

Notice of Expropriation Form 7

Expropriations Act, R.R.O. 1990, Reg. 363

To: Name of owner

William G. Athoe and Ward A. Winger

Address

| | | | |
|-------------|---------------|-------------|-------------|
| Unit number | Street number | Street name | |
| | | Unknown | |
| City/Town | | Province | Postal code |
| | | | |

Take notice that:

1. The lands shown on a plan registered in the Land Registry Office for the Land Titles Division of Niagara South (59)
Name of proper land registry office

on the 13 day of July, 20 22 as No. SN734272
Date Month Year

have been expropriated and are now vested in the expropriating authority.

2. The name and address of the expropriating authority for service and further communications is:

Name of expropriating authority

The Corporation of the City of Port Colborne

Address of expropriating authority

| | | | |
|---------------|---------------|------------------|-------------|
| Unit number | Street number | Street name | |
| | 66 | Charlotte Street | |
| City/Town | | Province | Postal code |
| Port Colborne | | ON | L3K 3C8 |

- Attached hereto is copy of the relevant portion of the plan of expropriation of your land (or a description thereof).
- Under the Act you may elect, by notice in writing served upon the expropriating authority within thirty days after the service of this notice upon you, to have the compensation to which you are entitled assessed,
 - where there has been a hearing under section 7 of the Act, as of the date the notice of hearing was served;
 - as of the date of the registration of the plan; or
 - as of the date on which you were served with this notice, or
 - if a process prescribed by a regulation made under section 8.1 applied, as of the date specified by the regulation, and, where the election is not made within the prescribed time, you shall be deemed to have elected to have the compensation assessed as of the date of the registration of the plan.
- For your convenience a copy of a Notice of Election is furnished herewith.
- Under the Act, the expropriating authority will notify you of the amount of compensation it is willing to pay you for your interest in the land.
- If you are not satisfied with the offer you are entitled to apply to the Ontario Land Tribunal for determination of compensation in accordance with the Act. Contact information for the Ontario Land Tribunal is:
Ontario Land Tribunal
655 Bay Street, Suite 1500
Toronto, ON M5G 1E5
<https://olt.gov.on.ca/> General Inquiries e-mail: OLT.General.Inquiry@ontario.ca
Tel: 416-212-6349 or toll free 866-448-2248
TTY: 800-855-1155 via Bell relay

8. For your information and convenience, certain provisions of the Act that apply to,
- a. determination of compensation, and
 - b. the payment of your legal and appraisal costs

are set out as follows: (set out provisions)

Section 10 of the Expropriations Act provides that where an expropriation plan has been registered, the registered owner may elect, by notice in writing served upon the expropriating authority, within 30 days after the owner was served with this notice of expropriation, to have the compensation to which the owner is entitled assessed as of the date of the registration of the plan or as of the date on which the owner was served with the notice of expropriation and where the election is not made within the prescribed time, the owner shall be deemed to have elected to have the compensation assessed as of the date of the registration of the plan.

Section 13 of the Expropriations Act provides that where land is expropriated, the expropriating authority shall pay the owner such compensation as is determined in accordance with this Act.

Further, Section 13 provides that where the land of an owner 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) damages for injurious affection; and
- (d) any special difficulties in relocation.

Section 26 of the Expropriations Act provides that if the municipality and the owner do not agree on the compensation payable under this Act, the statutory authority or the owner may apply to the Tribunal for the determination of compensation by way of a hearing or otherwise as provided for under the Ontario Land Tribunal Act 2021.

Section 32 of the Expropriations Act provides that where the amount which the owner is entitled on an expropriation is determined by the Tribunal and the amount awarded by the Tribunal is 85% or more of the amount offered by the statutory authority, the Tribunal shall make an order directing the statutory authority to pay the reasonable, appraisal and others costs actually incurred by the owner for the purpose of determining the compensation available, and may fix the costs in a lump sum or may order that the determination of the amount of such costs be referred to an assessment officer who shall assess and allow the costs in accordance with this subsection and the tariffs and rules prescribed.

Dated at the City of Port Colborne, this 13 day of July, 2022.

City of jurisdiction

Date

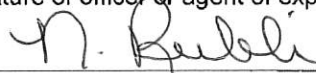
Month

Year

Name of expropriating authority
The Corporation of the City of Port Colborne

Name of officer or agent of expropriating authority
Nicole Rubli

Signature of officer or agent of expropriating authority



(Where this notice is published, the following shall appear in each publication:

"This notice first published on the 21st day of July, 2022".)

Date

Month

Year