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THE LAW OF CANADIAN MUNICIPAL CORPORATIONS

Ian MacFee Rogers
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Publisher's Special Release Note 2021

The pages in this work were reissued in May 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 May 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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Since 1959, *The Law of Canadian Municipal Corporations*, 2nd Edition, has been the definitive text on all aspects of the law governing municipalities in every province. No other work is quoted with approval so frequently in Canadian judicial decisions. More than 1,700 pages of in-depth commentary keeps you fully informed on this vast subject.

This release features updates to the case law and commentary in Chapters 4 (Elections), 8 (Powers and Duties), 14 (Revenues, Expenditures and Fiscal Management), 17 (Planning and Zoning), 18 (Building Construction and Permits), 21 (Drainage and Watercourses), 25 (Municipal Contracts), 26 (Corporate Property), 28 (Administration of Justice, Policing and Inquiries), 30 (Municipal Highways and Streets), and 32 (Actions By and Against Municipal Corporations).

Highlights

Case Law

- **Sign Regulation—Vehicles—Prohibitions**—Regulation of signage on vehicles may be enacted. A by-law prohibiting signage on vehicles except signage advertising the business of the vehicle owner has been upheld because “control over vision pollution, and protection of the visual environment, are legitimate and significant concerns for local governments.”: *Top v. Foothills (Municipal District No. 31)*, 2022 ABCA 62, 2022 CarswellAlta 485 (Alta. C.A.)
- **Municipal Contracts—Breach—Appropriate Action**—Where obligations under a contract are not met, termination is appropriate. Where municipality terminated a contract because of misrepresentation by a lessee, the contract was terminated. Judicial review was sought but rejected because the termination was a matter of private contract and was not the exercise of regulatory or licensing powers: *The Redeemed Christian Church of God v. New Westminster (City)*, 2021 BCSC 1401, 2021 CarswellBC 2286, 55 B.C.L.R. (6th) 158, 21 M.P.L.R. (6th) 282 (B.C. S.C.)
- **Corporate Property—Expropriation—Injurious Affection**—Valuation should take into account injurious affection of remainder properties not expropriated but affected by the expropriation. The Court found that the Tribunal below was not wrong to award damages for injurious affection where the unexpropriated land would be more difficult to develop after the expropriation: *The Corporation of the City of Windsor v. Paciorka Leasehold Limited*, 2021 ONSC 2189, 2021 CarswellOnt 4356, 16 L.C.R. (2d) 335, 21 M.P.L.R. (6th) 143 (Ont. Div. Ct.)
- **Actions By Municipalities—Injunctions**—While three tests are typically followed in the granting of injunctions. A modified approach may be taken in the case of municipalities which are presumed to act in the public interest and hence where there is a clear breach of municipal by-laws such as illegally blocking and occupying roadways and streets as well as blocking bridge access, an injunction has been granted: *Automotive Parts Manufacturers’ Association v. Jim Boak*, 2022 ONSC 1001, 2022 CarswellOnt 2091 (Ont. S.C.J.)

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