

# Ministry of Justice

## Public and Private Rights Board



## Annual Report for 2016



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# Letters of Transmittal



Honourable Brad Wall

President of Executive Council

Dear Mr. Premier:

As per subsection 6(3) of *The Expropriation Procedure Act*, I have the honour to submit to you the Annual Report of the Public and Private Rights Board for the period January 1, 2016 to December 31, 2016.

Respectfully submitted,

A handwritten signature in black ink, which appears to read "J. Glen Gardner". The signature is fluid and cursive, with the first and last names being more prominent.

J. Glen Gardner, Q.C.

Chairman

# Staff

The staff of the Public and Private Rights Board are:

- J. Glen Gardner, Q.C. - Chairman
- Verna LeBlanc - Administrative Assistant

## Message from the Chairman

Under *The Expropriation Procedure Act*, the Public and Private Rights Board has the authority to review matters relating to the expropriation of land, or the intention to acquire land by expropriating authorities. The Board investigates claims and manages negotiations between landowners and expropriating authorities in an effort to help the parties reach mutually acceptable solutions.

Landowners may request the Board to review either or both:

- a. the route, situation or design of a public improvement; and
- b. the amount of compensation offered for the expropriated land.

The primary role of the Public and Private Rights Board is dispute resolution. For this reason, the Board uses the services of The Dispute Resolution Office at the Ministry of Justice to deliver its mandate. The Board assists landowners and expropriating authorities in reaching agreement on the most appropriate route or design of a public improvement and/or what fair and reasonable compensation should be paid for the required land or easement.

*"The primary purpose of compensation is to place the owner whose land has been taken in the same position financially as he was prior to the taking. On the one hand, the owner should not receive a windfall or unjust enrichment as a result of the taking. On the other hand, the owner should not be required to shoulder an economic loss for the general public benefit which is achieved as a result of the taking."*<sup>1</sup>

The Board assists parties in their negotiations and, if necessary, mediates a settlement. In many instances, resolution can be reached prior to the formal expropriation process being initiated. This is beneficial to all the parties as it brings a neutral third party to work with them to ensure accountability, clear understanding and openness.

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<sup>1</sup> Kenneth J. Boyd, *Expropriation in Canada – A Practitioner's Guide* (Aurora, Ontario: Canada Law Book, 1988), p.27

# Tables

## a. Number and Nature of Claims Received, Negotiated, Completed, Withdrawn and Carried Forward by the Board in 2016

### i. Number and Nature of Claims Negotiated in 2015

#### (A) Carried forward from 2015:

i)	Route, Situation or Design	4
ii)	Compensation	3
	<i>Subtotal</i>	7

#### (B) New claims received in 2016:

i)	Route, Situation or Design	3
ii)	Compensation	11
iii)	Claims withdrawn in 2015	2
	<i>Subtotal</i>	16

### ii. Number and Nature of Claims Completed in 2016

i)	Route, Situation or Design	5
ii)	Compensation	7
	<b>Total</b>	<b>12</b>

### iii. Number and Nature of Claims Carried Forward into 2017

i)	Route, Situation or Design	2
ii)	Compensation	9
	<b>Total</b>	<b>11</b>

**b. Number and Nature of Claims Received by the Board in 2016  
(by Expropriating Authority)**

<b>Expropriating Authority</b>	<b>Route, Situation or Design</b>	<b>Compensation</b>	<b>Total</b>
SaskTel	1	1	2
SaskPower	0	1	1
Highways	0	8	8
Miscellaneous	2	1	3

**c. Resolution of Claims Initiated with the Board in 2016  
(by Expropriating Authority)**

<b>Expropriating Authority</b>	<b>Negotiated Successfully</b>	<b>Negotiated Unsuccessfully</b>	<b>Withdrawn</b>	<b>Total</b>
SaskTel	3	0	0	3
SaskPower	0	1	0	1
Highways	4	1	2	7
Miscellaneous	1	0	0	1



**d. Number and Nature of Claims Received by the Board (2006-2016)**

<b>Year</b>	<b>Route, Situation or Design</b>	<b>Compensation</b>	<b>Total</b>
2006	1	2	3
2007	3	3	6
2008	3	3	6
2009	4	7	11
2010	2	3	5
2011	8	5	13
2012	1	9	10
2013	3	14	17
2014	16	12	28
2015	13	7	20
2016	3	11	14

**e. Number of Claims Received by the Board  
by Expropriating Authority (2006-2016)**

<b>Year</b>	<b>Conservation &amp; Development Area Authorities</b>	<b>SaskTel</b>	<b>Sask Power</b>	<b>Sask Energy</b>	<b>Highways</b>	<b>Misc.</b>
2006	0	0	0	1	1	1
2007	0	2	0	0	3	1
2008	0	1	1	0	4	0
2009	0	6	2	0	3	0
2010	0	1	1	0	3	0
2011	0	2	4	0	6	1
2012	0	1	3	0	4	2
2013	0	2	1	0	13	1
2014	0	3	2	0	21	2
2015	0	2	1	0	17	0
2016	3	2	1	0	8	0



