**Schedule I**

(*Section 9 of the Act respecting expropriation (2023, chapter 27)*)

INFORMATION TEXT FOR THE

NOTICE OF EXPROPRIATION

**Information text established by the Minister of Transport and Sustainable Mobility**

*(Insert the preamble text only if adaptations to the Act respecting expropriation are provided for by another Act.)*

**Preamble**

[Note that this text must be read taking into account the adaptations required by the application of [*section / sections*] [*insert the section numbers*] of the [*insert the name of and reference to the Act*]. For additional information, it is advised you contact the expropriating party.]

**Documents**

1. The notice of expropriation must be accompanied by

(1)   an extract from the cadastre of Québec showing the expropriated immovable if the expropriated right concerns a whole lot situated in a territory that has been the subject of a cadastral renewal or, in any other case, by a plan of the expropriated immovable signed by a land surveyor;

(2)   the expropriating party’s initial detailed declaration, which at a minimum indicates the market value of the expropriated right; and

(3)   the response model established by the Administrative Tribunal of Québec and published on its website.

**Important dates**

1. The date of expropriation is the date on which the notice of expropriated was served on you. If there is more than one holder of the expropriated right, the date of expropriation is the date that is the latest among the dates of service of the notice of expropriation on those holders.
2. The vacancy date is the date on which you must have vacated the expropriated immovable.

The vacancy date entered on the notice of expropriation cannot be earlier than the date that is

(1)   six months after the date of expropriation, in the case where the residence of a lessee or occupant in good faith is part of the expropriated immovable;

(2)   two months after the date of expropriation, in the case of expropriation of a dismemberment of the right of ownership; or

(3) four months after the date of expropriation, in all other cases.

 If that date is to be changed, a notice of change of the vacancy date will be notified to you. If an earlier date is to be set, the expropriating party will be required to have obtained your written consent along with that of the lessees and occupants in good faith of the expropriated immovable.

**Sending of information to the expropriating party**

1. You must, within 30 days after the date of expropriation, send the expropriating party the leases or any other written agreements entered into with the lessees of the expropriated immovable. In the absence of such agreements, you must send that party, in writing, the names and addresses of the lessees and the occupants in good faith of the expropriated immovable, as well as the nature and term of each lease or agreement, the date it was entered into, the details of what it includes and the amount of the rent or the conditions on which the lessees or the occupants in good faith occupy the expropriated immovable.

Should you fail to send that information concerning a lessee whose lease is not registered in the land register or an occupant in good faith, you will be liable for any injury resulting from that failure. The lessee or occupant in good faith could then be entitled to damages in reparation for that injury.

You are required to disclose the existence of expropriation procedures to all lessees and occupants in good faith whose lease or any other written agreement was entered into after the date of expropriation or, in the absence of a lease or any other written agreement, whose rental or occupation of the expropriated immovable began after that date. Failure on your part to do so means you will, alone, be liable for any injury resulting from the failure.

1. If you are a natural person and the expropriation covers movables, you must send your date of birth to the expropriating party within 30 days after the expropriating party's request for you to do so. That information may be used only for the purpose of consulting the register of personal and movable real rights.

**Registration of the notice of expropriation in the land register**

1. The expropriating party must, within 30 days after the date of expropriation, have the notice of expropriation and the extract from the cadastre of Québec or the plan of the expropriated immovable, mentioned above, registered in the land register. If the expropriating party fails to do so, any interested party, which includes you, may file an application for cancellation of the registration of the notice of expropriation in the office of the competent court. You must serve the application on the expropriating party and the Administrative Tribunal of Québec. The application must be filed by you before a notice of transfer of rightis registered in the land register.
2. If the notice of expropriation registered for an immovable is the subject of an application for cancellation, the expropriating party cannot have a notice of transfer of right for the immovableregistered in the land register unless the interested person has discontinued their application, or the judgment refusing the application for cancellation has become final.

As part of the expropriation indemnity proceeding and within six months after registration in the land register of a notice of transfer of right in contravention of the first paragraph, you may apply to the Administrative Tribunal of Québec for damages in reparation for any injury resulting from the registration. You are required to notify the application to the expropriating party.

**Contestation of the expropriating party's right to expropriate**

1. You may, within 30 days after the date of expropriation, contest the right of the expropriating party to expropriate and request cancellation of the notice of expropriation by filing an application with the Superior Court of the district in which the expropriated immovable is situated. The application must be served on the expropriating party and the Administrative Tribunal of Québec. The application does not stay the expropriation procedure unless, on an application made by you, the Superior Court decides otherwise.

If the application contesting the right to expropriate and requesting cancellation of the notice of expropriation is granted, as part of the expropriation indemnity proceeding you may apply to the Administrative Tribunal of Québec for damages in reparation for any injury resulting from the expropriation procedure. The application must be filed with the Administrative Tribunal of Québec within six months after the date on which the judgment becomes final and you must also notify the application to the expropriating party within the same time. Those time limits are strict time limits.

As part of the same proceeding and within six months after the date on which the judgment becomes final, the expropriating party may apply to the Administrative Tribunal of Québec for an order directing you to return all or part of the indemnities. The application must be notified to you within the same time. Those time limits are strict time limits.

**Provisional indemnity**

1. The expropriating party determines the initial provisional indemnity to which you are entitled. The indemnity is an amount at least equal to 100% of the market value of the expropriated right specified in the expropriating party's initial detailed declaration.

A notice [*is / will be*] notified to you indicating the amount of the initial provisional indemnity the expropriating party has determined. The amount [*is / will be*] broken down on the basis of the applicable compensation items set out in the Act respecting expropriation (CQLR, chapter E‑25).

1. At any time before the application for determination of the final indemnity as part of the expropriation indemnity proceeding is taken under advisement, you may request the expropriating party to determine an additional provisional indemnity to allow you to continue your activities until payment of the final indemnity without the activities being jeopardized.

However, in the case of discontinuance of an enterprise’s operations, the purpose of the additional provisional indemnity is instead to allow you to pay the expenses related to the discontinuance.

Your request seeking to obtain an additional provisional indemnity must specify the amount of the request. That amount must be broken down on the basis of the following applicable compensation items and the request must be accompanied by the documents justifying the amount:

(1)   the market value of the expropriated right;

(2)   the redevelopment indemnity;

(3)   the displacement indemnity;

(4)   the enterprise closure indemnity;

(5)   the equivalence indemnity;

(6)   the indemnity established according to the approach based on the re-establishment theory, listing the following separately:

(*a*)   the indemnity for the replacement of buildings and improvements, and

(*b*)   the value of the new land or, if the expropriated party re-establishes itself on land it owns, the market value of the expropriated land;

(7)   the indemnity in reparation for injuries;

(8)   the indemnity for loss of suitability value; and

(9)   the indemnity for trouble, nuisance and inconvenience.

The framework for the final indemnity is set out in sections 75 to 106 of the Act respecting expropriation (CQLR, chapter E‑25) which set forth each of the approaches enabling the applicable indemnities to be determined, defining the indemnities and indicating the parties entitled to them.

1. You may at any time apply to the Administrative Tribunal of Québec to obtain a supplemental provisional indemnity allowing you to continue your activities until payment of the final indemnity without the activities being jeopardized, if the initial provisional or additional indemnity is insufficient for that purpose. However, in the case of discontinuance of an enterprise’s operations, the purpose of the supplemental provisional indemnity is instead to allow you to pay the expenses related to the closure of the enterprise. You are required to notify the application to the expropriating party.

**Final indemnity**

1. In order to make it possible to determine the final indemnity, you and the expropriating party must be transparent with each other, in particular by sharing the information you hold and that is useful in determining the indemnity, and you must co-operate actively in searching for a solution.
2. Where the value of the indemnity claimed or offered is $750,000 or more, you must prepare an expenditure budget detailing the various expenditure items as well as the amount you plan to incur for each item and to claim from the expropriating party as part of the final indemnity. The expenditure budget must be sufficiently detailed so as to allow the expropriating party to analyse what is proposed in it.

You are required to notify the expenditure budget to the expropriating party. Within 30 days after the notification, the expropriating party must notify to you whether it agrees with the budget or not. If the expropriating party does not agree with it, you must attempt to resolve the issue. If the disagreement persists between you and the expropriating party, both parties must, before the expenditures are incurred, apply to the Administrative Tribunal of Québec for a ruling on the disagreement.

1. Unless an agreement is reached with the expropriating party, the Administrative Tribunal of Québec will set the amount of the final indemnity.

**Procedure before the Administrative Tribunal of Québec**

1. As of the filing in the record of the Administrative Tribunal of Québec of a detailed declaration equal to or greater than $500,000, whether or not the declaration is subsequently amended to lower that amount, you are required to be represented by a lawyer before the Administrative Tribunal of Québec if you are

(1)   a representative, mandatary, tutor or other person acting on behalf of an expropriated party person who, for serious reasons, cannot act on their own behalf;

(2)   a legal person;

(3)   a general or limited partnership, an association or another group not endowed with juridical personality, unless all the partners or members act themselves or mandate one of their number to act;

(4)   the Public Curator, a guardian or a sequestrator; or

(5)   a liquidator, except a liquidator of a succession, a trustee or other representative of collective interests when you are acting in that capacity.

That requirement does not apply if you are

(1) a natural person; or

(2)   meet the following two conditions:

(*a*)   you are a legal person, a general or limited partnership, an association or another group not endowed with judicial personality; and

(*b*)   a maximum of 10 persons bound to you by an employment contract were under your direction or control at any time during the 12-month period preceding the date of expropriation.

1. You are required, within two months after the date of expropriation, to respond to the notice of expropriation and send the response to the Administrative Tribunal of Québec and to the expropriating party.
2. You are required, within four months after the date of expropriation, to file your detailed declaration in the record of the Administrative Tribunal of Québec and notify it to the expropriating party. Your declaration must state the amount of the final indemnity claimed, and that amount must be broken down on the basis of the compensation items listed in the third paragraph of section 10 of this text.

Should you fail to file your detailed declaration within the allotted time, the expropriating party may proceed by default.

1. The expropriating party may, within eight months after the date of expropriation, file in the record an amended detailed declaration, in particular to add to it the amounts offered for the indemnities for which the expropriating party does not have the burden of proof. The amended detailed declaration must be notified to you.
2. You may, before the decision on the application to determine the final indemnity is rendered, amend your detailed declaration or withdraw it if doing so does not delay the conduct of the proceeding or is not contrary to the interests of justice. You must notify the amended detailed declaration or, as applicable, your intention to withdraw the declaration, to the expropriating party. The expropriating party then has 10 days to notify a notice of objection to you. In the case of an objection, you will have to file your application with the Administrative Tribunal of Québec for a decision.

The expropriating party may do the same. If it amends or withdraws its detailed declaration, you may amend your detailed declaration accordingly.

During the hearing and in the presence of the parties, the Administrative Tribunal of Québec may authorize an amendment or withdrawal of a detailed declaration without the formalities described above.

The Administrative Tribunal of Québec may, on an application notified by one party to the other or, if applicable, on an application made by a party during the case management conference, authorize an extension of the time limits set for filing a detailed declaration or amending or withdrawing it if the circumstances warrant doing so.

**Application for total or partial expropriation of the remainder**

1. Following expropriation of a right in a part of an immovable, you may apply to have the Administrative Tribunal of Québec order that the right or, where the right is a dismemberment of the right of ownership, order that that right or the right of ownership in all or part of the remainder also be expropriated, if the remainder may no longer be used according to the highest and best use of the expropriated immovable as at the date of expropriation.

You must make the application as part of the expropriation indemnity proceeding and notify it to the expropriating party.

**Total or partial discontinuance of the expropriation procedure**

1. The expropriating party may, with your written consent, discontinue the expropriation procedure totally or partially at any time before the expropriated right is transferred to the expropriating party.
2. On an application by the expropriating party, the Administrative Tribunal of Québec may authorize total or partial discontinuance of the expropriation procedure.

The application must be served on you and be made as part of the expropriation indemnity proceeding, before a notice of transfer of right is registered in the land register.

1. If the discontinuance is total, it terminates the expropriation procedure, without however terminating the expropriation indemnity proceeding whereby the Tribunal may, if applicable, determine damages in reparation for any injury resulting from the discontinuance.

If the discontinuance is partial, it terminates only the expropriation procedure with regard to the right that is the subject of the discontinuance.

You may, as part of the expropriation indemnity proceeding and within six months after notification of the notice of discontinuance or, as applicable, the certified statement of registration of the discontinuance in the land register, apply to the Tribunal for damages in reparation for any injury resulting from the discontinuance. The application must be notified to the expropriating party within the same time. Those time limits are strict time limits.

As part of the same proceeding and within six months after registration of the notice of discontinuance in the land register or, as applicable, the decision authorizing total or partial discontinuance of the expropriation procedure, the expropriating party may apply to the Tribunal for an order directing you to return all or part of the provisional indemnities. The application must be notified to you within the same time. Those time limits are strict time limits.

**Transfer of the expropriated right**

1. The expropriating party may transfer the expropriated right by having a notice of transfer of right registered in the land register. [*The expropriating party / The party on whose behalf the expropriating party is expropriating*] becomes the holder of the expropriated right on the vacancy date entered on the notice. The notice will be served on you*.*

**25.** The expropriating party may also apply to the Superior Court to authorize at any time the transfer of the expropriated right if the following conditions are met:

(1)   it is so urgent for [*the expropriating party / the party on whose behalf the expropriating party is expropriating*], that any delay in the transfer of the expropriated right would entail a considerable prejudice for the party;

(2)   you, the lessees and occupants in good faith of the expropriated immovable suffer no irremediable prejudice as a result;

(3)   the initial provisional indemnity has been paid to you or deposited, on your behalf, in the office of the Superior Court; and

(4)   the initial provisional indemnity has been paid to the lessees and occupants in good faith of the expropriated immovable or deposited, on their behalf, in the office of the Superior Court.

The application will be served on you.

**Occupation of the expropriated immovable after the transfer**

**26.** If you do not vacate the expropriated immovable on the date the expropriated right is transferred, the expropriating party may apply to the Superior Court for an order to have you evicted. The application will be served on you unless the judge decides otherwise.

You may apply to the Superior Court, for serious reasons and if it is not so urgent for the expropriating party as to entail a serious prejudice for it should there be any delay in taking possession of the expropriated immovable, to allow you to remain in possession of the expropriated immovable for such period and on such conditions as the Court may determine, although that period cannot exceed the vacancy date by more than six months. You must serve the application on the expropriating party.

The Superior Court fixes the rent owed to the expropriating party for the occupation of the expropriated immovable during that period.

**Transfer of a right in the expropriated immovable to a third party**

**27.** If you transfer a right in all or part of the expropriated immovable to a third party, you must inform the new holder of the right of the existence of the expropriation procedure and of the expropriation indemnity proceeding.

The deed transferring the right must specify who, either you or the new right holder, is entitled to the indemnities and damages paid under the Act respecting expropriation (CQLR, chapter E‑25). If not specified in the deed, the new right holder is the person entitled to those indemnities and to those damages, except the indemnity arising after the establishment of a reserve.

The new right holder must inform the expropriating party of the transfer and specification of who is entitled to the indemnities and damages. If not so informed, the expropriating party has no obligation toward the new right holder with regard to those indemnities and damages.

The expropriation procedure continues by operation of law against the new right holder, while the proceeding to determine the indemnity continues against you as long as the new right holder has not continued the proceeding or intervened.

The cumulative amount of the final indemnities and damages determined for you and the new right holder cannot be greater than the cumulative amount of the final indemnity and damages that would have been paid to you by the expropriating party had there been no continuance of proceeding or intervention.

**Payment made under the Act respecting expropriation**

**28.** A payment made under the Act respecting expropriation (CQLR, chapter E‑25) to one of your creditors does not constitute advance repayment for which the creditor may claim an indemnity.