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THE LAW OF CANADIAN MUNICIPAL CORPORATIONS

Ian MacFee Rogers

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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.

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Highlights

Case Law

- **Building Construction—Permits—Consent by Owners**—Where one of two registered owners of a property does not consent to a proposed development of land, refusal to issue either a demolition or building permit is appropriate: *Este v. West Vancouver (District)*, 2022 CarswellBC 3692 (B.C. C.A.)
- **Firefighters—Harms—Class Action**—Where harms to firefighters and fire personnel involve more than one person, a class action may be authorized by the courts. In this case, involving sexual misconduct and sexual assault, a class action was certified and a settlement affording damages ranging from \$10000 to \$285000 was approved: *Steele v. Leduc (City)*, 2023 CarswellAlta 2141 (Alta. K.B.)
- **Actions—Discovery—Waiver of Privilege**—Where privilege has been waived allowing for access to some documents, it does not follow that there is access to all potentially related privileged documents: *Medynski v. Rural Municipality of Prince Albert No. 461*, 2023 CarswellSask 390, 2023 SKCA 88 (Sask. C.A.)
- **Municipal Wrongs—Negligence—Duty of Care and Causation**—Causation and duty of care ought not to be conflated, they require separate legal analysis This case involved a luminaire which was in disrepair at the time of an injury. Both duty of care and causation had to be considered but unfortunately had been conflated by the court where a motion for summary judgement had been made: *Case v. Pattison*, 2023 CarswellOnt 12032, 2023 ONCA 529 (Ont. C.A.)
- **Schools—Teachers—Dismissal**—Dismissal is a severe penalty and is at the end of the disciplinary system. It ought not to be used lightly or prematurely. Hence, where a teacher with an otherwise unblemished career who had a very brief altercation with a young person in a coffee shop was dismissed, the arbitrator reinstated the teacher and substituted a one month suspension: *Toronto Catholic District School Board and OECTA (Sena), Re*, 2023 CarswellOnt 11985 (Ont. Arb.)

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