

1980 BILL 226

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Second Session, 19th Legislature, 29 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 226

AN ACT TO AMEND THE EXPROPRIATION ACT

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MR. PURDY

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First Reading -----

Second Reading -----

Committee of the Whole -----

Third Reading -----

Royal Assent -----

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Bill 226  
Mr. Purdy

## BILL 226

1980

### AN ACT TO AMEND THE EXPROPRIATION ACT

(Assented to \_\_\_\_\_, 1980)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. *This Act amends The Expropriation Act.*
2. *Section 40 is amended by adding after clause (a):*  
“(a.1) Any amount in excess of the market value that the owner is obliged to pay to acquire property to replace the land where
  - (i) as a result of the unique nature of the land it is not possible to purchase property that is its exact equivalent, or
  - (ii) no property equivalent to the land is available in the vicinity of the land and as a result it is necessary to purchase property in another locality at a higher price,(a.2) in determining the amount payable under clause (a.1) it shall be recognized that the owner should have sufficient compensation to be able to acquire property of no less a quality and convenience to him than the land.”
3. *This Act comes into force on the day upon which it is assented to.*

## **Explanatory Notes**

**1.** 1974, c. 27.

**2.** Section 40 presently reads:

40. (1) Where land is expropriated, the expropriating authority shall pay the owner such compensation as is determined in accordance with this Act.

(2) Where land is expropriated, the compensation payable to the owner shall be based upon

- (a) the market value of the land,
- (b) the damages attributable to disturbance,
- (c) the value to the owner of any element of special economic advantage to him arising out of or incidental to his occupation of the land to the extent that no other provision is made for its inclusion, and
- (d) damages for injurious affection.