Publisher's Note

An Update has Arrived in Your Library for:

Please circulate this notice to anyone in your office who may be interested in this publication. *Distribution List*
☐
☐
☐
☐

MUNICIPAL LANDS
Acquisition, Management and Disposition
Quinto M. Annibale
Release No. 3, October 2026

What's New in this Update:

This release features updates to Appendix IF—Issues in Focus and Appendix WP—Words and Phrases.

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

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

Highlights:

ISSUES IN FOCUS—Does a City have the legal authority to compel landowners to hook up directly to a new municipal water supply system at their own expense?—With this release, the research into this issue has been updated to May 2026.

WORDS AND PHRASES—BUSINESS—ONTARIO—"There is nothing in the definition of a "business" in s. 150 of the *Municipal Act* that requires that the business activity at issue must occur on a full-time basis. On the contrary, the definition recognizes that the hiring of goods may be "intermittent", on a "one-time basis" or "transient". It follows that the activity may also be seasonal." (*Tiny Township Association of Responsible STR Owners v. Tiny (Township)* (2026), 2026 CarswellOnt 9450, 2026 ONCA 408 (Ont. C.A.) at para. 49 Gomery J.A.).

WORDS AND PHRASES—EASEMENT—ONTARIO—"An easement is an interest one has in the land of another. It is "a right or interest annexed to land, which permits the owner of the dominant land to impose restrictions on the owner of the servient land as to its use". A prescriptive easement is a legal claim that allows an individual to acquire a right to use another person's land, such as a path or driveway, based on long-term continuous use, without permission. . . .Under the doctrine of lost modern grant, prescription is based on the legal fiction that if there has been 20 years of uninterrupted use by the owner of the dominant tenement, it is presumed that there has been a grant of an easement and that the grant has been lost. The requisite use need not be immediately before the action but may exist during any uninterrupted 20-year period or longer. The 40 year period referenced in s. 31 [*Real Property Limitations Act*, R.S.O. 1990, c. L.15] where the prescriptive easement can be defeated only by permission in writing, is not applicable to lost modern grants which can be defeated by consent or permission written or oral. [Footnotes omitted.]" (*Keenan v. Pitsikalis* (2025), 2025 ONSC 4375, 2025 CarswellOnt 22809 (Ont. S.C.J.) at para. 15, 16, 22 Henschel J.).

WORDS AND PHRASES—ENACTMENT—ONTARIO—"An "enactment" includes governmental decisions that restrict land use, such as zoning bylaws, regulations, and municipal or provincial land-use policies. . .(*Regional Municipality of York v. 2090396 Ontario Ltd.* (2026), 2026 ONSC 3430, 2026 CarswellOnt 9939 (Ont. Div. Ct.) at para. 27 Schreck J.).