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## CANADIAN LAW OF PLANNING AND ZONING

Ian MacF. Rogers Release No. 10, October 2025

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 legislation from across Canada.

This release features updates to the case law and commentary available in these chapters: 2 (Authority to Plan), 3 (Plan), 4 (Zoning and Land Use), 5 (Subdivision and Development), 6 (Heritage), 7 (Building Construction), 8 (Challenges to Planning Decisions, Reviews and Appeals), 9 (Enforcement) and 10 (Emerging Issues in Planning Law).

## Case Law — Highlights

• Construction — Building Permit — Where Not Required — Not all construction will require a permit as some structures may fall outside of definitions of buildings and structures as defined in the Building Code Act. A retaining wall was found not to be a "designated structure" and hence no permit was needed: 1391570 Ontario Inc. v. County of Norfolk, 2025 ONSC 3703, 2025 CarswellOnt 10043 (Ont. S.C.J.).

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- Official Plan Amendment Sound Planning A plan amendment which was to add a special Historic Core District policy to a municipal plan to permit a standalone residential-only apartment building was approved because it reflected sound planning, followed provincial policy and was consistent with the municipality's Official Plan all of which was affirmed by uncontradicted expert opinion: 2381842 Ontario Inc. v. South Huron (Municipality), 2025 CarswellOnt 10226 (Ont. Land Tribunal).
- Judicial Review Appropriate Venue Where Appeal Rejected Judicial review may be granted where there are mixed questions of fact and law, where a leave to appeal was rejected, and where such matters could not have been canvassed because of the statutorily restricted nature of the appeal process: Voices of Willowdale Inc. v. City of Toronto, 2025 ONSC 1906, 2025 CarswellOnt 4065 (Ont. Div. Ct.).
- Enforcement Injunctions To Whom Injunction Appropriately Applies Where a municipality has sought an injunction against a landlord where it has only clearly demonstrated a problem with the tenant respecting violation of environmental laws and municipal bylaws, the injunction application will be dismissed: *Port Coquitlam (City) v. Ground X Site Services Ltd.*, 2025 BCCA 204, 2025 CarswellBC 1804 (B.C. C.A.).