

Court of King's Bench of Alberta

Citation: Qualico Developments West Inc v Edmonton (City), 2025 ABKB 624

Date: 20251030
Docket: 2503 10216
Registry: Edmonton

Between:

Qualico Developments West Inc.

Applicant

- and -

City of Edmonton

Respondent

**Reasons for Decision
of the
Honourable Justice Kelsey L. Becker Brookes**

I. Introduction

[1] This is an application by Qualico Developments West Inc. (“Qualico”) for:

- (a) a declaration that land has been designated for use or intended use as a school facility, park or recreation facility within the meaning of s 644 of the *Municipal Government Act*, RSA c M-26 (“MGA”); and
- (b) an order in the nature of *mandamus* directing the City of Edmonton (the “City”) to acquire or commence proceedings to acquire the land.

[2] In a nutshell, Qualico seeks an order directing the process by which the lands should be acquired by the City and, specifically, how its value should be determined.

II. Background

[3] Qualico owns lands in the City of Edmonton legally described as Lot 1 Block A Plan 232 0512 (the “Lands”). The Lands are subject to the Meadows Area Structure Plan Bylaw 13531 (the “Meadows ASP”) and the Aster Neighbourhood Structure Plan Bylaw 17366 (the “Aster NSP”).

[4] On April 20, 2023, the City of Edmonton Subdivision Authority issued Subdivision Approval LDA23-0023, whereby the City acquired 10.478 ha of the Lands as Municipal Reserve and designated a 1.932 ha lot as “future municipal reserve” (the “Future MR Lot”). Subdivision Approval LDA23-0023 provided “[t]he Future MR [Lot] (1.932 ha) will be acquired by the City of Edmonton through other means”. Subdivision Approval LDA23-0023 was not appealed.

[5] The Subdivision Authority subsequently advised Qualico the size of the Future MR Lot will be increased to 2.238 ha.

[6] A subsequent Subdivision Approval was obtained by Qualico to subdivide Stage 12 of the Aster NSP. Qualico appealed three conditions attached to this Subdivision Approval to the Land and Property Rights Tribunal (the “LPRT”), including the required relocation of a crosswalk, the requirement to pay for a flashing beacon at a crosswalk and the requirement to service the Future MR Lot: *Qualico Developments West Ltd v City of Edmonton (Subdivision Authority)*, 2024 ABLPRT 436.

[7] On August 12, 2024, the LPRT issued its decision, upholding the three conditions under appeal. In its decision, the LPRT declined to remove the requirement to service the Future MR Lot, indicating it would be more efficient to service the Future MR Lot when the services for the subdivision are installed. The LPRT also stated the serviced condition of the Future MR Lot would be considered in determining its value at the appropriate time. The LPRT decision was not appealed.

[8] Reserve land may only be used by a municipality for a public park, public recreation area or school: s 671(2) of the *MGA*.

[9] Thus, on July 10, 2023, the City zoned the Future MR Lot as Urban Services (US) Zone pursuant to Edmonton Charter Bylaw 20531. The purpose of the US Zone was to provide publicly and privately owned facilities of an institutional or community services nature. The permitted uses for the US Zone were public and private education services and public parks.

[10] Under the current Edmonton Zoning Bylaw No. 20001, the Future MR Lot is now zoned as Parks and Services (PS) Zone. The purpose of the PS Zone is to allow for development on parkland that is intended to serve educational, recreational and community needs at the citywide, district and neighbourhood level. The permitted uses in the PS Zone are community service, library, outdoor recreation service, park, protected natural area, school and transit facility.

[11] Section 644 of the *MGA* imposes a limit on the zoning restrictions a municipality may impose on private land before triggering purchase or redesignation obligations. If land is designated under a land use bylaw for use or intended use as a school facility, park or recreation facility and the municipality does not own the land, the municipality must do one of the following within six months from the date the land is designated: acquire the land; commence proceedings to acquire the land; or amend the land use bylaw to designate the land for another use or intended use.

[12] The Future MR Lot has been zoned under the City's Land Use Bylaw as US/PS Zone for more than six months for use or intended use as a school facility, park or recreation facility. The City has not acquired the Future MR Lot or commenced proceedings to acquire the Future MR Lot.

[13] The City concedes s 644 applies and the City is required to acquire, or commence proceedings to acquire, the Future MR Lot or rezone the Lands to allow additional uses not described in s 644.

[14] The City has been stymied in acquiring the Future MR Lot because the City and Qualico have been unable to agree on a purchase price. Council has not, to date, taken steps to rezone the Future MR Lot to allow additional uses not described in s 644. Rezoning of the Future MR Lot would result in non-compliance with the Meadows ASP and the Aster NSP. In addition, residents have relied on the Future MR Lot being developed as a school park, as outlined in the Aster NSP.

[15] Effectively, this means the City is left with one option, commencing proceedings to acquire the Future MR Lot.

III. Issue

[16] Qualico is willing to sell the Future MR Lot, and the City is willing to purchase it. The main point of disagreement is the price. Qualico seeks compensation equivalent to serviced land values for the Future MR Lot, while the City proposes paying unserviced land values.

[17] The City acknowledges its obligation to "commence proceedings to achieve the acquisition" of the Future MR Lot. The meaning of "commence proceedings" under s 644 of the *MGA* is not defined in the *MGA*. Qualico interprets this as requiring expropriation of the Lands by the City, whereas the City holds a different view.

[18] Therefore, the issue before this Court is the meaning of "commence proceedings" under s 644 of the *MGA*, that is, how the Future MR Lot must be acquired by the City and, specifically, how its value should be determined.

IV. Parties' Positions

[19] Qualico argues expropriation is the only available mechanism when the parties cannot agree on price, highlighting that while Qualico always understood land would be given up for municipal reserve purposes, there was never an agreement on the price or a valuation method. Qualico argues the City is attempting to obtain fully serviced land at unserviced prices, effectively shifting servicing costs to Qualico without proper compensation.

[20] In support of this position, Qualico notes they were required to dedicate more than the standard 10% municipal reserve land ("MR"), and the City imposed conditions that the additional MR be fully serviced. While Qualico appealed the servicing requirement, the LPRT upheld the condition, leaving compensation for servicing to be resolved upon acquisition.

[21] Qualico's position is the City is unfairly seeking serviced land at a lower price, and the only way to resolve the valuation issue is through expropriation. Qualico requests a clear process be established to determine whether the land should be valued as serviced or unserviced, with the LPRT to decide the ultimate valuation if necessary.

[22] The City argues collecting cash in lieu of MR at unserviced rates aligns with the City's standard practice. The City asserts expropriation is not a suitable remedy because Qualico is driving the project, not the City, and Qualico is not an unwilling vendor. Expropriation would introduce several practical obstacles, including the need for Council approval for expropriation and time constraints, as well as significant cost consequences for the City.

[23] The City points out that both expropriation and rezoning are available remedies under s 644, and while administration may question the logic of rezoning, Council could still choose it as an option. The City suggests the *Judicature Act*, RSA 2000, J-2 ("*Judicature Act*") could permit a modified expropriation process to address competing interests and expresses concern the LPRT might focus too narrowly on market value rather than broader notions of fairness and the statutory context.

V. Analysis

[24] Under the modern principle of statutory interpretation, a court considers the words used in legislation in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the *Act*, the object of the *Act*, and the intention of Parliament. The modern principle requires a court to interpret statutory language according to a textual, contextual, and purposive analysis to find a meaning that is harmonious with the *Act* as a whole: *Piekut v Canada (National Revenue)*, 2025 SCC 13 at paras 42 to 50.

[25] The meaning of "commence proceedings" under s 644 of the *MGA* has not been considered before. Indeed, s 644 of the *MGA* has been the subject of little judicial consideration.

[26] In *Hartel Holdings Co Ltd v City of Calgary*, [1984] 1 SCR 337, [*Hartel Holdings*] the City of Calgary adopted several plans for the creation of a public park. The appellant's land, which was prime residential property, was included in the proposed park. Residential development was not a permitted use under the existing land use bylaw. The appellant offered to sell its land to the City, but terms could not be agreed upon. The appellant believed a more favourable price could be obtained on an expropriation but the City refused to expropriate.

[27] The appellant sought an order in the nature of *mandamus* and obtained an order directing the City to expropriate on the basis that s 70 of the *Planning Act* required land designated for a park under a land use bylaw to be acquired within six months of that designation or the bylaw to be amended to designate another use. The City maintained s 70 was not applicable. The Court of Appeal overturned the order to expropriate and held the appellant could only succeed if the land was found to have been "designated" for use as a park under a land use bylaw. The appeal was dismissed by the Supreme Court of Canada, which held the expression "designated under a land use bylaw" does not include designation under a statutory plan.

[28] *Hartel Holdings* stands for the proposition designating land for use or intended use as a municipal public building, school facility, park or recreation facility in a statutory plan (as opposed to a land use bylaw) is not sufficient to engage s 70 of the *Planning Act*, the precursor to s 644 of the *MGA*. Unlike land use bylaws, statutory plans are aspirational and subject to subsequent refinement and revision. Statutory plans provide municipalities the ability to plan over time before passing a land use bylaw to implement the proposals.

[29] *Hartel Holdings* does not provide guidance on the meaning of "commence proceedings" under s 644 of the *MGA*. I do note, however, that in *Hartel Holdings* the applications judge directed the City to:

... commence, within three months of the date of the entering of this ORDER, expropriation proceedings under *The Expropriation Act*, S.A. 1974, c. 27, which proceedings the Respondent shall complete within a reasonable time after the date of commencing them in order to acquire the lands of the Applicant ...

(*Hartel Holdings Co Ltd v Calgary (City)*, 1982 ABCA 10 at para 1)

[30] In *Three Sisters Mountain Village Properties Ltd v Canmore (Town)*, 2022 ABQB 511 [*Three Sisters*], the applicant owned land in the Town of Canmore. An 8.5-acre portion of the land was designated as Natural Park District under the Town's land use bylaw, limiting its use to open spaces in natural condition for recreation accessible to the public. The applicant argued the designation as Natural Park District restricted the use of their land to such an extent it triggered an obligation under s 644 of the *MGA* for the Town to either purchase the land or redesignate it for another use. The Town argued the designation did not exclusively limit the land to park use and the land's designation, even as a park, does not necessitate municipal acquisition or redesignation under the *MGA*.

[31] The issue in *Three Sisters* was whether the designation of the land under the land use bylaw constituted a park within the meaning of s 644 of the *MGA*, thereby obligating the Town to either purchase the land or redesignate it for another use. The Court found the land had been designated as a park within the meaning of s 644(1) and an order in the nature of *mandamus* was granted, requiring the Town to acquire the land or designate it for another use or intended use. The Court determined designation as a park does not need to be exclusive or only exercisable by a public body for s 644 to be engaged.

[32] *Three Sisters* is of limited assistance in this case because the City concedes s 644 applies and the City is required to acquire, or commence proceedings to acquire, the Future MR Lot or rezone the Lands to allow additional uses not described in s 644. And, while the Court in *Three Sisters* ordered the Town to acquire the land or designate it for another use, it did not address *how* the land was to be acquired by the Town or how its value should be determined.

[33] Qualico's application is governed by the land use planning framework established in Part 17 of the *MGA*. Part 17 deals with Planning and Development at the municipal level.

[34] The purpose of Part 17 is set out in s 617 of the *MGA* as follows:

Purpose of this Part

617 The purpose of this Part and the regulations and bylaws under this Part is to provide means whereby plans and related matters may be prepared and adopted

- (a) to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and
- (b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta,

without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.

[35] Specifically, Qualico seeks relief under s 644(1) of the *MGA*, which provides as follows:

Acquisition of land designated for public use

644(1) If land is designated under a land use bylaw for use or intended use as a municipal public building, school facility, park or recreation facility and the municipality does not own the land, the municipality must within 6 months from the date the land is designated do one of the following:

- (a) acquire the land or require the land to be provided as reserve land;
- (b) commence proceedings to acquire the land or to require the land to be provided as reserve land and then acquire that land within a reasonable time;
- (c) amend the land use bylaw to designate the land for another use or intended use.

[36] Interpreting the phrase "commence proceedings" under s 644 of the *MGA* requires establishing the method by which the Future MR Lot is to be acquired by the City and determining the process for valuing it.

a. What is the appropriate procedure to acquire land and determine value under s 644 of the *MGA*?

[37] There are few methods by which a municipality can unilaterally acquire land for municipal purposes.

[38] Other than land dedication authorized by the *MGA* (see for example, s 661 to 664 of the *MGA*), Qualico asserts the only method by which a municipality can unilaterally acquire land for municipal purposes is by expropriation pursuant to the provisions of the *Expropriation Act*, RSA 2000, c E-13, where the required compensation is determined by the LPRT.

[39] In contrast, the City seeks an order directing that it be directed to apply by way of originating application to this Court to determine the compensation payable for the Future MR Lot. The City relies on the inherent jurisdiction of this Court, more specifically s 5(3)(i) of the *Judicature Act*.

[40] In my view, while the Court could surely determine the compensation payable, taking into consideration the planning regime set out in Part 17 of the *MGA*, an application to this Court to determine the compensation payable for the Future MR Lot does not adequately address how the Lands are acquired by the City. I was not provided with any authority invoking the Court's jurisdiction, whether inherent or statutory, to direct one party to sell land to another party, with the issue of compensation to be determined by the Court.

[41] Furthermore, s 5(3)(i) of the *Judicature Act* affirms this Court's inherent jurisdiction concerning the administration of justice "where there exists no adequate remedy at law." This underscores my concern regarding reliance on the *Judicature Act* when a sufficient alternative remedy is available through alternate legal means.

[42] The LPRT is established by the *Land and Property Rights Tribunal Act*, SA 2020, c L-2.3 and combines the former Land Compensation Board, Municipal Government Board, New Home Buyer Protection Board, and Surface Rights Board. It functions as a quasi-judicial tribunal responsible for making decisions on issues such as commercial and multi-residential property assessment, designated industrial property assessment, subdivision, development, and annexations. The LPRT also manages right of entry applications and resolves compensation disputes related to expropriation, unpaid surface leases, or when operators need access to private land or occupied Crown land for the purpose of developing subsurface resources.

[43] The *Expropriation Act* contains a comprehensive procedure by which government entities, including municipalities, can expropriate land. The LPRT has been statutorily delegated jurisdiction with respect to expropriations under the *Expropriation Act*. In turn, the LPRT has adopted rules of procedure and practice.

[44] With respect to the process for valuing the Future MR Lot, the issue will be the price to be paid by the City to acquire reserve the Lands dedicated in excess of the statutory maximums, serviced land prices or unserviced land prices. Valuation will necessarily involve consideration of the purpose of Part 17 of the *MGA*, the complicated statutory regime contained therein and the intricacies of balancing orderly, economical and beneficial development with the rights of developers and individuals.

[45] Therefore, determining the market value of the Future MR Lot will require a comprehensive approach that considers more than just its monetary worth. It will be necessary to evaluate the intent and interplay of the land dedication provisions in the *MGA*, the scope of the subdivision authority's power to impose conditions that require reserve land exceeding the 10% limit set out in s 666 of the *MGA*, as well as the associated servicing requirements. The broader issue of municipalities downloading subdivision and development costs to developers must also be addressed.

[46] Further, the respective roles of the City and Qualico in the adoption of the Meadows ASP and Aster NSP, along with related zoning decisions, subdivision applications, and plan registrations, may also need to be examined. Consideration of the City's established practices and the expectations of all parties involved may also be pertinent to this analysis.

[47] In my view, the LPRT is best suited to determine the value of the Future MR Lot under s 644 of the *MGA* and a process which brings the issue before the LPRT is essential. It is consistent with the purpose of the *MGA*, the *Land and Property Rights Tribunal Act* and legislative intent that this type of dispute, one involving land and property rights, be decided at first instance by the LPRT, an administrative tribunal created for exactly that purpose.

[48] The LPRT has experience and expertise in compensation and valuation, and great familiarity with Part 17 and the statutory planning framework in Alberta. The important role that administrative tribunals play in society, and the important role that the LPRT plays in land use planning is recognized in jurisprudence: see *Canmore (Town of) v Three Sisters Mountain Village Properties Ltd*, 2023 ABCA 278 at paras 58-59 and *Hopewell Development (Leduc) Inc v Alberta (Municipal Government Board)*, 2011 ABCA 68 at para 25.

[49] Under the *MGA*, a number of similar disputes go to the LPRT for decision, including:

- (a) determining compensation for damages because of a road closure (s 23);

- (b) determining compensation for loss of damages for the use of a temporary road or right of way (s 26);
- (c) determining compensation for injurious affection because of public works affecting land (s 534); and
- (d) determining market value of land required for a conservation reserve (s 664.2).

[50] The issue to be decided in this case is very similar to determining the market value of land required for a conservation reserve pursuant to s 664.2 of the *MGA*, which provides as follows:

Conservation reserve

664.2(1) A subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel of land to the municipality as conservation reserve if

- (a) in the opinion of the subdivision authority, the land has environmentally significant features,
- (b) the land is not land that could be required to be provided as environmental reserve,
- (c) the purpose of taking the conservation reserve is to enable the municipality to protect and conserve the land, and
- (d) the taking of the land as conservation reserve is consistent with the municipality's municipal development plan and area structure plan.

(2) Within 30 days after the Registrar issues a new certificate of title under section 665(2) for a conservation reserve, the municipality must pay compensation to the landowner in an amount equal to the market value of the land at the time the application for subdivision approval was received by the subdivision authority.

(3) If the municipality and the landowner disagree on the market value of the land, the matter must be determined by the Land and Property Rights Tribunal.

[51] In my view, this further underscores the appropriateness of a process which entrusts the determination of compensation where land has been zoned for use or intended use as a school facility, park or recreation facility and the municipality does not own the land to the LPRT.

[52] Pursuant to Subdivision Approval LDA23-0023, Qualico is required to provide the Future MR Lot to the City. While the *MGA* and the subdivision approval conditions do not expressly address the acquisition of the land by the City and determination of the compensation payable, s 644 confirms Qualico's entitlement to compensation. And when the parties disagree on the compensation payable, there needs to be a process to determine the issue.

[53] There is some precedence for a municipality being required to commence expropriation proceedings in this situation in *Hartel Holdings*.

[54] I also considered that if the subdivision authority had addressed the compensation payable for the Future MR Lot directly in Subdivision Approval LDA23-0023, for example by

including a condition that Qualico provide the Future MR Lands, serviced at Qualico's expense, for unserviced land prices, Qualico would have had a right of appeal to the LPRT pursuant to s 678 of the *MGA*. In my view, this supports the conclusion the LPRT is the most appropriate entity to make the decision on compensation.

[55] For the foregoing reasons, I am satisfied that the proper procedure for the City to initiate proceedings to acquire the Future MR Lands is to commence expropriation proceedings under the *Expropriation Act*, which designates the LPRT as the authority to determine compensation.

[56] Nonetheless, I acknowledge the City's concerns regarding the suitability of the expropriation process in this specific context.

[57] The *Expropriation Act* defines "expropriation" as "the taking of land without the consent of the owner by an expropriating authority in the exercise of its statutory powers". The City argues that, in this case, Qualico is not *unwilling* to part with the Future MR Lands; the transfer of the land was a condition of subdivision that Qualico chose to proceed with and there is simply a disagreement regarding the compensation to be paid. The Lands were zoned as reserve land in the context of the subdivision and development of a significant area of land.

[58] That is true. This is a not situation where a municipality unilaterally rezoned land the municipality does not own for use as a school facility, park or recreation facility. However, this is still a situation where the owner of the land is not willing to part with the Lands on the terms proffered by the municipality. Qualico is only a willing seller for the price of serviced land.

[59] The City argues that if "commence" proceedings" meant expropriate, then s 644 should say expropriate. I take the City's point; however, in my view, it is just as likely, if not more likely, that "commence proceedings" is meant to refer to an expropriation proceeding of some kind, rather than commencing proceedings in a court. This could easily have been addressed by an amendment to the *MGA* that the municipality can commence proceedings to acquire the Lands by application to the LPRT.

[60] The City argues it would be inappropriate to require the City to proceed by expropriation with the attendant procedures regarding notification of intention to expropriate, objections from the landowner, Council approval, and other considerations that do not arise in the circumstances of this dispute. In my view, these concerns can be addressed with a modified expropriation procedure.

[61] Once expropriation is commenced, the LPRT is authorized to determine the compensation payable.

[62] Section 29 of the *Expropriation Act* provides as follows:

Fixing compensation

29(1) When the expropriating authority and the owner have not agreed on the compensation payable under this Act, the Tribunal shall determine the compensation.

(2) The Tribunal shall also determine any other matter required by this or any other Act to be determined by the Tribunal.

(3) Notwithstanding subsection (1), when the expropriation is by the Crown, the owner may elect to have the compensation fixed by the court and in that case the

provisions of this Act relating to determination of compensation by the Tribunal apply with all necessary modifications to the proceedings before the court.

[63] The procedure outlined in the *Expropriation Act* contemplates the situation where a landowner consents to the acquisition of land by the expropriating authority, but the parties cannot agree on the compensation payable. In the context of expropriation, this is often referred to as a Section 30 Agreement.

[64] Specifically, s 30 of the *Expropriation Act* provides as follows:

Owners to consent to acquisition

30(1) Notwithstanding anything in this Act, the owner may consent to the acquisition of land by an expropriating authority subject to the condition that compensation for the land shall be determined by the Tribunal.

(2) The consent of an owner to the acquisition of land pursuant to subsection (1) shall be evidenced by an express agreement in writing between the owner and the expropriating authority stating

- (a) that the owner consents to the acquisition,
- (b) that compensation shall be determined by the Tribunal, and
- (c) the date fixed for possession of the land,

and the owner shall thereupon execute the necessary conveyance of the land to the expropriating authority.

(3) At any time following execution of the document under subsection (2), either the expropriating authority or the owner may apply to the Tribunal to determine the compensation.

(4) When an application is made under subsection (3), the Tribunal shall determine the compensation as if the land were expropriated and the provisions of this Act and the regulations respecting the determination of compensation, hearings and procedures, including interest, costs and appeals, apply to the determination in the same manner as if the land had in fact been expropriated.

(5) Unless otherwise agreed by the parties, compensation is to be determined as of the date of the document conveying the land from the owner to the expropriating authority.

[65] An expropriation that proceeds based on a Section 30 Agreement is akin to the situation at hand – Qualico consents to the acquisition of the Future MR Lot by the City, but the parties cannot agree on the compensation payable. This further supports a modified expropriation process.

[66] Therefore, I conclude the City's obligation to acquire or commence proceedings to achieve the acquisition of the Future MR Lot under s 644 of the *MGA* means the City is required to commence expropriation proceedings in respect of the Future MR Lot.

[67] However, in the circumstances of this case, where the obligation to deliver the Future MR Lot to the City arises in the context of a subdivision, the procedure outlined in the *Expropriation Act* must be modified.

[68] The City is the expropriating authority. Qualico is the owner. I dispense with the requirement to file a notice of intention to expropriate, because Subdivision Approval LDA23-0023 stands in its place. I dispense with an inquiry because Qualico had a substantially equivalent opportunity to object to the taking of the Future MR Lot by virtue of its right of appeal to the LPRT. I dispense with the requirement to register a certificate of approval and provide notice of the date of possession.

[69] Instead, the LPRT shall determine the compensation payable for the Future MR Lot, based on serviced or unserviced land values, and the date fixed for possession of Future MR Lot, following which Qualico shall execute the necessary conveyance of the Future MR Lot to the City.

[70] The City argues expropriation is not appropriate because it would be unfair for the City to be responsible for Qualico's reasonable costs of expropriation. Section 39 of the *Expropriation Act* provides as follows (emphasis added):

Costs

39(1) The reasonable legal, appraisal and other costs actually incurred by the owner for the purpose of determining the compensation payable shall be paid by the expropriating authority, unless the Tribunal determines that special circumstances exist to justify the reduction or denial of costs.

(2) The Tribunal may order by whom the costs are to be taxed and allowed.

(3) When settlement has been made without a hearing and the owner and the expropriating authority are unable to agree on the costs payable by the expropriating authority, the Tribunal may determine the costs payable to the owner and subsections (1) and (2) apply.

(4) On appeal by the expropriating authority, costs of the appeal shall be paid on the same basis as they are payable under subsection (1) and on appeal by the owner, the owner is entitled to the owner's costs when the appeal is successful and, when unsuccessful, the costs are in the discretion of the Court of Appeal.

[71] Although the City, as the expropriating authority, is generally obligated to cover Qualico's reasonable expropriation costs, s 39(1) allows for consideration of exceptional circumstances that may warrant reducing or denying such costs. In this instance, the City retains the right to present arguments supporting this position.

VI. Conclusion

[72] The Future MR Lot has been designated for use or intended use as a school facility, park or recreation facility within the meaning of s 644 of the *MGA*. Because s 644 applies to the Future MR Lot and Council has not taken steps to rezone the Future MR Lot to allow additional uses not described in s 644 in over six months, the City is obliged to acquire or commence proceedings to achieve the acquisition of the Future MR Lot.

[73] The City has been unable to acquire the land because the parties cannot agree on valuation.

[74] Therefore, I grant an order in the nature of *mandamus* directing the City to commence expropriation proceedings to acquire the Future MR Lot within 90 days. The City shall commence expropriation proceedings by applying to the LPRT to determine the compensation payable for the Future MR Lot.

[75] Once the application is made, the LPRT shall determine the compensation payable for the Future MR Lot as if the land were expropriated and the provisions of the *Expropriation Act* and the regulations respecting the determination of compensation, hearings and procedures, including interest, costs and appeals, apply to the determination in the same manner as if the land had in fact been expropriated, subject to the modifications set out herein at paras [68] and [69].

Heard on the 26th day of September, 2025.

Dated at the City of Edmonton, Alberta this 30th day of October, 2025.

Kelsey L. Becker Brookes
J.C.K.B.A.

Appearances:

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