

Highlights

ONTARIO — CASES: “EXPROPRIATE” — DEEMED EXPROPRIATION OUTSIDE THE TRIBUNAL’S JURISDICTION —

With this release, the authors have re-organized and updated the text’s discussion of deemed expropriations in Section 2:5 to address and assess the Supreme Court of Canada’s decision in *Annapolis Group Inc. v. Halifax Regional Municipality*, 2022 CarswellNS 717 (S.C.C.), a decision that revisited the test for establishing a deemed expropriation. Decisions that comment on the test but that predate *Annapolis* must be read the Supreme Court of Canada’s decision in *Annapolis* in mind. In *Annapolis*, the court clarified that: a taking does not require an actual acquisition of the property itself, but can be in the nature of securing the beneficial interests that flow from the property; the beneficial interests can be in the nature of an advantage of the lands; and the intention of the authority exercising regulatory control can be relevant to determining the comprehensiveness of the interest taken.

EVIDENCE — APPENDICES — ONLINE RESOURCES — The appendix of online resources pertaining to the entities that hear and mediate expropriation claims and the professional organizations for expert witnesses most commonly relied upon in mediation, arbitrations and trials has been reviewed for currency and updated to October 2023.

CANADA — APPENDICES — EXPROPRIATION ACT: TABLE OF CONCORDANCE — Appendix 7B provides a concordance of the provisions of the *Expropriation Act*, R.S.C. 1985, c. E-21 to the same statutes R.S.C. 1970, c. 16 (1st Supp.) version. The concordance has been updated to reflect the provisions of the 1985 statute, as amended to October 2023.

BRITISH COLUMBIA — In this release, the legislation contained in Chapter 8 (British Columbia) has been updated to reflect the most current provisions.

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