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ANNOTATED LAND DEVELOPMENT AGREEMENTS

Mascarin & De Francesca
Release No. 2, May 2026

Annotated Land Development Agreements is a two-volume work which stands as a complete resource for the public and private sector professional. This resource guides you through and simplifies the complex, lengthy and highly specialized agreements required to develop land in Ontario. The work features a thorough discussion of the law with respect to land development agreements and provides fully annotated model forms of the most prevalent and commonly utilized types of development and municipal agreements. Each chapter focuses on specific agreements, including subdivision, site plan control, development, bonusing, development charge credit, development charge early and late payment and front-ending, developers' cost sharing and various types of easement agreements.

What's New in this Update:

This release features a new Chapter 5 Appendix "Community Benefits In-Kind Contribution Agreement", along with an update to the Legislation, Words and Phrases, and Select Legal Literature Appendices.

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Highlights

- **COMMUNITY BENEFITS IN-KIND CONTRIBUTION AGREEMENT—SCOPE OF AGREEMENT**—This Agreement shall define the obligations and duties of the Owner with respect to the Services, and without limiting the generality of the foregoing, shall include the installation, construction, repair and maintenance of the Services to Be provided and payments required to be made to the Municipality and such other matters as more specifically set out herein and shall define the responsibilities of the Owners related to the Final Acceptance of the Services. The Parties acknowledge and agree that construction of the Services may/will proceed in phases and that the provisions of this Agreement are to be read as being applicable to the respective phases of the installation and construction of the Services as installation and construction proceeds.
- **WORDS AND PHRASES—SHADOW OF EXPROPRIATION—BRITISH COLUMBIA**—Expropriation of a property is an ongoing process. This may include the “shadow” of the taking where steps that precede the formal acquisition causes damage to an owner: *S & R Sawmills Ltd. v. Greater Vancouver Sewerage and Drainage District* (2025), 2025 CarswellBC 3881, 2025 BCSC 2453 (B.C. S.C.) at para. 162 Gibb-Carsley J.
- **WORDS AND PHRASES—“WEBNET” FEATURE—BRITISH COLUMBIA**—An optional part of a stainless steel cabling system that would provide opaque fillers between cables: *Beach v. The Owners, Strata Plan VR840 Seastrand* (2025), 2025 CarswellBC 2117, 2025 BCSC 1382 (B.C. S.C.) at para. 22 Veenstra J.