

## ***Municipal Government Act, c. M-26***

### **Public works affecting land**

**534(1)** In this section, “injurious affection” means, in respect of land, the permanent reduction in the appraised value of land as a result of the existence, but not the construction, erection or use, of a public work or structure for which the municipality would be liable if the existence of the public work or structure were not under the authority of an enactment.

**(2)** Within one year after the construction or erection of a public work or structure is completed, as signified by the construction completion certificate, the municipality must deliver or mail to every owner of land that abuts land on which the public work or structure is situated, and place in a newspaper circulating in the municipality, a notice that

- (a) identifies the public work or structure,
- (b) gives the date of completion, and
- (c) states that claims for compensation under this section must be received within 60 days after the notice is published in the newspaper.

**(3)** Subject to subsection (4), an owner of land that abuts land on which a public work or structure is situated is entitled to compensation from the municipality for injurious affection to the owner’s land.

**(4)** An owner of land described in subsection (3) is entitled to compensation under this section only if the owner files with the municipality a claim within 60 days after notice of the completion of the public work or structure is published in the newspaper.

**(5)** A claim must state the amount claimed and the particulars of the claim to prove the claim.

**(6)** The value of any advantage to a claimant’s land derived from the existence of the public work or structure must be set off against the amount otherwise payable as compensation for injurious affection.

**(7)** No compensation is payable for injurious affection caused by

- (a) the existence of boulevards or dividers on a road for the purpose of channelling traffic, or
- (b) the restriction of traffic to one direction only on any road.

**(8)** No action or claim for injurious affection may be made except under this section.

**(9)** If the claimant and the municipality are not able to agree on the amount of compensation for injurious affection, the claimant and the municipality may agree to have the amount determined by binding arbitration under the *Arbitration Act*.

**(10)** If the claimant and the municipality do not agree to have the amount of compensation for injurious affection determined by binding arbitration, the amount of compensation for injurious affection must be determined by the Land and Property Rights Tribunal.

**(11)** Subject to the regulations made under subsection (15), the Land and Property Rights Tribunal may follow the practices and procedures used under the *Expropriation Act*.

**(12)** Except in exceptional circumstances, the Land and Property Rights Tribunal may not award legal costs on a solicitor-client basis in respect of a proceeding under this section.

**(13)** An appeal lies to the Court of Appeal from any determination or order of the Land and Property Rights Tribunal under this section.

**(14)** Section 37 of the *Expropriation Act* applies to an appeal under subsection (13).

**(15)** The Minister may make regulations

(a) respecting the practice and procedure of a proceeding before the Land and Property Rights Tribunal under this section;

(b) subject to subsection (12), respecting costs that may be awarded by the Land and Property Rights Tribunal in respect of a proceeding under this section.

**(16)** This section applies only in respect of public works and structures for which a construction completion certificate is issued after this section comes into force.