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It's better to settle than to expropriate: Experts

By **BRYN WEESE, SUN MEDIA**

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To expropriate or not to expropriate, it's hardly even a question.

According to city officials and legal authorities, it's always better to buy property in a negotiated settlement with a willing seller, than to take it away by force.

"Expropriation is generally a confrontational process," said Stephen D'Agostino, a partner with Toronto's Thomson Rogers, a law firm that specializes in the process.

It's also cheaper, he said.

"From a dollars and cents point of view, if they can come to an agreement on the amount, then there's a whole bunch of consulting fees that they (governments) generally can avoid," D'Agostino added.

The Province's Expropriations Act, which protects landowners' rights when a government seizes their property, not only forces the government expropriating the land to offer the appraised value, but the landowner has the right to demand more, and can appeal the offer at the OMB, he said.

The issue of land expropriation came up last week when the city paid \$709,000 to buy a house in Willowdale, only to spend another \$100,000 to tear it down and turn it into a park. The city had been negotiating with the landowner since 2007.

Since 2001, the city has purchased or acquired from developers eight of the nine lots needed to create a new park between Greenfield and Maplehurst Aves. on the west side of Longmore St. The homes are worth about \$5 million, and the \$1.5 million the city has spent to date buying the properties has come from a parkland acquisition fund paid for by developers who must provide a certain amount of park space when they build a condominium or other large development.

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