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<b>THE ANNOTATED MUNICIPAL ACT</b> <b>Second Edition</b> Auerback and Mascarin Release No. 7, July 2025
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The Annotated Municipal Act, Second Edition, helps you navigate this complex piece of legislation and is your single most important resource in municipal law. This publication includes analysis of each section of the Ontario *Municipal Act, 2001* and includes a concordance to the former Act.

This release features updates to the case law and commentary in Part II—General Municipal Powers, Part III—Specific Municipal Powers, Part—VI Practices and Procedures Municipal Organization and Administration, Part X—Tax Collection and Part XIV Enforcement.

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## Highlights

**Municipal Act, 2001—Conflict between by-law and statutes, etc.—Conflict with Act or regulation—**The applicant rented a three-bedroom townhouse from the landlords for a one-year term. The landlords subsequently discovered that the applicant was listing and renting property on the Airbnb platform without having obtained a license, as required by the town’s short-term rental (STR) bylaw. The landlords complained to the town and the town issued a compliance order requiring the applicant to obtain a license or cease operating the STR. The property was inspected by Fire and Rescue Services, which found numerous violations of the Fire Code, and a compliance order was issued. The applicant applied for a declaration that the STR bylaw was *ultra vires* on the basis that it exceeded the legislative authority set out in the *Municipal Act*, 2001 and was also inconsistent with the *Residential Tenancies Act*. The application judge found that the town had authority under the Municipal Act, 2001 to enact the STR bylaw, and that there was no conflict between the STR bylaw and the *Residential Tenancies Act*. The applicant appealed. The appeal was dismissed. The court found that there was no conflict between the STR bylaw and the *Residential Tenancies Act*: *Munir v. Garg*, 2025 ONCA 334, 2025 CarswellOnt 6144 (Ont. C.A.) .

**Municipal Act, 2001—Application to quash by-law—Illegality—** The city passed a residential licensing by-law as a two-year pilot project in two of its 10 wards. A landlords coalition sought to quash the by-law and its conditions, alleging it was *ultra vires* the city because it was constitutionally infirm and infringed a number of statutes. The application judge dismissed the coalition’s application to quash the by-law. The coalition appealed. The appeal was dismissed. None of the impugned provisions breached the Charter of Rights and Freedoms or was inconsistent with provincial legislation. The marketing provisions did not violate freedom of expression under s. 2(b) of the Charter. The by-law did not allow for unlawful entry in breach of s. 8 of the Charter nor exceed the landlord’s right of entry permitted under the Residential Tenancies Act, 2006. The by-law did not interfere with the tenant’s right to sublet under the Residential Tenancies Act, 2006. The by-law licensing requirement of a criminal record check did not encroach upon federal criminal law powers. The requirement that the landlords provide information did not violate s. 7 of the Charter nor infringe protections under the Municipal Freedom of Information and Protection of Privacy Act: *Windsor Housing Providers Inc. v. Windsor (City)*, 2025 ONCA 78, 2025 CarswellOnt 1131 (Ont. C.A.).