Beyond Fine Tuning

What Division 44 of the Budget 2026 motion would change for landowners, farms and municipalities on the ALTO corridor

8,000–10,000	0	$25,000 +
parcels the project requires, per Transport Canada's Bill C-15 briefing material	sections of the federal Expropriation Act that would apply to ALTO under the motion	per side: equal share of the first $50,000 of crossing arbitration costs, with any excess apportioned by the arbitrator; legal fees extra

1 — Summary

On 20 November 2026 the Minister of Finance tabled a 521-page Notice of Ways and Means Motion for the Budget 2026 Implementation Act, No. 1. Division 44 of the motion (clauses 590 to 604, pages 397 to 447) amends the High-Speed Rail Network Act, which Parliament passed in Bill C-15 and which received Royal Assent on 26 March 2026.

Earlier in November, during a visit to Kingston, the Minister of Transport described the coming changes as "fine tuning" of existing law. Division 44 replaces most of the Act's expropriation sections with a stand-alone expropriation code, exempts ALTO from the federal Expropriation Act in its entirety, and adds new powers covering entry onto private land, tunnels, crossings and early construction works.

The most consequential changes for rural landowners are three. First, survey crews could enter any parcel on 30 days' notice, where survey participation is currently described by ALTO as voluntary. Second, the statutory right of an owner whose land is divided by a railway to obtain a crossing would no longer apply; disputes would go to a single arbitrator applying ministerial guidelines, with arbitration costs split equally and construction and maintenance costs shared by "relative benefit." Third, expropriated land could vest in an unnamed "entity other than the Corporation."

Some provisions improve on the current process for owners, including payment within 30 days of confirmation and a top-up allowing a displaced homeowner to buy a reasonably equivalent home. These are set out in section 5.

Basis of this brief. The provisions described here have been checked against the text of Division 44 of the motion as published on 20 November 2026, with reference to the clause-by-clause reading by lawyer Erin Durant (The Alto Files, 24 November 2026). Section numbers are those of the High-Speed Rail Network Act as the motion would amend it. A notice of ways and means motion precedes the bill itself, and its text can change when the bill is tabled.

2 — What is already law under Bill C-15

Bill C-15 created the High-Speed Rail Network Act. It kept ALTO expropriations inside the Expropriation Act but switched off key parts of it. Under the Act as it stands:

- ALTO is not required to attempt to buy land before expropriation is requested.
- The usual notice rules are replaced with a simpler form, and the independent public hearing that normally follows an objection is replaced by written objections to the Minister.

- ALTO holds a right of first refusal that can sit on title for up to eight years, and the Minister can issue a notice of prohibition on work that bars owners from building or making significant improvements for up to four years.
- ALTO's railway lines are deemed approved under section 98 of the Canada Transportation Act, and each segment, rather than the whole network, is a designated project under the Impact Assessment Act.

Division 44 leaves all of these in place. Several first-day reports described the eight-year right of first refusal and the four-year work prohibition as new; they are existing law. What the motion adds, according to CBC News, is that the Minister may consider "any factor … including the public interest" before registering a work prohibition.

3 — What Division 44 would add

The table compares the Act as it stands with the Act as Division 44 would amend it. Section references are to the proposed amendments.

Item	Today (Bill C-15)	Proposed (Division 44)
Legal basis	Expropriation Act, with exceptions	Stand-alone code within the High-Speed Rail Network Act; ALTO exempt from the Expropriation Act in its entirety
Who decides	Once ALTO asks, the Minister is deemed to be of the opinion the land is required and must expropriate	ALTO asks the Minister of Transport, who forms the opinion; the Minister of Public Services and Procurement registers and confirms (ss. 17.2–18, 22.1). Both may consider "any factor … including the public interest" (s. 17.1). Rebuttable presumption that all land in a notice is required (s. 30)
Objections	Written, to the Minister; no hearing	Unchanged: written only, no hearing; an objector may ask for reasons; recourse is to the Federal Court
Abandonment	Taking deemed abandoned if not confirmed within two years	Cut to 180 days (s. 22.1(6))
Payment	Offer within 90 days of confirmation (Expropriation Act)	Payment within 30 days of confirmation (s. 23); late payment carries interest plus 5% a year (s. 23.8)
Possession	Under the Expropriation Act	180 days after confirmation unless owner and Crown agree otherwise (s. 22.5)
Claims	Under the Expropriation Act	18 months from confirmation to seek more and start a Federal Court claim; extendable to 24 months only with the Minister's agreement (ss. 23.7, 23.73)
Who receives the land	The Crown	May vest in "an entity other than the Corporation" named in the confirmation notice; the entity is not defined (s. 22.4(2))
Entry onto land	Survey participation described by ALTO as voluntary	On 30 days' notice, the Ministers or anyone they authorize in writing, which may include ALTO, may enter any parcel to inspect, survey, bore, dig trial pits or appraise (ss. 23.94, 26(2)). Claims for damage within 90 days; for lost business or rental income within 180 days (s. 23.95)
Tunnels	No separate process	Separate process for land 15 m or more below the surface; notice not registered on title; rights vest as the tunnel is dug, with a 5 m envelope; owners above may not do work placing more than 250 kPa on the ground below (ss. 22.6–22.81)

Item	Today (Bill C-15)	Proposed (Division 44)
Crossings	Canada Transportation Act ss. 99–103: an owner whose land is divided may require a suitable crossing; disputes to the Canadian Transportation Agency	Those sections, the Railway Relocation and Crossing Act, and section 16 of the Railway Safety Act do not apply (s. 23.975); negotiation, then arbitration under ministerial guidelines (section 4 below)
Safety objections	Railway Safety Act ss. 8–10: notice of works; affected persons may object	Sections 8–10 do not apply to construction of ALTO's railway works (s. 5.2)
Early works	Impact Assessment Act s. 7 bars proceeding before the assessment decision	Minister of Transport may by order exempt any "act or thing" whose adverse effects the Minister considers "would be limited" (s. 6.1); the motion does not state whether orders must be published
Delegation	Not provided	Expropriation powers may be delegated to the Minister of Transport, and from that Minister to officials or to ALTO (s. 26(3), (4))
Lawsuits	Not specified	Proceedings about ALTO's use of its powers are brought against ALTO, not the Crown (s. 29)
Transition	Not applicable	Cabinet may make transitional regulations, which may be retroactive (clause 603)

4 — Farm, road and utility crossings

At operating speeds of up to 300 km/h every crossing must be grade-separated, so each farm access, municipal road and utility that the line severs requires an overpass, underpass or closure. The Initiative's August 2026 brief Counting the Crossings sets out the scale of that requirement. Division 44 changes who decides which crossings are built and who pays for them.

4.1 The proposed process

- **Guidelines.** The Minister of Transport writes guidelines for crossings, including when they will be authorized. The guidelines are declared not to be statutory instruments (s. 23.961), so they do not pass through the usual regulatory process.
- **Negotiation.** Owners whose land is divided, adjoining owners, owners who lose access, road authorities, utilities and railways may negotiate an agreement with ALTO (s. 23.962).
- **Arbitration.** Failing agreement, either side may request arbitration, no later than 120 days before a date the Minister sets for each segment (ss. 23.963, 23.97). A single arbitrator decides within 90 days, must follow the Minister's guidelines, and must weigh the segment's construction timelines and the network's "long-term operation and viability" (s. 23.967).
- **Costs.** Construction and maintenance costs are shared by "relative benefit." The arbitrator fixes the costs of arbitration; they are borne equally up to $50,000, and any amount above $50,000 is apportioned among the parties by the arbitrator. Each side's legal fees and disbursements are excluded and borne by that side (s. 23.968).
- **After construction.** Disputes go to the Canadian Transportation Agency under regulations the Minister has yet to write (ss. 23.973, 23.974).

4.2 The figures in circulation

Equal sharing of the first $50,000 means each side bears up to $25,000 of that amount (an Initiative calculation from s. 23.968(3)). This is not a ceiling: costs above $50,000 are apportioned by the arbitrator (s. 23.968(4)), so a landowner or municipality could be assigned more, in addition to its own legal and expert fees. The letter of 24 November from the Member for Leeds—Grenville—Thousand Islands—Rideau Lakes, which refers to arbitration costs of "$25,000 or more," reflects this. A figure of $12,500

attributed to the Conservative transport critic in Canadian Press coverage does not correspond to the provision.

The share of construction and maintenance costs an owner could be assigned under "relative benefit" is not quantified in the motion and cannot be estimated from it.

5 — What improves for owners

Much of the new compensation code follows the Expropriation Act. Several provisions are more favourable to owners than the current process:

- Payment within 30 days of confirmation (s. 23), against an offer within 90 days under the Expropriation Act; interest plus 5% a year if the Crown pays late (s. 23.8).
- An unconfirmed taking lapses after 180 days rather than two years (s. 22.1(6)), shortening the period of uncertainty.
- A top-up so that a displaced homeowner can buy a reasonably equivalent home.
- Any rise or fall in value caused by knowledge of the project is disregarded in valuation (s. 23.2(13)(c)).
- The Crown pays legal, appraisal and other costs that "in the opinion of the Crown" were reasonably incurred (s. 23.6); an owner awarded more than was paid recovers full solicitor-and-client costs in Federal Court (s. 23.93).
- Mediation is voluntary for both sides and paid for by the Crown (s. 23.72).

Against these sit the 18-month claim window, the ministerial (not judicial) control of any extension, and the fact that full costs are recovered only at the end of a Federal Court hearing. For a farm with a partial taking, the effect of a severed field may take one or two growing seasons to become clear.

6 — Reading the first day's coverage

Point reported	Position on the motion as read
Eight-year freeze on changes to property	The eight-year right of first refusal and four-year work prohibition are existing law under Bill C-15, not new. They are two separate measures.
Land transferred to ALTO	Land may vest in ALTO or in "an entity other than the Corporation" (s. 22.4(2)). The motion does not name or limit that entity.
Arbitration costs of $12,500, $25,000 or "$25,000 or more"	Each side bears half of the first $50,000, up to $25,000; any excess is apportioned by the arbitrator; legal and expert costs are extra (s. 23.968). "$25,000 or more" is the accurate description.
Quebec government land could be expropriated	Reported by Le Journal de Montréal and raised by the Bloc Québécois. The motion provides that where a province appears to have an interest in land covered by a notice, a copy must be sent to the province's attorney general (s. 19(3) as replaced; a parallel rule applies to tunnel notices). The code therefore contemplates notices that reach provincially held interests. Whether a federal expropriation can take land owned by a province is a constitutional question the motion does not settle.

7 — Reaction, 24 November 2026

The motion drew responses from the government, ALTO, all opposition parties in the House, farm organizations, community groups and legal commentators on the day CBC News reported it.

- **Government.** The Minister of Transport said "there is no removal of due process," that the regime would avoid processes bogged down "for 10, 12, 15 years," that the line would occupy a 60-metre strip,

and that Montréal's REM and Toronto's Ontario Line used comparable bespoke land-acquisition regimes.

- **ALTO.** In a statement to CBC News: "A more streamlined process does not mean reducing protections for affected property owners or project oversight." ALTO said fair compensation would be paid and that construction is planned for 2029–2030.
- **Conservative Party.** Transport critic Dan Albas called the dispute process "completely one-sided" and said the party would oppose the changes. The Leader of the Opposition said the government was seeking unprecedented powers to take land for a private consortium. In a letter to the Minister, MP Michael Barrett reported that more than 1,400 residents answered his riding survey, of whom 95% opposed a route through the community and 89% opposed the project (a self-selected survey by the MP's office); asked the government to reconsider the project and withdraw the legislative changes; invited the Minister to a town hall; and urged priority for VIA service at Brockville, Gananoque, Kingston and Smiths Falls.
- **Bloc Québécois.** Leader Yves-François Blanchet called the powers "abusive" and objected to possession before payment. MP Jean-Denis Garon said the measure could affect completion of Highway 13 in Mirabel.
- **New Democratic Party.** Leader Avi Lewis said the party supports high-speed rail but described expropriation as "the last resort."
- **Farm organizations.** Ontario Federation of Agriculture president Drew Spoelstra called for an independent study of the project's impact on agriculture. The Union des cultivateurs franco-ontariens said the issue dominated the OFA annual meeting and that the UCFO, OFA and UPA intend to form a common front to seek amendments.
- **Community groups.** Alt-No co-founder and East Hawkesbury councillor Kathleen O'Connell Renaud said the changes narrow what municipalities can do.
- **Legal commentary.** Land-use lawyer Ajay Gajaria told CBC News the project would likely be the largest expropriation in modern Canadian history and that the crossing cost provision "goes too far."

8 — Where the provisions are described in earlier documents

ALTO's Corporate Plan Summary for 2026–2027, posted in June 2026, calls for "a tailored land acquisition framework, beyond the initial measures introduced in the High-Speed Rail Network Act" and for a new regime for crossings that meet the needs of high-speed rail (pp. 9, 10 and 21; Activity 1.19). Division 44 contains both a stand-alone land acquisition framework and a new crossings regime.

Transport Canada contract T8080-260101, awarded in July 2026 for $39,999.74, is described in the Open Government contracts disclosure as a "Highspeed Rail Network Act update." The disclosure does not describe the scope of the work.

8.1 Procedure

Standing Order 69.1 allows the Speaker to divide votes on omnibus bills, but not on a budget implementation bill containing only measures announced in the budget. Because Budget 2026 announced legislation to "streamline expropriation activities and enable early pre-construction work," Division 44 can be carried in the budget bill without a separate vote. The Senate National Finance Committee noted in March 2026 that Bill C-15 contained 44 non-financial measures and recommended they be separated into their own bills.

9 — Questions for Parliament

1. Who could be the "entity other than the Corporation" in which expropriated land vests, and will Parliament limit that class?

2. Will the crossing guidelines be published, and consulted on, before any segment's arbitration deadline begins to run?

3. If survey access is voluntary today, why is a statutory right of entry onto any parcel required, and how will owners be compensated for disruption as well as damage?

4. Will expropriation powers be delegated to ALTO, and will any delegation be made public?

5. Which early works are expected to be exempted under section 6.1, and will each order be published with reasons?

6. Why is the compensation claim window 18 months, and why does an extension depend on the Minister rather than the Court?

7. Does the new code apply to land held by a province, including the Government of Quebec?

8. What was the scope and deliverable of contract T8080-260101?

9. Will Division 44 be referred to the Transport or Agriculture committee for study separately from the rest of the budget bill?

Questions 1 to 6 and 9 are adapted from Durant (24 November 2026).

10 — Status of the figures

Published figures are quoted from the named sources and can be checked there. The only Initiative calculation is the per-side arbitration share in section 4.2, derived from the equal split of the first $50,000 under s. 23.968. Provisions are described from the text of the notice of ways and means motion; the bill itself has not yet been introduced and its wording may differ. Where the motion does not say something, such as the identity of a receiving entity or the publication of early-works orders, this brief says so rather than inferring it. No claim is made about why any provision was drafted as it was.

Sources & notes

Department of Finance, Notice of Ways and Means Motion to introduce An Act to implement certain provisions of the budget tabled in Parliament on November 5, 2026 (20 November 2026), Division 44, clauses 590–604. High-Speed Rail Network Act, S.C. 2026, c. 3, s. 191. Expropriation Act, R.S.C. 1985, c. E-21. Canada Transportation Act, ss. 98–103. Railway Safety Act, ss. 8–10. E. Durant, "Alto writes laws that speed up expropriation for it and corporations," The Alto Files (Substack), 24 November 2026; and "Three Omnibus Bills and a Railway," 24 November 2026. L. Mayor, "Ottawa proposes sweeping new land-seizure powers for Alto high-speed rail project," CBC News, 24 November 2026. The Canadian Press, "Transport minister defends new expropriation rules for Alto high-speed rail project," 24 November 2026. The Globe and Mail, "Ottawa defends new land seizure powers proposed for Alto's high-speed rail project," 24 November 2026. E. Ferguson, "Government outlines changes to expropriation rules for high-speed rail," Kingston Whig-Standard, 24 November 2026. M. Barrett, MP, letter to the Minister of Transport, 24 November 2026. S. McGoldrick, "Changes to legislation raise concerns of rail-related farmland expropriation," Farmtario, 24 November 2026. ONFR, "Expropriations pour le TGV Alto : les nouveaux pouvoirs d'Ottawa inquiètent des agriculteurs de l'Est ontarien," 24 November 2026. Le Devoir, 24 November 2026; Le Journal de Montréal, 24 November 2026. The Hub, "Lines that landed: Question Period for November 24." ALTO, Corporate Plan Summary 2026–2027 (June 2026). Transport Canada, Bill C-15 briefing binder, "Adjustments to the Expropriation Process for the Initiative." Open Government Portal, contract T8080-260101. ALTO HSR Citizen Research Initiative, Counting the Crossings (August 2026).