



Province of Alberta

EXPROPRIATION ACT

EXPROPRIATION ACT FORMS REGULATION

Alberta Regulation 188/2001

With amendments up to and including Alberta Regulation 177/2017

Office Consolidation

© Published by Alberta Queen's Printer

Alberta Queen's Printer
Suite 700, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

Copyright and Permission Statement

Alberta Queen's Printer holds copyright on behalf of the Government of Alberta in right of Her Majesty the Queen for all Government of Alberta legislation. Alberta Queen's Printer permits any person to reproduce Alberta's statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and Crown copyright is acknowledged in the following format:

© Alberta Queen's Printer, 20__.*

*The year of first publication of the legal materials is to be completed.

Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

(Consolidated up to 177/2017)

ALBERTA REGULATION 188/2001

Expropriation Act

EXPROPRIATION ACT FORMS REGULATION

Forms

1 The forms in the Schedule are the forms prescribed for the purposes of the sections of the Act indicated on them.

Repeal

2 The *Forms Regulation* (AR 473/81) is repealed.

Expiry

3 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be re-passed in its present or an amended form following a review, this Regulation expires on November 30, 2022.

AR 188/2001 s3;354/2003;297/2009;214/2012;182/2015;177/2017

Schedule

Form 1

**Expropriation Act
(Section 8)**

Notice of Intention to Expropriate

1 Take Notice That (full description or name of expropriating authority) intends to expropriate the following land:

(description of land or a survey
plan showing the land required
outlined in red)

2 The nature of the interest in the land intended to be expropriated is: (describe nature of the interest)

3 The work or purpose for which the interest in the land is required is: (describe the work or purpose)

4 Section 6 of the Act provides that:

6(1) No person may in any proceedings under this Act dispute the right of an expropriating authority to have recourse to expropriation.

(2) In any proceedings under this Act the owner may question whether the taking of the land, or the estate or interest in it, is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority.

5 Section 10 of the Act provides that:

10(1) An owner who desires an inquiry shall serve the approving authority with a notice of objection,

- (a) in the case of an owner served in accordance with section 8(2), within 21 days after service on the owner of the notice of intention, and
- (b) in any other case, within 21 days after the first publication of the notice of intention.

(2) The notice of objection shall state

- (a) the name and address of the person objecting,
- (b) the nature of the objection,
- (c) the grounds on which the objection is based, and
- (d) the nature of the interest of the person objecting.

6 A person affected by the proposed expropriation does not need to serve a notice of objection to the expropriation in order to preserve his right to have the amount of compensation payable determined by the Board or the Court, as the case may be.

7 The approving authority with respect to this expropriation is: (give full name and address of the approving authority).

Dated this ____ day of _____, 20 ____

(signature of appropriate official of
the expropriating authority) _____

(full name and address of the
expropriating authority)

Form 2

Expropriation Act (Section 10)

Notice of Objection

Take Notice That

1 (full name(s), and address(es) of the persons(s) objecting)

hereby object to the expropriation of the interest in the land set forth in the Notice of Intention to Expropriate dated the ____ day of _____, 20__ relating to the proposed expropriation by (full name and address of the expropriating authority)

2 (set out the nature of the objection)

3 (set out the grounds on which the objection is based)

4 (describe fully the nature of the interest in the land of the person(s) objecting)

Dated this ____ day of _____, 20__

(signature of the person(s) objecting or
the Solicitor of the person(s) objecting)

(full name and address of
that person(s) or Solicitor)

To (name and address of the approving authority)

Form 3**Expropriation Act
(Section 15)****Notice of Inquiry**

Take Notice That (name of inquiry officer), as inquiry officer appointed by the Minister of Justice and Solicitor General for Alberta, will hold an inquiry at the following time and place: _____ . The inquiry officer will inquire into whether the intended expropriation by (name of expropriating authority) of (describe the land and the interest therein intended to be expropriated) is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority.

Dated this _____ day of _____, 20__

To (name and signature of the inquiry officer)
(each person who has objected) (the expropriating authority)

Form 4**Expropriation Act
(Section 18)****Certificate of Approval**

(name and address of approving authority) hereby approves the expropriation of the following land: (describe the land expropriated fully or by reference to a plan of survey either accompanying the certificate or previously registered.)

- 1 The nature of the interest in the land expropriated is _____
- 2 The work or purpose for which the interest in the land is expropriated is _____
- 3 The expropriating authority is _____
(name and address of the expropriating authority)
- 4 The land stands in the Register of the _____ Alberta Land Registration District in the name(s) of _____ in Certificate of Title Number _____

Dated this ____ day of _____, 20__

(signature of appropriate official
of the approving authority) _____

(full name and address of
the approving authority) _____

(In the case of expropriation by a municipality, a certified copy of the resolution or bylaw approving the expropriation must be attached to this certificate.)

Form 5

Expropriation Act (Section 24)

Notice of Abandonment of Expropriation

Take Notice That

1 (name of expropriating authority) does hereby abandon its intention to expropriate any interest in the land described as: _____ standing in the Register of the _____ Alberta Land Registration District in the name(s) of _____ under Certificate of Title Number _____

2 The Registrar of the _____ Alberta Land Registration District is hereby requested to cancel and discharge the Notice of Intention to Expropriate dated ____ day of _____, 20__ and registered on the ____ day of _____, 20__ as Number _____

Dated this ____ day of _____, 20__

(signature of appropriate official
of expropriating authority) _____

(full name and address
of expropriating authority) _____

To _____
All owners
The Approving Authority
The Registrar of Land Titles

Form 6**Expropriation Act
(Section 31)****Notice of Expropriation**

To _____ (name of the owner)
_____ (address)

Take Notice That

1 The following land
_____ (set out description)
has been expropriated on the _____ day of _____, 20____
and is now vested in the expropriating authority.
(Where the expropriated estate or interest is less than a fee simple,
the interest will be stated, e.g., right of way for a pipe line.)

2 The name and address of the expropriating authority for service
and further communication is:
_____ (name)
_____ (address)

3 For your information and convenience we will set out the
provisions dealing with your right to immediate payment of
compensation based on an appraisal report, dealing with the
expropriating authority's right to take possession and dealing with
your right to costs.
(The relevant sections will be attached; they are sections 29, 31, 32,
33, 35, 37 and 64.)

4 If you are not satisfied with the amount the expropriating
authority is willing to pay, you may take the matter to the (Land
Compensation Board or the Surface Rights Board, as the case may
be) at _____
(Where the expropriating authority is the Crown, add: or if you
prefer you may commence proceedings in the Court of Queen's
Bench.)

5 If you do not commence proceedings within one year of the date
of receipt by you of the written notification of the proposed
payment given by the expropriating authority, the amount of the
proposed payment shall be conclusively deemed to be the full
compensation to which you are entitled.

Form 7**Expropriation Act
(Section 31)****Notice of Proposed Payment**

To _____ (name of owner)
 _____ (address)

Take Notice That

1 (name of expropriating authority) has on the _____ day of _____, 20__ served on you a Notice of Expropriation.

2 (name of expropriating authority) has had an appraisal made of the interest in the land expropriated as more particularly described in the Notice of Expropriation and a written copy of such appraisal is attached.

3 Based on such written appraisal the (name of expropriating authority) proposes to pay to you the amount of _____ () dollars in full satisfaction of any claim that you may have with respect to the land expropriated. The amount is determined as follows:

(list those separate items and amounts, including severance damage, that make up the said amount)

4 For your information and consideration we again direct your attention to those sections of the Act set out in item 3 of the Notice of Expropriation served on you dealing with your right to immediate payment of the amount of compensation set out in this Notice, dealing with the expropriating authority's right to take possession and dealing with your right to costs.

Dated this _____ day of _____, 20__

(signature of appropriate official
 of expropriating authority) _____

(name and address of expropriating authority)

Form 8**Expropriation Act
(Section 64)****Notice of Possession**

To _____
(name of person in possession)

(address of person in possession)

Take Notice That

1 (name of expropriating authority) has registered in the Land Titles Office for the _____ Alberta Land Registration District on the _____ day of _____, 20__ as Number _____ a Certificate of Approval issued by (name of approving authority).

2 (name of expropriating authority) has on the _____ day of _____, 20__ served on you a Notice of Expropriation.

3 (name of expropriating authority) will require and hereby demands possession of the expropriated interest in the land described as (describe land and interest therein), on the _____ day of _____, 20__.

Dated this _____ day of _____, 20__

(signature of appropriate official)

of the expropriating authority)

(name and address of expropriating authority)

AR 188/2001 Sched.;217/2002;170/2012



Printed on Recycled Paper 