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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 legislation from across Canada.

This release features updates to the case law and commentary available in these chapters: 3 (The Plan) 4 (Zoning and Land Use), 5 (Subdivision and Development), 7 (Building Construction), 8 (Challenges to Planning Decisions, Reviews and Appeals), and 10 (Emerging Issues – Sustainability)

Case Law — Highlights

- **Zoning — Amendment — Compatibility** — A proposed development for housing homeless people in a new “modular” apartment setting which met provincial and municipal policies and plans has been found to be compatible with an apartment which historically had been established for seniors. A call for age restrictions on access to the new development was rejected: *Bayview Cummer Neighbourhood Association and LiVante Holdings (Cummer) Inc. v. Toronto (City)*, 2024 CarswellOnt 150 (Ont. Land Tribunal)

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- **Zoning — Minor Variances — Tests** — Following previous precedent, the Court held that application of the tests respecting minor variances need not be formulaic so long as the tests are met and so long as it is clear that the tests have been applied: *Loeb v. Toronto (City)*, 2024 CarswellOnt 341, 2024 ONSC 277 (Ont. Div. Ct.)
- **Development Regulation — Development Permit — Disallowed** — The granting of a development permit which relied on contradictory thinking and was not consistent with the statutory and by-law regime, has been quashed. The development permit had been granted on the basis that a canoe club was a community centre which it was found not to be: *Hardman v. West Hants (Municipality)*, 2024 CarswellNS 49 (N.S.S.C.)
- **Subdivision Approval — Agreements — Third Parties** — Agreements such as easement agreements made between parties other than the municipality will not bind the municipality in the subdivision agreement between one of those parties and the municipality: *Maieron v. Guila et al.*, 2024 CarswellOnt 519 (Ont. S.C.J.)

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