

Vacant vs. Improved Land - Ben Lansink comments OLT Feb 3, 2026, OLT-22-004865

Property: **12270 Tecumseh Road East, Tecumseh**
Variety Convenience two-storey building with long term tenant
Expropriation 4,555 sq. ft. land area or about 19.3%
Plus limited Interest of 1,217.4 sq. ft.
Claimant: 745809 Ontario Limited (Cameron Paine)

Ondrej Sabo and Ben Lansink for claimants

Mr. Lansink considered comparable **sold improved lands**.

Lansink considered four improved similar sold properties with adjusted unit prices of \$75, \$73, \$53 and \$146 per square foot. Lansink estimated the value of improved lands to be \$100 per square foot x \$100 = \$455,529.

Lansink Limited Interest Permanent Utility Easement 1,217.4 at \$100 per sq. ft. at 100% which was \$121,740. Lansink's Injurious Affection for Snow Removal \$41,667.

Decision by Tribunal:

Value is based on Lansink's Improved Land sales – not on Vacant Land sales.

Fee Simple value based on \$73 sq. ft. x 4,555 sq. ft. = \$332,515.

Limited Interest \$73 at 50% = \$36.50 x 1,217.4 = \$44,435.

Injurious Affection for Snow Removal at \$15,000.

Disturbance Damage \$0.0.

Total award \$391,950.

Plus 6% interest From September 14, 2022.

Edwin Hooker and Ray Bower for Expropriating Authority

Mr. Bower considered 7 **sold vacant lands**.

Bower succeeded in having the Limited Interest Permanent Utility Easement Easement Value reduced by 50%.

Bower 7 vacant lands sold between \$30 and \$35 per sq. ft..

Bower valued hypothetical vacant land at \$32.49 x 4,555.3 sq. ft. = \$148,000, Pg 48.

Bower valued Limited Interest land at \$32.53 x 1,217.4 sq. ft. = \$39,602 minus 50% = \$19,800.

The Bower report did not conclude any Injurious Affection to the remainder.

The total claim by Bower was \$167,800.

From OLT-22-004865 dated February 3, 2026:

[91] Both Mr. Lansink and Mr. Bower use sales comparison to derive an indication of the value of the partial taking. This is the most common technique for valuing land.

Thus, they both compare contemporaneous sales they considered relevant and then applied qualitative and quantitative adjustments which are appropriate in their professional judgment. So, from these historic sale prices, they opine on a value.

However, they have a significant difference of opinion as to what class of comparable sales should be considered. Mr. Lansink considers comparable sales of improved lands, while Mr. Bower uses comparable sales of vacant lands.

[96] The Claimant argues that Mr. Bower used the vacant land approach at the behest of the Respondent and in breach of his duties to the Tribunal as an expert witness. The Tribunal need not make a conclusion in this regard because, on the facts of this case, it was very unclear to the Tribunal why Mr. Bower considered only vacant lands when his own opinion called on the use for comparison purposes of transactions for lands with the same highest and best use.

[98] The Tribunal finds that Mr. Bower's approach defies common sense, the evidence presented and the Tribunal's finding, based on Mr. Bower's own evidence, that the highest and best use of the Subject Property is a continuation of the existing commercial/retail use. The Tribunal rejects that valuing the lands taken by what those lands contributed to the remainder. The lands taken were integral to the functioning of the Subject Property as a vehicle-centric convenience store.⁴⁶ They are not independent parcels.

[99] The Tribunal finds that the methodology used by Mr. Lansink, based on comparative sales of improved lands, is more appropriate. However, the Tribunal finds that Mr. Lansink overstates the per unit price.

[101] The average per unit price of the remaining three comparable sales, after Mr. Lansink's adjustments, would be \$67 per square foot, with a midrange of \$73 per square foot. The Tribunal notes that this per unit value is the adjusted unit price of the property at 12300 Tecumseh Road East, which the Claimant submits in its final argument was an "ideal comparable". The Tribunal finds that a \$73 unit price is an appropriate and reasonable market value of the fee simple lands taken, namely for Parts 1, 3 and 5 under the Plan of Expropriation. Therefore, the fair compensation is set at \$332,515 based on an area of 4,555 square feet.