

Property Acquisition

Throughout 2006, the Detroit River International Crossing (DRIC) study team will continue to investigate methods and design options to avoid or reduce impacts to the community. Unfortunately, because of the dense land use in the Windsor-Essex area, impacts to the local community are an inevitable part of building a new border crossing system, including a river crossing, inspection plaza and access road, in the Windsor-Detroit Gateway.

Once the preferred option is identified in 2007, you can expect the formal property acquisition process to start in 2008. Because options are still being studied and evaluated, the DRIC study team is not in a position to identify the required property at this time.

Once the project is at that stage, the government will work with homeowners and business owners to acquire property in a mutually agreeable way.

The acquisition process follows these general steps:

- The Ministry of Transportation (MTO) will contact you if any part of your land is required.
- The property acquisition procedures will be explained to you in detail.
- You may be asked to allow members of the survey crew onto your property to survey property requirements.
- Ministry staff or a fee appraiser will appraise your property according to fair market value.
- A ministry real estate officer will explain the appraiser's findings, the pending construction plans, your rights as a property owner, and will present an offer of compensation.

Compensation is based on the market value of your property. In the case of a partial acquisition, compensation is based on the loss in market value to your property. Market value is based on what similar land in the neighbourhood might be expected to sell for if sold on the open market by a willing seller to a willing buyer. Upon final settlement, there are provisions for payment of other reasonable expenses actually incurred.

Prior to the technically and environmentally preferred alternative being identified by the DRIC study team, owners can request the "Advance Purchase" of their property on a willing seller/willing buyer basis, if the property in question is substantially impacted by one or more of the alternatives under consideration. A property owner must demonstrate hardship based on the following criteria:

- if permits for development or redevelopment, which would otherwise have been approved, are denied because of the Ministry proposal

OR

- if a property is substantially contained in the proposed right of way and has not sold after being listed on the open market at a reasonable price for a reasonable period of time

OR

- if the owners are faced with personal circumstances such as financial issues, health issues or other extenuating circumstances that necessitate the sale of the subject property.

Compensation for advance property purchase is limited to the market value of the land plus reasonable legal fees for the conveyance by deed. The purchase is not to be treated as an expropriation and therefore the entitlements under the *Expropriations Act* do not apply.

If you are not satisfied with the offer of compensation presented, there is a legislated appeal process available to you. Your rights will be fully explained to you by the ministry's real estate officer.

For more information on property purchasing, contact the Ministry of Transportation, Windsor Border Initiatives Implementation Group, Program Delivery Office at 659 Exeter Road, London, ON N6E 1L3. Phone: (519) 873-4800. Fax: (519) 873-4789.

To read the Public Transportation and Highway Improvement Act, visit:
http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/90p50_e.htm