a) All parcels shown as roads, streets, lanes and other public highways vest in Her Majesty in the right of Saskatchewan</p> <p>b) All parcels that are currently in the name of the municipality remain in the name of the municipality</p> <p>c) All other parcels shown on the plan vest in the municipality.</p> <p>Note 1: To vest means to give an immediate, fixed right.</p> <p>Note 2: Ensure that a copy of the plan has been sent to the Ministry of Highways and Infrastructure if the plan involves a roadway. The Controller of Surveys may have already done this.</p>	<p>This step is only required where a plan was necessary.</p>

8. Apply to the Registrar of Titles (Section 18-18.1)

Plan of Survey Required (Section 18)	Plan of Survey Not Required (Section 18.1)
<p>The municipality must apply to the Registrar of Titles to issue titles respecting the parcels that are vested in the municipality.</p> <p>If the municipality chooses to use the 'On-line Submissions', it would use the transforms tab and proceed through the submission.</p> <p>If a municipality chooses to mail, fax or e-mail its submission it would include the Cover page, Transform request and Begin attachment sheet followed by any required documentation. Contact the Registrar of Titles for assistance with this process.</p>	<p>The municipality must apply to the Registrar of Titles to issue title to the parcels shown on the plan where titles already existed.</p> <p>This submission to the Registrar of Titles must include:</p> <p>a) a notice under the seal of the municipality that the land is required by the municipality AND</p> <p>b) a certified copy of the resolution approved by the Minister.</p> <p>The titles will be issued clear of all encumbrances.</p> <p>Note 1: The notice referred to here is a copy of the notice sent to the landowner, which states the purpose the land is required and has been sealed and certified a true copy by the</p>

Plan of Survey Required (Section 18)	Plan of Survey Not Required (Section 18.1)
	municipality. Note 2: In the case of a roadway , copies of the material must also be sent to the Ministry of Highways and Infrastructure . (Section 18.1)

9. Publish Notice of Completion of Work (Section 19)

This section **does not apply** where an expropriation bylaw provides for the **acquisition of an interest** (i.e. easement). The notice of completion of work provides notice to all interested parties that the work has been completed AND that any claims for damages must be filed by a specific deadline. It is recommended that council authorize the Administrator to **publish a notice of completion of work** to minimize possible legal challenges in the future. However, the municipality may choose not to advertise this notice in some situations; for example, where it is highly unlikely that any owner (including any one with an interest in the land) will file a claim.

This notice must:

- (1) Be **publicized in three successive issues** of a local newspaper when all works on the property have been completed;
- (2) Specify the **last day on which claims for damages may be filed** with the Administrator for land not expropriated, but which was injuriously affected by the works.

The last day for filing claims **must be not less than three months from the date of first publication of the notice**, except for minors and mentally handicapped landowners who are allowed one year. The claim must state the reason for the claim and the amount claimed.

A **sample notice** is provided on page 23 of this manual.

Agreement Process

1. Prepare Offer(s) of Purchase

Where the municipality is purchasing land for opening, widening, altering or diverting a road, street, lane or other public highway and has acquired the land by agreement the municipality may wish to submit a plan of survey to the Controller of Surveys through the process set out in the Act.

Note for Rural Municipalities: SARM provides a 1 page form titled ‘Acquisition with Agreement’. This form is an agreement for sale of land and damages for the purposes of roads. Contact the SARM Trading Department for information and/or a copy of this form.

2. Prepare a Survey or feature plan (Section 14-17)

Once again it is important that the municipality is expropriating only what is necessary for the public work.

Plan of Survey Required (Section 17-18)	Plan of Survey Not Required(Section 18.1)
<p>A plan of survey or feature plan must be prepared by a qualified land surveyor where no plan exists. If only part of a parcel is expropriated, the plan must meet the requirements of <i>The Planning and Development Act, 2007</i> with respect to the subdivision of land. Where a feature plan is necessary for the purpose of registering an interest in the land, Community Planning approval is still required to ensure that it meets the requirements of <i>The Planning and Development Act, 2007</i>.</p> <p>Contact the Community Planning Branch to ensure all requirements regarding subdivision are met. Although an application for a subdivision approval is not required, the plan must still meet all subdivision requirements.</p> <p>Ensure the requirements of all local bylaws regarding zoning and development are complied with.</p> <p>Ensure the land surveyor has applied signature blocks on the plan to be sent for approval.</p>	<p>Where the municipality is expropriating an entire parcel and a survey plan exists, a new survey plan is not necessary.</p>
<p>Within six months of entering onto the land, the municipality must have it legally surveyed.</p> <p>Upon receipt of the plan of survey prepared by the surveyor, the plan must be signed by the Reeve/Mayor and the Administrator.</p>	

3. Obtain Minister's Approval (Section 17 – 18.1)

Currently the Act is administered by the Minister of Municipal Affairs.

Plan of Survey Required (Section 17)	Plan of Survey Not Required (Section 18.1)
<p>The Minister may approve the plan of survey where the following have been received:</p> <p>a) proof that the municipality can acquire the land by agreement (copy of signed agreements)</p> <p style="text-align: center;">and</p> <p>b) a copy of the plan of survey or feature plan that meets the requirements of <i>The Planning and Development Act, 2007</i>.</p> <p>These documents are to be sent to the Community Planning Branch who will, after ensuring that the plan meets all requirements of <i>The Planning and Development Act, 2007</i>, forward the documentation to the Minister for Plan approval.</p> <p>Note: In this case, the Minister's approval does not imply endorsement of the expropriation. It ensures that the survey plan meets any requirements of <i>The Planning and Development Act, 2007</i>, with respect to the subdivision of land.</p>	

4. Forward approved Plan to the Controller of Surveys. (Section 17-18)

Plan of Survey Required (Section 17)	Plan of Survey Not Required (Section 18.1)
<p>This step is only required where a plan of survey was necessary.</p> <p>Forward the approved plan to the Controller of Surveys (formerly the Chief Surveyor)</p> <p>After the Controller of Surveys approves the plan:</p> <p>a) All parcels shown as roads, streets, lanes and other public highways vest in Her Majesty in the right of Saskatchewan</p> <p>b) All parcels that are currently in the name of the municipality remain in the name of the municipality</p> <p>c) All other parcels shown on the plan vest in the municipality.</p> <p>Note 1: To vest means to give an immediate, fixed right.</p> <p>Note 2: Ensure that a copy of the plan has been</p>	<p>This step is only required where a plan was necessary.</p>

Plan of Survey Required (Section 17)	Plan of Survey Not Required (Section 18.1)
sent to the Ministry of Highways and Infrastructure if the plan involves a roadway. The Controller of Surveys may have already done this	

5. Apply to the Registrar of Titles (Section 18-18.1)

Plan of Survey Required (Section 18)	Plan of Survey Not Required (Section 18.1)
<p>The municipality must apply to the Registrar of Titles to issue titles respecting the parcels that are vested in the municipality.</p> <p>If the municipality chooses to use the ‘On-line Submissions’, it would use the transforms tab and proceed through the submission.</p> <p>If a municipality chooses to mail, fax or e-mail its submission it would include the Cover page, Transform request and Begin attachment sheet followed by any required documentation. Contact the Registrar of Titles for assistance with this process.</p>	<p>The municipality must apply to the Registrar of Titles to issue title to the parcels shown on the plan where titles already existed.</p> <p>This submission to the Registrar of Titles must include:</p> <ul style="list-style-type: none"> a) a notice under the seal of the municipality that the land is required by the municipality AND b) a certified copy of the resolution approved by the minister. <p>The titles will be issued clear of all encumbrances.</p> <p>Note 1: The notice referred to here is a copy of the notice sent to the landowner, which states the purpose the land is required and has been sealed and certified a true copy by the municipality.</p> <p>Note 2: In the case of a roadway, copies of the material must also be sent to the Ministry of Highways and Infrastructure. (Section 18.1)</p>

CLAIMS FOR COMPENSATION UNDER *THE MUNICIPAL EXPROPRIATION ACT*

1. Compensation may be claimed by **any person whose land is acquired** (Sections 5, 10), or whose **land is injuriously affected** by the expropriation or the work done (Sections 10, 19). In some cases, claims may be voided under Section 5 if not submitted in time. Compensation may **not be claimed** with respect of land **not acquired**, but injuriously affected by the works, where the expropriation bylaw provides for the **acquisition of an easement**. (Section 19)
2. Compensation claims may be settled by agreement between the council and affected landowners (Section 7); or the municipality may make a reasonable offer of settlement to the owners (Section 10).
3. If an agreement cannot be reached the compensation claim is determined by either party applying to a judge or for arbitration (arbitration is used for claims under \$500) (Sections 7, 10).
 - **Arbitration** (Section 8)
 - a) The municipality and the claimant each appoint one arbitrator who in turn selects a third person.
 - b) The arbitrators make a decision and file it with the Local Registrar of the Court of Queen's Bench.
 - c) The award is final and binding on all parties. There is no appeal.
 - d) If arbitrators are not appointed within 30 days of a party's decision to go to arbitration, or if the arbitrators cannot reach a decision within 60 days of appointment, the matter is referred to a judge.
 - **Judicial** (Section 7)

The judge sets a time and place for a hearing, and the parties are notified of the particulars. The judge's decision is final and binding on all parties unless leave is granted to appeal to a higher court.
4. In **determining the amount of compensation** to be awarded the following are to be considered (Section 9):
 - a) The value of land and improvements as of the date the plan was filed with the municipal Administrator, and
 - b) The value of damages, if any, to remaining land.

The judge or arbitrators shall deduct any increased value to the remaining land of the claimant by virtue of the work done or to be done.
5. Where an owner entitled to compensation refuses to transfer land, the judge can order the award to be paid to the court rather than the owner. All awards made run with the land, not the owner and are subject to all encumbrances and limitation on the land (Sections 11, 12, 13).
6. The costs of the hearing are determined as follows:

Where the award is less than the amount offered by the municipality, the costs are taken from the amount awarded the claimant, otherwise the division of costs is at the discretion of the judge or arbitrator (Section 10).

EXPROPRIATION FLOW CHART

If only a part of a parcel is needed, make sure the part complies with any zoning and subdivision requirements.

Identify land value land, make offer and negotiate

If an agreement is reached, proceed with agreement for sale.

No landowner agreement, pass Expropriation Bylaw to proceed under *The Municipal Expropriation Act*. (Sec. 3)

If necessary, have legal survey done.

Deposit Plan and Serve Notice on landowner(s) by registered letter (Sec. 5)

Proceed to Survey Land (Sec. 14-18.1) box within this chart.

Entry to land may be prior to obtaining title if specific conditions are met. (Sec.6-7)

Roadways
Enter land and do work **UNLESS** a judge orders otherwise. (A judge may 'order otherwise' if a landowner makes application) (Sec. 6)

Other Lands
Apply to a court for a judge's 'Order' to authorize the municipality to enter the land and do the work. (Sec. 6)

Survey land and have plan of survey or Feature Plan prepared if necessary. (Sec. 14-18.1)

Submit a copy of the expropriation bylaw **and** either a resolution **or** a plan to the Minister for approval. (Sec.17, 18.1)

Plan must be approved by the mayor/reeve and the administrator prior to submission for approval by the Minister. ((Sec. 16)

Deposit approved plan of survey with the Controller of Surveys with ISC. (Sec. 17-18)

Roadways
Submit a copy also to the Ministry of Highways and Infrastructure. (Sec. 18)

Apply to ISC for new Title. (Sec. 18-18.1)

Publish Notice of Completion of Works if necessary. (Sec. 19)

CHECKSHEET FOR EXPROPRIATION PROCEDURE

1. Legal description of land(s) needed: _____

2. Reason(s) land(s) needed :(including if acquisition is for land or an easement over the land.)

3. Name(s) of registered owner(s): _____

4. Name of municipality land is located in: _____
5. Site area(s) and proposed use(s) meet local bylaws or Provincial Subdivision Regulations.
 yes no n/a
6. Plan of area prepared on _____ or n/a
7. Engineering specifications complete on _____ or n/a
8. Offer to purchase sent to owner(s) on _____
9. Agreement reached with owner(s): no yes

NOTE: If the land is needed for a roadway the expropriation process can be used to speed up land acquisition even if the owner(s) agree to sell(Section 22) - In this case proceed to Step 14(1)

10. Passed resolution to proceed on _____ (Recommended)
11. Passed expropriation bylaw on _____ (Sec. 3).
12. Plans and specifications deposited with Administrator on _____(Sec.4).
13. Notice hand delivered or send by Registered Mail to owner(s) on _____(Sec 5).
14. (1) Cease expropriation proceedings (Sec. 21)
 OR
 (2) Enter land and commence work if for roadway (Sec. 6).
 OR
 (3) Apply to judge for permission to enter land to do work (Sec. 6).

If resistance or opposition to entry is made after permission has been obtained from a judge apply to judge for warrant to put the municipality in possession and to put down the resistance. (Sec. 6).

15. Complete survey of land(s) *(must be done within six months of entry onto the property)*.
(Sec. 14 -16) or n/a
16. Apply for Ministerial approval of Plan or resolution
(Sec. 17, 18, 22)
17. Submit approved materials to the Controller of Surveys (ISC)
(and a copy to Ministry of Highways and Infrastructure if necessary (Section 17))
18. Register Title with ISC

Received title to land(s) (Sec. 18)
(unless roadway where title is raised to the Ministry of Highways and Infrastructure))
19. Publish notice of completion of works and call for compensation claims for three consecutive
weeks in a local newspaper unless for an easement. (Sec. 19)

SAMPLE RESOLUTIONS

To state and authorize the acquisition of land or an interest over the land.

1. That the _____ of _____ acquire the land (*or an interest over the land*) described as:

For the authorized municipal purpose of _____
(*reason, description of intended work or use*);

To authorize the administration to proceed under the requirements of *The Municipal Expropriation Act*.

2. That the _____ of _____, being unable to acquire the land by agreement with the landowner(s) who are

(*name*)
proceed under the provisions of *The Municipal Expropriation Act* to acquire the land (*or an interest over the land*) to the property described as

To establish the councils authority to transfer land.

3. That pursuant to the authority established pursuant to Expropriation Bylaw No. _____, the _____ of _____ proceed to transfer the title of the land described as follows:

SAMPLE BYLAW

_____ of _____

Bylaw _____.

A Bylaw to Authorize the Expropriation of Land (*Legal Description*)

The Council of the _____ of _____ in the Province of
Saskatchewan enacts as follows:

1. The Council of the _____ of _____ deems it
necessary to acquire title (or acquire an interest) to (*describe land*)

for the purpose of (*reason*)

and cannot do so by agreement with the landowner(s).

2. It shall be lawful for Council of the _____ of _____ to
expropriate the said property; and to proceed in accordance with the provisions of *The
Municipal Expropriation Act*.

3. This bylaw shall come into force on _____
(*The date of adoption by Council or other specified date*)

(Seal)

Reeve/Mayor

Administrator
(Section 3 of *the Municipal Expropriation Act*)

SAMPLE NOTICE OF INTENTION

REGISTERED

To:
[Owner~Address]

Re: Expropriation of (*legal description*)

This is to advise you, as registered owner of _____,
(legal description)
that the _____ of _____ has determined that it
(Name of the Municipality)
requires a portion of your property for municipal purposes. Since the _____
(RM/Town/Village/Resort Village)
was unable to reach a suitable agreement with you for acquisition of this area, the municipality is
now proceeding under the provisions of *The Municipal Expropriation Act*.

This letter will serve as notice, pursuant to Section 5 of *The Municipal Expropriation Act*, that the
_____ of _____ intends to acquire that portion
(Name of the Municipality)
of the property (or acquire an interest over the land) described as:

(describe or attach plan)
for the purposes of _____
(describe work to be done)

A plan showing the area and the specifications of the work to be done was deposited with the
Administrator of the _____ of _____ on _____, 20____.
(Name of Municipality)

You are hereby given notice that you are entitled to claim compensation for the land taken or
damage sustained to your property resulting from this action. Any claim must be filed with the
Administrator of the _____ of _____,

(Name of Municipality) *(Address)*
within 30 days (*or 60 days if they reside outside Saskatchewan*) from the date of service of this
notice. Your claim must specify the nature of the claim and the amount of compensation requested.

If your claim is not made within the specified time, your right to request compensation may be
legally limited.

Please note that pursuant to section 6 of *The Municipal Expropriation Act*, the municipality is, after
service of this notice, legally entitled to, and will, enter upon, take possession of and use the land, for
the purpose of carrying out the required work.

Sincerely,

SAMPLE NOTICE

_____ of _____

PUBLIC NOTICE

Claims For Damages Resulting From

(description of work done and land affected)

Pursuant to Section 19 of *The Municipal Expropriation Act*, the Council of the _____ of _____ gives notice that the work has been completed on the following property: *(insert description)*

and shown in the sketch below: *(insert sketch if required)*

Any individual whose land was not taken for the work, but was injuriously affected by it must file a claim stating the nature of the damage and the amount claimed with the Administrator of the

_____ of _____,
(Name of Municipality)

(address)

on or before _____ p.m. on the _____ day of 20____

Any claim not filed by that date is barred,

Issued at _____ this _____ day of _____, 20____

(Administrator)