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MUNICIPAL LANDS Acquisition, Management and Disposition Quinto M. Annibale Release No. 2021-4, December 2021

Publisher's Special Release Note 2021

The pages in this work were reissued in July 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 July 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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What's New in this Update:

This release features updates to following appendices: Issues in Focus, Selected Legal Literature, and Words and Phrases.

Highlights

Issues in Focus — New memoranda have been added which consider whether there is any law indicating that a legal non-conforming use would be lost due to an application to sever a different part of the property; whether a *Boundaries Act* plan will be considered a plan of subdivision; and whether a City has the legal authority to compel landowners to hook up directly to a new municipal water supply system at their own expense.

Words and Phrases — Attribute — Ontario — The term “attribute” ... to mean a feature or some other quality of a building or structure on the respective properties regarded as characteristic or inherent to each of them: *Black v. Niagara-on-the-Lake (Town)*, 2021 CarswellOnt 7471 (Ont. C.R.B.) at para. 53 Nelson (Member).

Words and Phrases — Community Planning Permits — Ontario — “community planning permits”, providing in s. 70.2.1 [of the Planning Act, R.S.O. 1990, c. P.13], that this is alternate terminology for development permits: *Paul v. Lake of Bays (Twp.)*, 2021 CarswellOnt 3514 (Ont. L.P.A.T.) at para. 9 Jacobs (Vice Chair).

Words and Phrases — Disturbance Damages — British Columbia — In light of my conclusion that the sale was not forced, it is not necessary for me to address [the defendant city's] submission that there is no legal basis for the Ongoing Land Claim. However, in light of the submissions on this point, I will say that the plaintiffs' claim is dubious. First, s. 31 of the Act [Expropriation Act, R.S.B.C. 1996, c. 125] clearly fixes the date of expropriation as the date to determine market value, and that such compensation includes the future potential of the land...Further, I doubt that a loss of opportunity to retain the remaining lands after a partial expropriation falls within the meaning of “disturbance damages” in the Act. Such damages relate to the impact of the expropriation on the business and must be reasonable and not remote. Loss of potential future market value does not fall within this description: *Springman v. Surrey (City)*, 2021 CarswellBC 2867, 2021 BCSC 1804 (B.C. S.C.) at para. 85, 86 Iyer J.

ProView Developments

PUBLISHER'S NOTE

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 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
- Footnote text only appears in ProView-generated PDFs of entire sections and pages