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THE LAW OF CANADIAN MUNICIPAL CORPORATIONS

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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.

What's New in this Update:

This release features updates to the case law and commentary in 4 (Elections), 6 (Municipal Council), 14 (Revenue), 16 (Licensing), 17 (Planning), 18 (Building), 20 (Public Improvements), 22 Miscellaneous (Parks), 24 (Attacks on By-Laws), 26 (Corporate Property), 28 (Policing), 30 (Highways and Streets), and 32 (Actions By and Against Municipalities).

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Highlights

Case Law

- **By-Laws—Grounds of Attack—Bad Faith**—In the absence of evidence that a particular farm operation was targeted in the enactment and enforcement of a by-law, an allegation of bad faith has been rejected: *Zhang Estate v. Wainfleet (Township)*, 2024 CarswellOnt 17774, 2024 ONCA 846, 62 M.P.L.R. (6th) 154 (Ont. C.A.); leave to appeal refused 2025 CarswellOnt 7834, 2025 CarswellOnt 7833, 2025 CanLII 46541 (S.C.C.).
- **Corporate Property—Adverse Possession—Municipal Park Land**—In some instances in some provinces, park land may be lost through adverse possession. Adverse possession may be possible where legislation, such as *Ontario’s Real Property Limitations Act*, does not exempt municipal parkland from that process: *Kosicki v. Toronto (City)*, 2025 CarswellOnt 15133, 2025 CarswellOnt 15134, 2025 CSC 28, 2025 SCC 28, 507 D.L.R. (4th) 1, 62 M.P.L.R. (6th) 1, 71 R.P.R. (6th) 1 (S.C.C.).
- **Corporate Property—Acquisition—Reserve Land**—Where reserve lands were leased to a municipality for a park, the municipality’s claim to the land at the end of the lease was rejected because there was no evidence of an intent of either the federal or provincial governments to dedicate that land to the municipality especially given that it was reserve land and there was no evidence that the town owned roads within that reserve land: *Couchiching First Nation et al. v. The Attorney General of Canada et al.*, 2025 CarswellOnt 9882, 2025 ONSC 3602, 60 M.P.L.R. (6th) 50 (Ont. S.C.J.).
- **Corporate Property—Expropriation—Suspension**—Where a municipality decided to expropriate a property for its own residential development but also where a developer intended to create a residential development, the municipality’s attempt to expropriate was suspended. It was suspended because serious questions including whether or not the expropriation was to the benefit of the municipality were raised, because on a balance of convenience suspension was reasonable and because the municipality would not suffer any prejudice by suspension: *Pelletier v. City of Alma*, 2024 CarswellQue 18172, 2024 QCCS 3377, 2024 CarswellQue 18172, EYB 2024-553601, 24 L.C.R. (2d) 301, 61 M.P.L.R. (6th) 30 (C.S. Que.).
- **Roads—Establishment—Dedication**—The Court of Appeal upheld the motion court judge’s finding that modest courtesies extended by township, such as depositing sand on road portion, do not amount to clear and unequivocal evidence of intention to assume jurisdiction over road portion: *Chitaroni Estate v. Coleman (Township)*, 2025 CarswellOnt 9372, 2025 ONCA 424, 70 R.P.R. (6th) 205 (Ont. C.A.).