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ANNOTATED LAND DEVELOPMENT AGREEMENTS

**Mascarin & De Francesca
Release No. 2, June 2022**

Publisher's Special Release Note 2021

The pages in this work were reissued in April 2021 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the April 2021 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references.

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Annotated Land Development Agreements is a two-volume work which stands as a complete resource for the public and private sector professional. This resource guides you through and simplifies the complex, lengthy and highly specialized agreements required to develop land in Ontario. The work features a thorough discussion of the law with respect to land development agreements and provides fully annotated model forms of the most prevalent and commonly utilized types of development and municipal agreements. Each chapter focuses on specific agreements, including subdivision, site plan control, development, bonusing, development charge credit, development charge early and late payment and front-ending, developers' cost sharing and various types of easement agreements.

What's New in this Update:

This release features the addition of new Appendix SLL – Selected Legal Literature, an index to land development legal literature. This release also includes updates to the legislation in Appendix A, Legislation, including the addition of two regulations: O. Reg. 232/18 *Inclusionary Zoning* made under the *Planning Act*, and O. Reg. 82/98 *General* made under the *Development Charges Act, 1997*. Appendix WP, Words & Phrases, is also updated with new entries.

Highlights

- **Words and Phrases — Conservation Easement** — A conservation easement is typically arranged between a private entity, such as a landowner, and a conservation organization or government agency and then embodied in a written agreement. In Alberta these are then registered on the title to the land. These agreements contain perpetual restrictions to the use of the land. By relinquishing such rights of ownership in support of conservation-minded restrictions the landowner is in effect donating them in favour of a conservation purpose. Thus, conservation easements enable private capital from charitable benefactors to be deployed for public interest purposes — such as environmental protection, enhancement and sustainability: *Nature Conservancy of Canada / Société Canadienne Pour La Conservation De La Nature v. Waterton Land Trust Ltd.* (2014), 48 R.P.R. (5th) 157, 97 Alta. L.R. (5th) 1, 89 C.E.L.R. (3d) 1, 2014 ABQB 303, 2014 CarswellAlta 822, 613 A.R. 205.
- **Words and Phrases — Irreparable Harm** — “... irreparable harm is unavoidable harm that, by its quality, cannot be redressed by monetary compensation”: *Canada (Attorney General) v. Oshkosh Defense Canada Inc.* (2018), 2018 FCA 102, 2018 CarswellNat 2687, 2018 CarswellNat 12333.
- **Words and Phrases — Street** — “... the word ‘street’ as used in the [Respondent’s] Zoning By-law is intended to refer to a highway on dry land, and does not include the concept of a highway of commerce over water ... it does not include the waters of [the water highway]”: *Dominion Diving Ltd. v. Dartmouth (City)* (1993), 125 N.S.R. (2d) 378, 1993 CarswellNS 363, 349 A.P.R. 378.
- **NEW Appendix SLL — Selected Legal Literature** — This new Index to Land Development Legal Literature draws material from the Canadian Abridgment’s *Index to Canadian Legal Literature*, which provides comprehensive access to all the secondary literature of interest to the Canadian legal community. The materials indexed are useful both for theoretical studies and as an aid to the practice of law. Entries are arranged alphabetically by subject. The subjects were chosen from the

Index to Canadian Legal Literature as those most relevant to the law and practice relating to land development.

ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
- As with the print product, the front matter is in a different order than previously displayed
- The Table of Cases, Table of Statutes and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable

