

BRITISH COLUMBIA EXPROPRIATION
ASSOCIATION
2006 FALL SEMINAR
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Compensation and Valuation Challenges
Special Use – Public Assets
Presented by
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REAL ESTATE APPRAISERS & CONSULTANTS

SPECIAL USE – PUBLIC ASSETS

Limited market – churches, hospitals, schools, etc.

- 35 (1) Unless an owner elects to be paid compensation in accordance with the other provisions of this Part, the market value of the owner's estate or interest in the land is deemed to be the reasonable cost of equivalent reinstatement if, at the date of expropriation,
- (a) the land is used for a church, hospital, school or similar use for which there is no general demand or market, and
 - (b) the owner undertakes with the expropriating authority that it will relocate and continue the same use on other land.
- (2) In determining the reasonable cost of equivalent reinstatement under subsection (1), depreciation of a building on the expropriated land must not be taken into account if the building was being used for the particular use referred to in subsection (1) on the date the expropriation notice under section 6(1)(a) or other under section 5(4)(a) was served.
- (3) For the purposes of this section, the reasonable cost of equivalent reinstatement must be determined as of the date that the owner obtains, through purchase or construction, reasonably equivalent lands and improvements, but in no case later than one year after the date of expropriation.



A look back at three files involving the acquisition/expropriation of land where the owner held land determined to be within the definition of Section 35.

i.e., limited market – churches, hospitals, schools, etc.

These observations are from the viewpoint of the property negotiator representing the expropriating authority.



Case #1:

Partial Acquisition – Road Widening:

- Upgrade from 2 lanes to 4 lanes
- Install centre line median

Property A – Police Station:

- Owners/Tenants

Project Impact:

- Ingress/egress
- Building facilities

Owners/Occupants Position:

- Building needed upgrading
- Could not accept restricted road access

The Negotiations/Acquisition



Property B – Fire Hall

Owners/Tenants

Project Impact:

Ingress/Egress

Loss of site utility

Owners/Occupants Position:

Need more land

Tenant – Regional 911 Centre

Any building change would disturb asbestos cladding

The Negotiations/Acquisition



Case #2:

Total Acquisition – Church

- Section 3 Acquisition
- Long established congregation located in older building that had been renovated and expanded over the years.

Issues:

- Site replacement
- Building replacement
- Temporary accommodation
- Business loss

(ECB. Control No. 42/92/169 [66LCR.275])



THANK YOU.



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