



MANITOBA ORDER IN COUNCIL

DATE: **October 07, 2009**

ORDER IN COUNCIL NO.: **00327 / 2009**

RECOMMENDED BY: **Minister**

ORDER

The Minister of Infrastructure and Transportation is directed to make an order confirming the declaration of expropriation of lands in the Rural Municipality of Alexander, shown on a plan deposited in the Winnipeg Land Titles Office as No. 746/2009, without an inquiry being conducted under Schedule A of *The Expropriation Act*.

AUTHORITY

The Highways and Transportation Act, C.C.S.M. c. H40, states:

Acquisition of property

6(1) The minister, for and in the name of the Crown, may acquire by purchase, lease, expropriation, or otherwise, any real property or by purchase, lease, or otherwise, any personal property that the minister deems necessary for departmental roads, airports or docks or for purposes connected therewith; and he or she may hold, manage, and develop any such property.

The Expropriation Act, C.C.S.M. E190, states:

Confirming authority

9(1) Upon a declaration being submitted to it, the confirming authority shall act and shall cause proceedings to be taken in accordance with Schedule A and may by its order

(a) confirm the declaration; or

(b) refuse the declaration; or

(c) with the consent of the authority submitting the declaration, confirm the declaration with such modification thereof as it considers proper but not so as to affect the land of an owner who has been afforded no opportunity to be heard in the proceedings in respect of the modification.

Where inquiry not necessary

9(8) The provisions of Schedule A do not apply where

(a) the Lieutenant Governor in Council, deeming it necessary or expedient in the public interest to do so in the circumstances, directs the confirming authority to make its order confirming a declaration without an inquiry being conducted;

BACKGROUND

1. Manitoba Infrastructure and Transportation requires a certain property, from one affected land owner, to allow for slope stabilization and repair of a failing culvert over a Public Drain on PTH 11.
2. Representatives of the Crown Lands and Property Agency have contacted the registered owners of the affected property; however, no agreement was reached respecting the sale of the lands to the Province.
3. In order to secure the lands and repair the failing culvert before it fails completely and complete the slope stabilization, it is necessary to obtain the lands by expropriation.
4. On behalf of the Minister of Infrastructure and Transportation, the Chief Operating Officer of the Crown Lands and Property Agency signed a declaration of expropriation on September 16, 2009. A notice of intended expropriation was also signed on September 16, 2009 and was submitted for registration in the Winnipeg Land Titles Office.
5. It is necessary and in the public interest to direct the Minister of Infrastructure and Transportation (as the confirming authority for this expropriation) to make an order confirming the declaration of expropriation without an inquiry being conducted in accordance with Schedule A of *The Expropriation Act*.