

Ben Lansink, AACI, P.App, MRICS, Real Estate Appraiser

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Summary - 2010

Ben Lansink is an experienced professional Real Estate Appraiser who has Land Use and Land Development experience. He has completed a variety of appraisal and consulting assignments to assist in Mortgage Financing, Power of Sale, Deemed Dispositions, GST and Capital Gains Issues involving Canada Revenue Agency (CRA), Expropriation, Insurance Matters such as fire destruction, Family Law, Environmental Issues, Assessment Appeals, First Nation Issues, and Litigation Support.

The consulting aspect involves an analytical, holistic approach to a real estate problem usually to assist in litigation.

Lecture assignments included Courses 1101 and 1102, "Highest and Best Use/Land Use Controls", and "Assessment, Taxation and the Fee Appraiser" for the Appraisal Institute of Canada. Lansink has also lectured "Introduction to Appraisals" for Indian and Northern Affairs Canada.

Ben Lansink has completed the Appraisal Institute of Canada's Ecogift Training Workshop for the valuation of Ecological Gifts as has been established by Environment Canada.

Accepted as an Expert Witness on many occasions by various Courts and Tribunals.

Experience

Real Estate Appraiser, Lansink Appraisals & Consulting, a division of Wellington Realty Group Incorporated, brokerage, Ben Lansink, broker of record.

Appraisal of real estate.

Real estate brokerage – Wellington Realty Group Incorporated, brokerage. We are not an active brokerage, we do not sell real estate. We maintain MLS® memberships solely to obtain legal access to various real estate board open market systems.

Real estate appraisal and counselling involves one or more of the following services:

Real estate appraisal, Litigation support,
Expropriation Appraisals including Injurious Affection studies,
Forensic appraisals, Assessment appeals, Property tax issues,
First Nations - appraisal, negotiating, and consulting,
Project feasibility study and analysis, and
Property portfolio analysis and evaluation.

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| 2002- | Senior Appraiser, Lansink Appraisals |
| 1988-2002 | Project Coordinator (Retired in 2002)
- Management of a variety of land development corporations
- Lansink & Best Ltd., Lansink Best & McIver Limited |
| 1974-1988 | Partner, Knowles, Lansink & Associates Ltd., Appraisers & Consultants
- Completion of a wide range of appraisal assignments |
| 1970-1974 | Mortgage Manager, The Royal Trust Company
- Client and real estate mortgage loan approval |
| 1968- | Realtor™ |

Related Experience

Successfully completed the "Certificate Program" in real estate as presented by The Ontario Real Estate Association.

Licensed under the Ontario Real Estate and Business Brokers Act as a Broker, November 17, 1986, Reg. No. 1914433.

Certified instructor, Courses 1101 and 1102, Appraisal Institute of Canada, until the end of the 1990s.

Course instructor, Introduction to Appraisals, 1995-1996, Indian and Northern Affairs Canada.

Lectured the Assessment Program at Fanshawe College, London.

Certified instructor for the subject "The Principles of Mortgage Financing" for Ontario colleges as administered by The Ontario Real Estate Association, 1975-1985.

Author "UFFI and Market Value" published in the Canadian Appraiser, Volume 29, Book 1, spring 1985; author "Conditions of Sale", the Canadian Appraiser, summer 1998. Author, "Highest and Best Use/Land Use Controls" and "Assessment, Taxation and the Fee Appraiser", Appraisal Institute of Canada, Ontario Association, 1997 and 1998.

Author "Injurious Affection, Lazar v. Hydro One", a case study paper based on a precedent setting case decided by the Ontario Municipal Board in June of 2002. The author presented the case study to appraiser delegates at the Appraisal Institute of Canada's June 2005 Conference, Edmonton, Canada.

Member London and St. Thomas Real Estate Board; Member, Education Committee 1987, 1988, and 1989 (Chairperson 1988); Board Director 1989 and 1990; Member, Ethics Committee 1989; Member, Ethics Appeal Committee 1990.

Member of the Investigating Committee (1989 - 1992) and the Adjudicating Committee (1992 - 1995) of the Appraisal Institute of Canada, Ontario Association. These committees addressed public complaints against members of the Appraisal Institute of Canada, Ontario Association.

Appointed by London City Council to serve as a member at large of the Local Architectural Conservation Advisory Committee (LACAC) 1990-1992.

Appointed by an Order in Council, as recommended by the Attorney General, approved and ordered May 14, 1992 and again on May 14, 1995 by the Lieutenant Governor as a Member of the Assessment Review Board of Ontario, term expired on May 14, 1998.

Member, National Commercial Council, Canadian Real Estate Association, also a Member, Regional Commercial Council, the London and St. Thomas Real Estate Board.

Appraisal assignments have included:

- Airports, Harbours
- Cemeteries, Funeral homes
- Hospitals, Institutional buildings - police stations, schools, and churches
- Office towers, Industrial properties
- Apartment buildings, Real property housing a single dwelling
- Retail commercial properties, Hotels/motels
- Mobile home/trailer parks, Marinas, Golf courses
- Farms and farm land, Intensive farms (e.g. pork and mushroom operations)
- Agriculture support properties

- Land:
 - Ecologically sensitive
 - Parks and conservation
 - Aggregate resource
 - Commercial/industrial/residential land awaiting development
 - Building lots - on water and not on water
 - Landfill sites
 - Indian Reserve Lands
- Rights-of-way, Easements
- Market rent studies
- Rail corridors, Pipelines
- and many others.

Assignments have been carried out in Ontario, Quebec, Manitoba, and the Caribbean. Also travelled to New Zealand in 2010, Consulting Assignment related to airport expansion and the expropriation of a portion of neighbouring land, possible diminution-in-value and resulting injurious affection to the remaining neighbouring land.

Diminution in Value studies resulting in Injurious Affection have been carried out. These included proximity to Airports, Hydro Corridors, Land Fill Sites, Wind Turbines, Roads and Road Works, as well as contaminated land and buildings including urea formaldehyde foam insulation.

Professional Education

MRICS	Member, The Royal Institution of Chartered Surveyors, Member #1293804 Awarded use of this professional designation on November 16, 2009.
AACI	Accredited Appraiser Canadian Institute, Certificate #2180. The Appraisal Institute of Canada awarded use of this professional designation on May 18, 1982.
P.App	Professional Appraiser Granted by the Appraisal Institute of Canada to all holders of the AACI designation.
CRA	Canadian Residential Appraiser, January 1976, Relinquished May 18, 1982.
FRI	Fellow, Real Estate Institute of Canada, 1986, relinquished June 1995.
CLP	Certified Land Planner, Real Estate Institute of Canada, 1990, Relinquished June 1995.

Membership

Appraisal Institute of Canada
 Ontario Real Estate Association
 The Canadian Real Estate Association
 National Commercial Council of the Canadian Real Estate Association
 Ontario Expropriation Association
 The London Club, Limited
 The Royal Institution of Chartered Surveyors

The Toronto Real Estate Board, the Kitchener-Waterloo Board, and the London and St. Thomas Association of Realtors™ together with access to the following Real Estate Boards:

Bancroft, Cambridge, Chatham-Kent, Cobourg-Port Hope, Cornwall, Georgian Triangle, Grey Bruce Owen Sound, Huron Perth, Muskoka-Haliburton, Niagara, North Bay, Orillia, Parry Sound, Peterborough, Quinte, Rideau-St. Lawrence, Sarnia-Lambton, Southern Georgian Bay, Sudbury, Tillsonburg, Windsor-Essex, Woodstock-Ingersoll, plus Real Estate Boards in Alberta, New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland, and Turks & Caicos.

Appraiser Associates

Ashdown Appraisals & Consulting, Sarnia, Ontario
Farley & Associates, London, Ontario

Clients Served (partial list only)

THE GOVERNMENT OF CANADA

Canada Revenue Agency (CRA), Public Works Canada
Indian and Northern Affairs, Environment Canada, Justice Canada

THE PROVINCE OF ONTARIO

Ontario Realty Corporation, Ministry of Natural Resources
The Attorney General, The Ontario Provincial Police

BANKS, TRUST COMPANIES, CREDIT UNIONS, BROKERS, and LENDERS

The Royal Bank of Canada
The Canadian Imperial Bank of Commerce
The Bank of Montreal
The Bank of Nova Scotia
The Toronto Dominion Bank, now TD Canada Trust
The Laurentian Bank of Canada
The Federal Business Development Bank of Canada
The Hong Kong Bank of Canada
The National Bank of Canada
Korea Exchange Bank of Canada

Investors Group
National Trust
The Royal Trust Company
Peoples Trust Company
Sun Life Trust Company

Libro Financial Group, formerly The St. Willibrord Credit Union
Desjardins Credit Union
Mitchell & District Credit Union
Heartland Community Credit Union Limited
Household Finance
InterBay Funding, LLC
Contract Settlement Services

INSURANCE COMPANIES

London Life
Manulife
State Farm
Wawanesa Mutual Insurance Company
The Maritime Life Assurance Company
Zurich Insurance

MUNICIPALITIES AND COUNTIES:

Municipalities of Sarnia, Tecumseh, Goderich, LaSalle, Hamilton, Toronto, Lambton Shores, St. Clair, South Huron, and St. Marys.
Counties of Huron, Lambton, Middlesex, and Oxford.

LAW FIRMS REPRESENTING:

- corporate and individual clients
- the Insurer of Members of the Law Society of Upper Canada
- the Insurer of Members of the Appraisal Institute of Canada
- the Insurers of Real Property (Damage Insurance)

LAW FIRMS:

- Harrison Pensa LLP
- Borden Ladner Gervais LLP
- Davis & Company LLP
- McCarthy Tétrault
- Raphael Partners
- Sutts Strosberg
- Lerners LLP
- Siskinds, the Law Firm
- Ledroit Beckett Litigation Lawyers
- Osler Hoskin & Harcourt
- Reuter Scargall Bennett LLP
- WeirFoulds LLP
- Patton Cormier & Associates
- and many more

PUBLIC CORPORATIONS:

- General Motors, Ford Motor Company, ArvinMeritor, Inc.
- Coca-Cola, Owens-Corning, Hollinger Inc.

TRANSFEREE COMPANIES:

- Royal LePage, All Points Relocation Services, Prudential Relocation Canada

ACCOUNTING FIRMS:

- KPMG Inc., Ernst & Young, and others

OTHERS

Superior Court of Justice, the Honourable Mr. Justice Colin L. Campbell
Conservation Authorities, Nature Conservancy of Canada
Real Property Developers, ClubLink Corporation
Private Corporations and Private Individuals (Canadian and International)
The University of Western Ontario, Lambton College, Several School Boards
Bell Canada, The Royal Canadian Mounted Police, EllisDon Construction, Labatt's Breweries
St. Joseph's Hospital, Air Products Canada Ltd., Shell Canada Projects Ltd.,
and many others.

FIRST NATIONS

Agency 1 First Nation, PWI-DI-GOO-ZING NE-YAA-ZING
Beausoleil First Nation
Cape Croker First Nation
Chippewas of Georgina First Nation
Chippewas of Rama (Mnjikaning) First Nation
Chippewas of the Thames Land Claim Trust
Mohawks of the Bay of Quinte First Nation
NeyashiiNigmiing First Nation
Nicickousemenecaning First Nation
O'BASH'KAAN'DA'GAANG (Indian Reserve 38A)
Saugeen First Nation, Reserves 28 and 29
Walpole Island First Nation
Wapekeka First Nation, Reserve #1 and #2
Sachigo Lake Indian Reserve #1

Indian and Northern Affairs Canada

Assignments have involved both reserve land and non-reserve land that is under effective ownership of a First Nation. Ben Lansink has lectured the First Nation Land Appraisal Education Program offered by Indian and Northern Affairs Canada.

LITIGATION EXPERIENCE – INJURIOUS AFFECTION AND EXPROPRIATION

Ontario Municipal Board File LC010005, June 11, 2002 – Hydro One v. Lazar

Portions of OMB Decision No. 0781 follow.

Firstly, with respect to the question of the valuation of the lands as at May 3, 1994, the differences among the three appraisers are not that drastic. ...

... On the whole, the Board finds of the three, the choice of the comparables made by Mr. Lansink to be the more thoughtful, cautious and cogent.

Furthermore, the Board is impressed with the care he took with each of the properties and the very detailed adjustments he had applied to ensure that the direct comparison approach is sensible and not subject to variable vicissitude.

... the Board prefers the approach and analysis chosen by Mr. Lansink both in terms of quantum and methodology and as such, ... we find that the acreage rate of over \$3,000 giving rise to the value of \$270,000 to be valid.

Secondly, the Board needs to determine whether there is in fact an "injurious affection" that might result from the acquisition or the use of the works thereon.

... the Board finds that [the other appraiser's] hypothesis was refuted by the investigation conducted by Mr. Lansink, who was able to delineate a number of sales that reflect or define such an "incurable factor" pursuant to a very thorough research he had conducted.

Thirdly, there is a finding required as to the extent of the impact. Here, the evidence of Mr. Lansink has not been controverted by Hydro One at all. The evidence is clear that [the injurious affection] would be in the range of 30% to 54%.

Note: Hydro One originally paid the property owner \$4,900. The Section 25 offer was \$20,750 and Hydro One offered \$30,000. Lazar offered to settle for \$40,000, after which Hydro One reduced its offer to \$3,000; hence the OMB Hearing.

Litigation Experience – Real Estate Fraud

Superior Court File 865/01, Sarnia, Ontario

The Honourable Mr. Justice McGarry heard evidence pertaining to four real property appraisals, prepared by four different appraisers, for the same property.

Portions of the Superior Court of Justice Judgment, read the morning of July 11, 2002, by the Honourable Mr. Justice McGarry follow.

Having reviewed all of the appraisals and the critiques,I am satisfied based on [Mr. Lansink's] report and his evidence that there is an appropriate value of \$3.6 million for the land and his appraisal was accurate in that regard.

Clearly, [the other appraisal] is of little or no use to me, whereas the appraisal of Lansink is of considerable benefit as, notwithstanding the lack of comparisons he had, in my view, he thoroughly canvassed all of the appropriate information sources.

Full details are found in Superior Court File 865/01, Sarnia, Ontario.

The McGarry J. Decision was Appealed: DOCKET: C38809

COURT OF APPEAL FOR ONTARIO HEARD: June 2, 2004

RE: HER MAJESTY THE QUEEN (Respondent) – and – GIOVANNI D'ANDREA (Appellant)

BEFORE: LASKIN, CHARRON and LANG JJ.A.

COUNSEL: Brian H. Greenspan, for the appellant

 Shelley Hallett, for the respondent

On appeal from the conviction entered on July 11, 2002 by Justice John F. McGarry of the Superior Court of Justice, sitting without a jury, and from the sentence imposed by McGarry J. on September 23, 2002.

Portions of the decision follow:

[3] Any misapprehension of the appraisal evidence is not relevant because Mr. D'Andrea's guilt or innocence did not turn on the value of the property. In any event, the trial judge carefully considered the four expert property appraisals. He gave clear, cogent reasons for accepting, with one adjustment, the Lansink appraisal. The other appraisals suffered from various weaknesses that the trial judge identified, including the use of this very sale as a comparable (when only 50% of the property was sold), the use of other inappropriate comparables, the questionable use of adjustments, and, in one case, a personal attack on the author of the Lansink appraisal, an attack that the trial judge found only served to undermine the other appraiser's credibility.

[4] In the end, after reviewing all appraisals, the trial judge accepted the adjusted Lansink valuation of \$3.7 million as consistent with the \$3.6 million value cited in the shareholder agreement, and the \$1.8 million price offered for 50% of the property. Not only was the trial judge entitled to come to that conclusion on the evidence, but we agree with that conclusion.

Signed: "John Laskin J.A."
 "Louise Charron J.A."
 "Susan E. Lang J.A."

Litigation Experience – Improvident Sale

Superior Court File 2177/95, Sarnia, Ontario (CIBC v. Wicks et al)

This litigation involved an improvident sale of a real property that was alleged to be contaminated. Portions of Superior Court of Justice Judgment by The Honourable Mr. Justice Steven Rogin released June 18, 2001, follow.

[46] Mr. Lansink aggressively defended his appraisal ...his testimony and his appraisal were carried out in a professional manner.

[49] Where Mr. Lansink's evidence conflicts with that of [another appraiser], I unhesitatingly accept the evidence of Lansink. I therefore assess the value of the property as of July 11, 1994 at \$290,000.

Full details are found in Superior Court File 2177/95, Sarnia, Ontario.

Litigation Experience – Professional Fee Issue

[2000] O.J. No. 5488
Court File No. 22197/96

Ontario Superior Court of Justice
London, Ontario

Killeen J.

Oral judgment: November 3, 2000.

Portions of Superior Court of Justice Judgment by The Honourable Mr. Justice G.P. Killeen on November 3, 2000 follow.

12 This leads me to the hiring of Mr. Lansink, a very experienced senior appraiser, who practices out of London, but who does work in the southwestern Ontario area generally.

29 I am entirely satisfied that all of the hours specified in the log were in fact carried out and reasonably incurred. Mr. Lansink is a very experienced senior appraiser. I was impressed with the care that obviously went into this appraisal from Mr. Lansink's own evidence, and from the report which actually issued from his office.

30 He obviously is an appraiser who cuts no corners and who felt that all of the work that went into this report was absolutely essential in order to carry out this assignment which was, after all, in pursuance of the terms of a Judgment of the Superior Court of this Province.

Full details are found in Superior Court File 22197/96.