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CANADIAN LAW OF PLANNING AND ZONING

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Written by leading authorities in municipal law in Canada, the fully revised second edition of *Canadian Law of Planning and Zoning* remains the only Canadian text comprehensively covering all aspects of the municipal regulation of land use, including key cases and selected planning and related legislation from across Canada.

This release features updates to the case law and commentary available in these chapters: 4 (Zoning and Land Use), 5 (Subdivision and Development), 7 (Building Construction), 8 (Challenges to Planning Decisions, Reviews and Appeals) and 9 (Enforcement).

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Highlights

Case Law

- **Zoning—Amendment—Hearing**—Where a statute gave council the discretion to hold a hearing on, for example, a rezoning and council opted not to hold a hearing, a challenge on fairness grounds respecting lack of a hearing failed: *Tantalus at Paradise Valley Inc. v. Squamish (District)*, 2025 BCSC 1599, 2025 CarswellBC 2457, 62 M.P.L.R. (6th) 246 (B.C. S.C.).
- **Development Permit—Approval—Criteria**—The Court overturned a development permit approval because the Board had failed to consider material legal prerequisites for approval of a development. The board did not consider two critical definitions which outlined criteria for rowhouse and secondary suite development and it also failed to consider a legal requirement respecting sightlines: *Zhuromsky v. Calgary (City)*, 2025 ABCA 352, 2025 CarswellAlta 2537 (Alta. C.A.).
- **Development Permit—Construction Scheme—Cancellation Petition**—While a common law construction scheme might prevent the operation of a development permit, such a scheme may be overturned by acceptance of a cancellation petition. In turn this will allow a development permit to go forward as was the case in a townhouse development project: *Smith v. Clearwater Park GP Inc.*, 2025 BCSC 1239, 2025 CarswellBC 1967, 69 R.P.R. (6th) 210 (B.C. S.C.).
- **Building Permits—Absence—Demolition**—Where a company built several buildings without permits the court granted orders to prohibit occupancy and to demolish the buildings because they had been constructed without inspections required under the permit system and were unsafe: *Fraser Valley (Regional District) v. 13HE13 Holdings Corp.*, 2025 BCSC 1590, 2025 CarswellBC 2439 (B.C. S.C.).