



[Realty Expropriation Cases]

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L. REALTY

(i) EXPROPRIATION

In four cases the Supreme Court had occasion to consider the law on the principle of compensation in expropriation procedures. Two of these were appeals from the Court of Appeal for Ontario, the other two came from the Exchequer Court (both involving Her Majesty in right of Canada).

In all these cases the basic issue was—"the value of the land". The variations between the amounts of compensation sought by the owner and those offered by the expropriating authority, recommended by the proper administrative tribunal, or eventually awarded by the courts are a constant source of amazement to the layman and to the lawyer alike.

Mr. Justice Abbott delivering the majority judgment in *Standish-Hall Hotel Inc. v. The Queen*, [1963] S.C.R. 64 at 71 says: ". . . in a case such as this the tribunal of fact must first determine *in accordance with well established principles* the value of the land to the owner as of the date of expropriation . . ." (emphasis added). This statement is most reassuring, yet disconcertingly only in one out of the four cases did the Supreme Court render a unanimous judgment. The average student or practitioner might well wonder what well established principles Abbott J. is talking about.

1964]

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A brief factual survey of the cases follows.