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**MUNICIPAL LANDS
Acquisition, Management and Disposition**

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What's New in this Update

This release features updates to the case law and commentary in Chapters 1 (Municipal Tax Sales), 2 (Acquisition of Municipal Lands), 3 (Municipal Procurement) and 4 (Management of Municipal Lands).

Highlights

**Acquisition of Municipal Lands — Acquisition Through Development Process —
Draft Plan of Subdivision Approval — Public Highways and Widening**

The Ontario Municipal Board held that it had the jurisdiction to impose a condition on requiring the licensee to pay costs related to maintenance and repair of the haul route, and that the imposition of such a condition was appropriate. Underlying this conclusion, the Board relied in part on the *Aggregate Resources Act's* s. 12(1)(h), which mandates consideration of the main haulage routes and proposed truck traffic to and from the site prior to the

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issuance of extraction licences. Section 11, meanwhile, grants broad discretion to the Minister, and then the Board to impose conditions on a licensee in connection with a licence: *Giofam Investments Inc. v. Kawartha Lakes (City)*, 2017 CarswellOnt 12067, 1 O.M.B.R. (2d) 48 (O.M.B.).

Management of Municipal Lands — Use and Licensing of Non-Highway Lands — Municipal Buildings

The Ontario Court of Appeal overturned the decision of the application judge, finding that the concept of violence used was overly broad, and subjective feelings in response to the applicant's actions were not sufficient to remove the protection of s. 2(b) of the *Charter*. Further, the Court held that the actions of the municipality could not be justified under s. 1 of the *Charter*. As a result the notice of trespass was quashed: *Bracken v. Fort Erie (Town)*, 2017 CarswellOnt 13874, 2017 ONCA 668 (Ont. C.A.).