

## Publisher's Note

An Update has Arrived in Your Library for:

<b>Please circulate this notice to anyone in your office who may be interested in this publication.</b> <i>Distribution List</i>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

### THE LAW OF CANADIAN MUNICIPAL CORPORATIONS

Ian MacFee Rogers  
Release No. 4, April 2024

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 2 (Incorporation), 4 (Election), 5 (Council Members), 14 (Assessment), 17 (Planning and Zoning), 18 (Building Construction), 22 (Miscellaneous – Parks), 26 (Corporate Property), 29 (Public Safety), 30 (Municipal Highways), 32 (Actions By and Against Municipalities), 33 (Municipal Wrongs) and 35 (Schools).

---

THOMSON REUTERS®

#### Customer Support

1-416-609-3800 (Toronto & International)

1-800-387-5164 (Toll Free Canada & U.S.)

E-mail [CustomerSupport.LegalTaxCanada@TR.com](mailto:CustomerSupport.LegalTaxCanada@TR.com)

This publisher's note may be scanned electronically and photocopied for the purpose of circulating copies within your organization.

## Highlights

### Case Law

- **Election—Contestation—Frivolous and Vexatious Challenge—**Challenges made on unreasonable grounds will be rejected. Hence, where the election of a mayor was challenged on the basis that polling data was used to select candidates who could appear in debates and thus excluded others, the court rejected this on the basis that the municipal elections legislation simply did not regulate this and found the challenge to be frivolous and vexatious: *Clarke v. Toronto (City)*, 2023 CarswellOnt 17808 (Ont.S.C.J.).
- **Assessment—Process—Reasons—**Where the reasons are intelligible, transparent and justified, as in a case involving assessment of university residences, challenges to the decision will be dismissed: *City of Lethbridge v. University of Lethbridge*, 2024 CarswellAlta 54 (Alta.K.B.).
- **Heritage Designation—Effect on Development—**Demolition and development cannot be stopped by an arbitrary heritage designation where inappropriate procedures were followed and irrelevant matters were considered: *Dalhousie University v. HRM*, 2023 CarswellNS 988 (N.S.S.C.).
- **Municipal Wrongs—Extent of Liability—Third Party—**Municipalities may be liable as employers under occupational health and safety legislation for the actions or inactions of contractors in respect to incidents which give rise to suits, as for example an incident involving a fatal accident in a construction site: *R. v. Greater Sudbury (City)*, 2023 CarswellOnt 17323, 2023 CarswellOnt 17324, 2023 SCC 28, 2023 CSC 28 (S.C.C.).
- **Schools—Premises—Fair Process—**Where decisions which have been made to close a school and where they have made in a procedurally fair and reasonable way, challenges to them will be dismissed: *Queen Elizabeth Annex (QEA) Parents' Society v. Vancouver School District No. 39*, 2023 CarswellBC 3528 (B.C.S.C.).

### 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 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