

Index

ACTIONS BY AND AGAINST MUNICIPAL CORPORATIONS

See also WRONGS, MUNICIPAL

Actions, generally

generally, **32:1 to 32:21**

authority to sue or defend, **32:6**

capacity to sue and be sued, **32:1**

common law immunity, **32:1**

corporate status, **32:1**

declaratory judgments, restrictions
on, **32:1**

due diligence defence, **32:1**

libel actions, **32:1**

private litigants, same footing as,
32:1

proprietary rights, protection, **32:1**

tort liability, based on intention or
negligence, **32:1**

cause of action, **32:2**

compromise, **32:17**

conditions precedent, **32:7**

generally, **32:7**

illegal by-laws, necessity of quash-
ing, **24:47**

costs, **32:18**

discovery, **32:13**

enforcing judgments: execution, **32:14**

language rights and pleadings, **32:12**

limitations

generally, **32:8**

British Columbia, **32:8**

Charter and limitation periods, **32:8**

estoppel in pleading, **32:8**

extension of time, **32:8**

limitation period, suspension of, **32:8**

New Brunswick, **32:8**

Ontario, **32:8**

Public Authorities Protection Act,
32:8

Public Utilities Act, **32:8**

Saskatchewan, **32:8**

parties

generally, **32:9**

board vs. municipality, **32:9**

ACTIONS BY AND AGAINST MUNICIPAL CORPORATIONS

—Cont'd

Actions, generally—Cont'd

parties—Cont'd

corporation, not individuals, **32:9**

proper name, minor deviations from,
32:9

successor municipalities, **32:9**

practice

generally, **32:11**

juries, **32:11**

pleadings, **32:11**

private litigants, same footing as,
32:11

territorial limits, **32:11**

settlement, **32:17**

Indemnity, right of corporation to

generally, **32:54 to 32:58**

covenant to indemnify, **32:57**

procedure, statutory, **32:56**

remedy over, statutory, **32:55**

Injunctions, **32:51**

generally, **32:51**

grant, principles governing, **32:52**

Injurious affection, compensation for

generally, **32:59 to 32:64**

basis of compensation, **32:22**

persons entitled to compensation, **32:62**

property rights for which compensation
to be made, **32:63**

right of action apart from compensa-
tion, **32:61**

right to compensation, **32:60**

Mandamus

generally, **32:45 to 32:50**

alternative remedies, **32:50**

bars to, **32:50**

demand, **32:48**

persons entitled to apply, **32:46**

refusal, **32:48**

statutory duty, **32:47**

whom directed to, **32:49**

ACTIONS BY AND AGAINST MUNICIPAL CORPORATIONS

—Cont'd

- Notice of action
 - generally, **32:7, 32:22**
 - failure to give, **32:27**
 - generally, **32:27**
 - prejudice, **32:27**
 - reasonable excuse, **32:27**
 - pleading, **32:28**
 - purpose, **32:22**
 - requirement, when, **32:23**
 - requirement, when not, **32:24**
 - service, **32:25**
 - sufficiency, **32:26**
 - time, **32:25**
- Ratepayers' actions
 - generally, **32:29**
 - classes of actions
 - generally, **32:31**
 - illegal contracts, restraining or avoiding, **32:31**
 - illegal expenditures, restraining, **32:31**
 - illegal payouts, recovery of, **32:31**
 - parties, **32:30**
- Suits by Attorney-General, **32:43**
 - generally, **32:43**
 - intervention, when unnecessary, **32:44**
- Suits by individual ratepayers, inhabitants
 - generally, **32:32**
 - by-laws, enactment, restraining or compelling, **32:36**
 - by-laws, enforcement of, **32:37**
 - by-laws, restraining enforcement, **32:38**
 - by-laws, submission, restraining or compelling, **32:36**
 - misfeasance in public office, **32:41**
 - municipal contracts, enforcing, **32:34**
 - negligence, **32:40**
 - nuisance, abatement of, **32:39**
 - public property, restraining use or sale of, **32:35**
 - trespass, **32:42**
 - ultra vires acts, restraining, **32:33**

ADMINISTRATION OF JUSTICE, POLICING AND INQUIRIES

Generally, **28:1**

ADMINISTRATION OF JUSTICE, POLICING AND INQUIRIES

—Cont'd

- Court house and jail expenditures
 - generally, **28:2 to 28:5**
 - accommodation, courts and officers, **28:5**
 - buildings, erection and maintenance, **28:3**
 - prisoners, maintenance of, **28:4**
- Expenditures, **28:2**
 - see court house and jail expenditures supra
- Inquiries into municipal affairs
 - generally, **28:22**
 - finances, inquiry into, **28:25**
 - inquiries and investigations, other, **28:26**
 - judges, investigations by, **28:22**
 - police records, **28:27**
- Police boards
 - generally, **28:6**
 - annual estimates, **28:6**
 - composition of board, **28:6**
 - formation, **28:6**
 - functions, **28:6**
 - independent entities, **28:6**
 - liability, **28:6**
 - meetings, **28:6**
 - powers, statutory, **28:6**
- Police officers and constables
 - generally, **28:8**
 - composition of police force, **28:8**
 - discipline, **28:15**
 - dismissal, **28:15**
 - appeals, **28:15**
 - disciplinary procedure, **28:15**
 - natural justice, **28:15**
 - non-disciplinary dismissal, **28:15**
 - time limitations, **28:15**
 - wrongful dismissal, **28:15**
 - employment, **28:10**
 - force, use of, **28:12**
 - indemnification for damages, **28:19**
 - liability for actions, **28:20**
 - liability for acts, **28:16**
 - adequate police protection, **28:16**
 - negligent acts, **28:16**
 - “public officer” doctrine, **28:16**

**ADMINISTRATION OF JUSTICE,
POLICING AND INQUIRIES
—Cont'd**

- Police officers and constables—Cont'd
 - police oversight and investigation of police conduct, **28:18**
 - professional qualifications, **28:11**
 - remuneration, **28:10**
 - status, **28:9**
 - suspension, **28:14**
 - training standards, **28:11**
 - wrongful acts of police, **28:17**
- Rewards, **28:21**

ANIMALS

- See also MISCELLANEOUS MATTERS
- Dogs: licensing and keeping at large, **22:5**
- Keeping of animals, **22:1**
- Running at large, **22:2**

ARBITRATIONS

- See also PROPERTY, CORPORATE
- Generally, **31:1**
 - compulsory arbitration, **31:2**
 - definitions, **31:1**
 - municipal statutes, **31:5**
 - power to arbitrate, **31:3**
 - statutes, applicability of, **31:4**
- Appeals, **31:18**
 - see also review of and appeal from infra
- Award, **31:11**
 - amending, power to, **31:15**
 - costs, **31:17**
 - effect on expropriation, **31:11**
 - enforcement, **31:16**
 - interest, power to allow, **31:12**
 - reasons, **31:14**
 - writing, statement in, **31:13**
- Procedure
 - generally, **31:6**
 - arbitrator, appointment, **31:8**
 - arbitrators, qualifications, **31:7**
- Reviews and appeals from, **31:18**
 - generally, **31:18**
 - limitations, **31:19**
 - quantum of award, appeals on, **31:20**
 - questions of law, appeal on, **31:21**
 - remission of award, **31:22**
- Subject matters, **31:9**
 - expropriation of damage to land, **31:9**

ARBITRATIONS—Cont'd

- Subject matters, **31:9**—Cont'd
 - Public Utilities Act, expropriation of land under, **31:10**

ATTACKS ON BY-LAWS

See also BY-LAWS GENERALLY

- Applications to quash
 - generally, **24:7 to 24:14**
 - costs, **24:14**
 - failure to apply in time, **24:12**
 - jurisdiction of court, **24:8**
 - practice and procedure, **24:13**
 - remedy, nature of, **24:7**
 - right to apply, **24:9**
 - acquiescence, **24:9**
 - estoppels, **24:9**
 - injurious effect to municipality, **24:9**
 - interveners, **24:9**
 - person interested in by-law, **24:9**
 - right to oppose, **24:10**
 - time for application, **24:11**
 - approval of by-laws, **24:11**
 - limitation period, **24:11**
 - registration, promulgation or publication of by-laws, **24:11**
 - time for application, failure to meet, **24:12**
 - “null and void,” **24:12**
 - “quash,” **24:12**
 - voidable by-law, **24:12**
 - Void by-law, **24:12**
- Curative provisions, **24:53**
- Grounds of attack, **24:27**
 - generally, **24:27**
 - “illegality,” **24:27**
 - null, **24:27**
 - void ab initio, **24:27**
 - illegality, other conditions, **24:39**
 - discrimination, **24:39**
 - unreasonableness, **24:40**
 - illegality: improper motive of object, **24:28**
 - bad faith, **24:28**
 - evasion of statute, **24:31**
 - private interest, **24:29**
 - violation of contractual rights, **24:30**
 - illegality: non-observance of statute, **24:37**
 - internal procedure, **24:38**
 - statutory conditions, **24:37**

ATTACKS ON BY-LAWS—Cont'd

- Grounds of attack, **24:27**—Cont'd
 - illegality: ultra vires, **24:32**
 - generally, **24:32**
 - conflict with provincial statutes, **24:36**
 - property and persons, excess jurisdiction, over, **24:34**
 - territorial jurisdiction, excess of, **24:33**
 - unconstitutionality, **24:35**
- Illegality, matters not constituting, **24:42 to 24:45**
 - de facto council, by-laws passed by, **24:43**
 - internal procedures, failing to observe, **24:42**
 - public policy, contrary to, or in restraint of trade, **24:45**
 - uncertainty of meaning or application of by-law, **24:44**
- Judicial discretion in quashing
 - generally, **24:46 to 24:52**
 - adjourning applications, **24:51**
 - delay in applying, **24:48**
 - illegality on face or extraneous to by-law, **24:47**
 - refusal to exercise power, **24:50**
 - severability, **24:52**
 - spent by-laws, **24:49**
- Methods of attack, other
 - generally, **24:15 to 24:26**
 - arbitration, **24:15**
 - attack in action, **24:16**
 - generally, **24:16**
 - declaratory decree, **24:16**
 - Attorney General, suit by, **24:21**
 - estoppel of enacting municipality, **24:18**
 - municipality as a party, necessity of, **24:19**
 - ratepayers' action, **24:20**
 - right to attack, **24:17**
 - attack in proceeding to enforce by-law, **24:22**
 - certiorari, **24:15, 24:24**
 - declaration, action for, **24:15**
 - incidental attack, **24:15**
 - injunctions, **24:15**
 - injunction to restrain action under, **24:23**

ATTACKS ON BY-LAWS—Cont'd

- Methods of attack, other—Cont'd
 - judicial review, **24:26**
 - mandamus, **24:15, 24:25**
 - motion to quash or appeal from, **24:15**
 - proceedings for prohibition, **24:15**
 - prohibition, **24:24**
 - replevin, **24:15**
 - trespass, action for, **24:15**
- Private provisions, **24:53**
- Quashing, **24:7, 24:46**
 - see also applications to quash; judicial discretion in quashing supra
- Validity, proceedings to determine, **24:1**
 - generally, **24:1**
 - burden of proof, **24:3**
 - illegal by-laws, acts under, **24:6**
 - jurisdiction of courts, **24:2**
 - legal consequence varies with grounds of attack, **24:1**
 - “bad,” **24:1**
 - “illegal,” **24:1**
 - “ineffectual,” **24:1**
 - “inoperative,” **24:1**
 - “nullity,” **24:1**
 - “ultra vires,” **24:1**
 - “voidable,” **24:1**
 - loss of right to attack, **24:5**
 - who can attack, **24:4**

BOARDS AND COMMISSIONS

See also PROVINCIAL MUNICIPAL BOARDS

- Generally, **34:1 to 34:16**
- Creation and appointment, **34:2**
- Particular boards and commissions, **34:6 to 34:12**
 - local health, boards of, **34:7**
 - other boards and commissions, **34:12**
 - park management, boards of, **34:8**
 - planning boards and commissions, **34:11**
 - police, boards of commissioners of and police services boards, **34:6**
 - public library boards, **34:9**
 - public utility commissions and service boards, **34:10**
- Powers and duties, **34:5**
- Provincial boards exercising municipal authority, **34:13 to 34:16**
 - Ministry of Health for Ontario, **34:15**

BOARDS AND COMMISSIONS

—Cont'd

- Provincial boards exercising municipal authority, **34:13 to 34:16**—Cont'd municipal boards and commissions, **34:13**
- Ontario Hydro, **34:14**
- Relationship to municipality, **32:47**
- Scope of powers, **34:1**
- Status, **34:4**

BONDS

- See **BORROWING AND DEBENTURES**

BONUSES

- See **FIXED ASSESSMENT BY-LAWS AND BONUSES**

BORROWING AND DEBENTURES

- See also **SCHOOLS**

Bonds and debentures

- generally, **15:32 to 15:56**
- authority to issue debentures, **15:33**
- authorization of debenture, **15:32**
- charge, whether constituting, **15:32**
- classes of debentures, **15:32**
- consolidations of debenture debt, **15:40**
- date of issues of debenture, **15:45**
- “debenture,” meaning of, **15:32**
- form of debentures
 - generally, **15:41**
 - denominations, **15:41**
 - execution, **15:42**
 - prescribed, **15:41**
 - seals, **15:41**
- guarantees, **15:53**
- hypothecation, **15:54**
- interest and interest coupons, **15:36**
- issue and sale, **15:43**
 - generally, **15:43**
 - delivery, **15:43**
 - extension of time for issues, **15:43**
 - mode of issue, **15:43**
 - tenders, **15:43**
- discounts, sales at, **15:44**
- negotiability, **15:34**
- purposes and objects, **15:35**
- receiving and disbursing moneys, right to, **15:55**
 - generally, **15:55**
 - trust relationship, **15:55**
- surpluses, **15:56**

BORROWING AND DEBENTURES

—Cont'd

- Bonds and debentures—Cont'd
 - redemption of debentures, **15:40**
 - refunding debenture debt, **15:40**
 - repayment, **15:37**
 - generally, **15:37**
 - modes, **15:37**
 - medium of payment, **15:39**
 - time and place of payment, **15:38**
 - rights and obligations of holders, **15:47**
 - contracts to take debentures, **15:50**
 - default, remedies on, **15:51**
 - holders for value, **15:47**
 - holders inter se, rights of, **15:48**
 - modification of rights, **15:52**
 - transfers, **15:49**
 - validation, **15:46**
- Borrowing, power to
 - generally, **15:5 to 15:9**
 - conditions, statutory, **15:8**
 - limits, **15:7**
 - power to guarantee, **15:9**
 - statutory powers, **15:6**
 - types, **15:5**
 - long-term, **15:5**
 - short-term, **15:5**
 - temporary, **15:5**
- Debts, power to incur, **15:1 to 15:4**
 - generally, **15:1**
 - implied power, **15:1**
 - statutory power, **15:1**
 - limits, **15:4**
 - purposes, **15:3**
 - restrictions, **15:2**
- Local improvements and other works,
 - borrowing for, **20:32**
 - generally, **20:32**
 - application of municipal borrowing laws, **20:32**
 - surplus funds, **20:33**
- Money by-laws, **15:10 to 15:31**
 - generally, **15:10**
 - construction, **15:10**
 - “debt,” meaning of, **15:10**
 - definition, **15:10**
 - form, **15:10**
 - amendments, **15:24**
 - approval by provincial board, **15:29**
 - approval of provincial authority, **15:22**

BORROWING AND DEBENTURES**—Cont'd**

- Money by-laws, **15:10 to 15:31**—Cont'd
 effective date, **15:18**
 invalidity, **15:31**
 payment of interest or principal, validation by, **15:30**
 period of loan, **15:17**
 ratification of ratepayers, **15:20**
 generally, **15:20**
 electoral approval, **15:20**
 submissions, exemptions respecting, **15:21**
 recitals and contents, statutory, **15:11**
 generally, **15:11**
 statutes directory, **15:11**
 amount of debt created, **15:12**
 approval of provincial authorities, **15:16**
 debenture debt, amount of existing, **15:15**
 object of debt, **15:13**
 rateable property, amount of, **15:14**
 repayment, **15:19**
 repeals, **15:23**
 special rates, **15:19**
 approval of provincial authority, by, **15:29**
 payment of interest or principal, by, **15:30**
 Temporary borrowing, **15:57**
 generally, **15:57**
 modes, **15:57**
 anticipation of revenue in, **15:59**
 generally, **15:59**
 authority, **15:59**
 limitation on amount, **15:61**
 purposes, **15:60**
 validity or invalidity, **15:62**
 bank overdrafts, **15:64**
 capital expenditures, financing, **15:63**
 promissory notes, power to make, **15:58**

BOUNDARIES

- See **CORPORATE LIMITS AND THEIR ALTERATION** and **HIGHWAYS AND STREETS**

BRIDGES

- See **HIGHWAYS AND STREETS**

BUILDING CONSTRUCTION AND PERMITS

- See also **PLANNING AND ZONING**
 Accessibility regulation, **18:32**
 Building Codes: statutory authority, **18:2**
 Alberta, **18:2**
 British Columbia, **18:2**
 Manitoba, **18:2**
 New Brunswick, **18:2**
 Newfoundland and Labrador, **18:2**
 Northwest Territories, **18:2**
 Nova Scotia, **18:2**
 Nunavut, **18:2**
 Ontario, **18:2**
 Prince Edward Island, **18:2**
 Quebec, **18:2**
 Saskatchewan, **18:2**
 Yukon, **18:2**
 Building inspectors, **18:23**
 appeals, **18:25**
 appointment, **18:25**
 effect of, **18:16**
 enforcement of building requirements, **18:28**
 enforcement and right to sue, **18:30**
 orders and prosecution, **18:29**
 faulty permits or inspections, liability of municipality for, **18:26**
 functions of, **18:24**
 inspections, **18:24**
 Alberta, **18:24**
 British Columbia, **18:24**
 Manitoba, **18:24**
 Northwest Territories, **18:24**
 Nova Scotia, **18:24**
 Ontario, **18:24**
 powers and duties of inspectors, **18:24**
 Quebec, **18:24**
 Saskatchewan, **18:24**
 Yukon, **18:24**
 Building permit system, **18:3 to 18:22**
 generally, **18:3**
 additions and alterations, **18:3**
 approval of environment or health departments, **18:3**
 “building” defined, **18:3**
 change of plans, **18:3**
 fees, **18:3**
 permit, effect of, **18:3**

BUILDING CONSTRUCTION AND PERMITS—Cont'd

- Building permit system, **18:3 to 18:22**
 - Cont'd
 - generally, **18:3**—Cont'd
 - refusals of, **18:3**
 - “structure” defined, **18:3**
 - access to permit information, **18:19**
 - Alberta, **18:12**
 - British Columbia, **18:13**
 - delay or refusal of, **18:17**
 - demolition permits, **18:20**
 - Manitoba, **18:10**
 - New Brunswick, **18:7**
 - Newfoundland and Labrador, **18:4**
 - Northwest Territories, **18:15**
 - Nova Scotia, **18:6**
 - Nunavut, **18:15**
 - Ontario, **18:9**
 - Prince Edward Island, **18:5**
 - Quebec, **18:8**
 - revocations of, **18:18**
 - Saskatchewan, **18:11**
 - unsafe and unsightly premises, **18:21**
 - Alberta, **18:21**
 - British Columbia, **18:21**
 - Manitoba, **18:21**
 - natural justice, required, **18:21**
 - Ontario, **18:21**
 - order requiring demolition or making improvements, **18:21**
 - Quebec, **18:21**
 - right to tear down building, **18:21**
 - Saskatchewan, **18:21**
 - Yukon, **18:15**
- Construction law, general principles of, **18:2**
 - dimensions, **18:2**
 - retroactive effect, **18:2**
 - statutory authority, **18:2**
- Emerging issues in planning law, **18:35**
 - agriculture, **18:38**
 - air quality, **18:41**
 - climate change, **18:43**
 - economic growth and sustainable quality of life, balancing, **18:35**
 - energy, **18:39**
 - Ontario, **18:39**
 - Prince Edward Island, **18:39**
 - housing, **18:44**

BUILDING CONSTRUCTION AND PERMITS—Cont'd

- Emerging issues in planning law, **18:35**
 - Cont'd
 - land, air, water, energy, increased pressures on, **18:36**
 - pesticide reduction, **18:37**
 - planning and ecology—competing priorities, **18:46**
 - sustainability, **18:45**
 - waste disposal and recycling, **18:42**
 - water, **18:40**
 - Mandamus to compel issuance, **18:22**
 - adjournments, **18:22**
 - despatch, **18:22**
 - good faith, indicia of, **18:22**
 - intent to rezone, **18:22**
 - conditions precedent, compliance with all, **18:22**
 - minor non-conformance, **18:22**
 - prerogative remedy, discretionary, **18:22**
 - prima facieright to permit, **18:22**
 - significant interest in property, **18:22**
 - where no other remedy, **18:22**
 - Sign regulation, **18:31**
- BY-LAWS GENERALLY**
- See also **ATTACKS ON BY-LAWS**
 - Adoption, procedures, **9:13**
 - Amendments, **9:73**
 - Authentication: signing and sealing, **9:33**
 - generally, **9:33**
 - failure, consequences of, **9:33**
 - requirement for, **9:33**
 - publication as authentication, **9:39**
 - sealing, time for, **9:35**
 - sealing generally, **9:34**
 - signing, duty of head, **9:38**
 - signing, time for, **9:38**
 - signing generally, **9:36**
 - Authority to enact, **9:28, 9:29**
 - generally, **9:28**
 - Charter, **9:28**
 - effective time, **9:28**
 - express power, **9:28**
 - loss of authority, **9:29**
 - Conditions precedent to enactment, **9:25**
 - generally, **9:25**
 - non-compliance, effect of, **9:25**
 - strict compliance, **9:25**

BY-LAWS GENERALLY—Cont'd

- Conditions precedent to enactment, **9:25**
 - Cont'd
 - curative provisions, **9:26**
 - presumption of regularity, **9:27**
- Content, **9:3**
 - see form and content infra
- Definitions, **9:1**
 - by-law, **9:1**
 - “by” or “bye,” **9:1**
 - effect, **9:1**
 - “enactment,” **9:1**
 - “legislative action,” **9:1**
 - passing, procedure, **9:1**
 - “regulation,” **9:1**
 - valid by-laws, requirements for, **9:1**
 - resolution, **9:2**
 - distinction from by-law, **9:2**
 - passing, procedure, **9:2**
- Enactment, **9:47**
 - generally, **9:47**
 - advertisement, **9:52**
 - approval and assent, **9:50**
 - passing, **9:48**
 - promulgation, **9:51**
 - publication, **9:52**
 - ratification, **9:49**
 - registration, **9:53**
- Enforcement and sanctions, **9:63**
 - generally, **9:63**
 - authority to impose penalties, **9:63**
 - discretion to enforce, **9:63**
 - enforcement by other municipality, **9:63**
 - injunctions to refrain enforcements and prosecutions, **9:63**
 - “offences,” **9:63**
 - prosecution, **9:63**
 - res judicata, **9:63**
 - strict liability, **9:63**
 - ticketing processes, **9:63**
 - civil liability, creation or enactment of, **9:71**
 - corporation doing thing required, **9:69**
 - destruction or removal of property, **9:67**
 - finer, **9:64**
 - imprisonment, **9:65**
 - injunction to restrain violation, **9:68**

BY-LAWS GENERALLY—Cont'd

- Enforcement and sanctions, **9:63**—Cont'd
 - right to enter and inspect, **9:70**
 - Alberta, **9:70**
 - British Columbia, **9:70**
 - Manitoba, **9:70**
 - New Brunswick, **9:70**
 - Newfoundland, **9:70**
 - Nova Scotia, **9:70**
 - Ontario, **9:70**
 - Prince Edward Island, **9:70**
 - Quebec, **9:70**
 - Saskatchewan, **9:70**
 - seizure and forfeiture, **9:66**
- Form and content, **9:3**
 - generally, **9:3**
 - ambiguity in, **9:3**
 - corporate name, **9:3**
 - form, **9:3**
 - authority to enact, **9:8**
 - definitions, **9:7**
 - effective date, **9:12**
 - enacting clause, **9:9**
 - exceptions, statutory, **9:10**
 - plurality of matters, **9:5**
 - recitals, **9:6**
 - schedules, **9:11**
 - subject matter and title, **9:4**
- Judicial construction, **9:57**
 - generally, **9:57**
 - ambiguous words, **9:57**
 - deference to council and committees, **9:57**
 - intent of enacting body, **9:57**
 - indicators, **9:57**
 - whole by-law, consideration of, **9:57**
 - building restriction by-laws, **9:60**
 - common law rights restricted by bylaws, **9:59**
 - local improvement and drainage bylaws, **9:61**
 - privileges granted by by-law, **9:62**
 - rules of construction, **9:58**
- Necessity, **9:14, 9:18**
 - see when by-law necessary; when by-law unnecessary infra
- Notice of intention to pass, **9:30**
 - generally, **9:30**
 - quasi-judicial powers, when exercising, **9:30**

BY-LAWS GENERALLY—Cont'd

- Notice of intention to pass, **9:30**—Cont'd
 - generally, **9:30**—Cont'd
 - statutory requirement, **9:30**
 - failure to give, consequences of, **9:30**
 - manner, **9:30**
 - presumption of proper notice, **9:30**
 - non-conformity of by-law with notice, **9:32**
 - sufficiency of notice, **9:31**
- Operation and effect, **9:40**
 - conflict of by-laws, **9:45**
 - date by-law coming into force, **9:40**
 - “effective date,” **9:40**
 - “in-force,” **9:40**
 - duration, **9:41**
 - persons, effect on, **9:43**
 - retroactivity, **9:44**
 - territorial effect, **9:42**
- Order of passing by-laws having common object, **9:46**
- Proof of by-law, **9:72**
- Repeal, **9:74**
 - annexation or change of status, effect of, **9:79**
 - enabling statute on by-law, repeal of, **9:78**
 - implication, repeal by, **9:75**
 - power to repeal, **9:74**
 - repealing by-law, repeal of, **9:77**
 - vested rights, by-laws affecting, **9:76**
- Suspension of, **9:80**
- Validation, **9:54**
 - curative provisions, **9:54**
 - special legislation, by, **9:55**
 - suspension of remedy pending validation, **9:56**
- Waiver of, **9:80**
- When by-law necessary, **9:14**
 - generally, **9:14**
 - estoppel from pleading no by-law, **9:17**
 - powers exercised outside act, **9:16**
 - statutory requirements, **9:15**
- When by-law unnecessary, **9:18**
 - generally, **9:18**
 - assent or leave, to express, **9:20**
 - detail, matters of, **9:24**
 - officials, appointment and dismissal of, **9:23**

BY-LAWS GENERALLY—Cont'd

- When by-law unnecessary, **9:18**—Cont'd
 - regulations, enactment of, **9:22**
 - statutory duty, discharge of, **9:21**
 - statutory provisions, **9:19**

BY-LAWS REQUIRING APPROVAL OF EXTERNAL AUTHORITY

- Generally, **12:1**
 - conditions precedent, **12:1**
 - discretion in granting, **12:1**
 - evidence of approval, **12:1**
 - judicial review, **12:1**
 - public interest, consideration, **12:1**
 - subject matter, **12:1**
- Government approval, **12:5**
- Lack of consent, effect of, **12:3**
- Municipal board or commission approval, **12:6**
- Validating effect, **12:4**
- When approval to be secured, **12:2**

BY-LAWS REQUIRING ELECTORAL ASSENT

- Generally, **13:1 to 13:5**
 - classes of by-laws, **13:30, 13:34**
 - council, deprivation of deliberative function, **13:1**
 - effect of, **13:1**
 - policy, underlying, **13:1**
 - procedure, **13:1**
 - readings, first and second in council, **13:1**
 - subject matter, **13:1**
- Attacking by-law, onus of proof in, **13:36**
- Enactment of by-law, **13:27**
 - generally, **13:27**
 - final passing, **13:27**
 - amendments, no, **13:32**
 - duty to pass by-law assented to, **13:30**
 - premature passing, **13:28**
 - refusal to pass, reconsideration of, **13:31**
 - restraining final passing, **13:33**
 - time for passing, **13:29**
- Enquiry into vote upon motion to quash, **13:35**
- Failure to submit, effect of, **13:2**
- Form of submission, **13:3**

BY-LAWS REQUIRING ELECTORAL ASSENT—Cont'd

- Non-compliance with statutory provisions, **13:11**
 - generally, **13:11**
 - irregularities or defects, **13:11**
 - publication requirements, **13:12**
- Procedure in voting, **13:16**
 - generally, **13:16**
 - directions to voters, **13:16**
 - election procedures, application of, **13:16**
 - non-compliance with procedures, **13:16**
 - ballot, form of, **13:17**
- Procedure prior to taking vote, **13:6**
 - polling subdivisions and places, **13:8**
 - publication of by-law and notice of vote, **13:10**
 - scrutineers, appointment of, **13:9**
 - separate by-law, necessity for, **13:7**
 - time for taking vote, **13:6**
- Quashing, **13:35**
- Recount, **13:23**
 - judge's findings, finality of, **13:26**
 - right to recount, **13:23**
 - who can seek recount, **13:24**
- Right to vote on by-laws and questions, **13:13**
 - generally, **13:13**
 - who is qualified, **13:13**
 - money by-laws, **13:14**
 - voters' lists, **13:15**
- Second by-law after adverse vote, submission of, **13:34**
- Submissions, enforcing, **13:4**
- Submissions, form of, **13:3**
- Submissions, restraining, **13:5**
- Summing up vote, **13:18 to 13:18**
 - duty of clerk, **13:18**
 - equality of votes, **13:21**
 - majority, more than, **13:20**
 - votes required for assent, **13:19**

BY-LAWS UPON PETITION

- By-law to conform to terms of petition, **10:10**
- Duty of enactor to submit by-law, **10:11**
- Procedure, **10:9**
- Statutory petitions in general, **10:1**
 - conditions precedent, **10:1**

BY-LAWS UPON PETITION—Cont'd

- Statutory petitions in general, **10:1**
 - Cont'd
 - information in petition, **10:1**
 - mode of exercise, **10:1**
 - purpose, **10:1**
- Sufficiency of petition, **10:2**
 - alterations in petition, **10:5**
 - certificate of sufficiency, **10:7**
 - common objects, petitions having, **10:3**
 - determinations of sufficiency, **10:6**
 - form and contents of petition, **10:4**
 - necessity, **10:2**
- Withdraw, right to, **10:8**

BY-LAWS UPON REQUISITION

- Generally, **11:1**
- Boards, requisition by various, **11:7**
- Non-compliance by council, effect of, **11:3**
- School purposes, requisitions for, **11:4**
 - generally, **11:4**
 - duty of council, **11:6**
 - reconsideration by council, **11:5**
- Sufficiency of requisition, **11:2**

CONSTRUCTION OF MUNICIPAL STATUTES

- Generally, **8:42**
 - benevolent rule of construction, **8:42**
 - interpretation in consonance with purpose of corporation, **8:42**
 - strict construction, **8:42**
- Conflict between general and special laws, **8:45**
 - expression unius est exclusion alterius, **8:45**
 - generalia specialibus non derogant, **8:45**
- Consolidation act, **8:44**
- Imperative or directory, **8:46**
- In pari materia, **8:47**
- Interpretation clauses, words and phrases, **8:43**
- Particular classes of municipal statutes, **8:48 to 8:57**
 - agreements, statutes referring to, **8:56**
 - common law rights, statutes restricting, **8:54**
 - election acts, **8:52**
 - expropriation and forfeiture statutes, **8:53**

CONSTRUCTION OF MUNICIPAL STATUTES—Cont’d

- Particular classes of municipal statutes, **8:48 to 8:57—Cont’d**
 - local improvement and drainage acts, **8:51**
 - penal statutes, **8:49**
 - privileges, statutes creating, **8:55**
 - public bodies, statutes creating, **8:48**
 - taxing statutes, **8:50**
 - validating statutes, **8:57**
- “Shall” and “may”: imperative or directory, **8:46**

CONTRACTS, MUNICIPAL

- Generally, **25:1**
 - capacity to contract, **25:2**
 - estoppel, **25:9**
 - formal requisites: essentials of contract, **25:6**
 - generally, **25:6**
 - seal, **25:8**
 - writing, **25:7**
 - natural person powers, **25:3**
 - statutory restrictions and limitations, **25:4**
- Access to information and contracts, **25:39**
- Authorization: by-law or resolution, **25:22 to 25:25**
 - generally, **25:22**
 - executed contracts, **25:23**
 - statutory duty, contracts in, performance of, **25:24**
 - unauthorized contracts, ratification of, **25:25**
- Formation and construction of agreements, **25:33 to 25:37**
 - arbitrator, engineer acting as, **25:37**
 - bids and tenders, **25:33**
 - challenging tender awards, **25:33**
 - contract to bind tender, **25:33**
 - court’s jurisdiction, **25:33**
 - deletions from specifications, **25:33**
 - new tenders, call for, **25:33**
 - tender being invitation for offers, **25:33**
 - withdrawal of tenders, **25:33**
 - extra work, **25:36**
 - request mechanisms, other, **25:35**
 - requests for proposals, **25:34**

CONTRACTS, MUNICIPAL—Cont’d

- Inhabitants, enforcement of obligations in favour of, **25:30**
- Officers and agents to bind corporation, power of, **25:11**
 - generally, **25:11**
 - committees, **25:15**
 - officers, **25:12**
 - servants, **25:13**
 - statutory agents, **25:14**
 - unauthorized contracts, ratification of, **25:16**
- Rescission by repeal or by-law or resolution, **25:28**
- Statutory validation of agreements, **25:29**
- Ultra vires, invalid and illegal contracts, **25:17**
 - generally, **25:17**
 - approval, electoral or government, contracts requiring, **25:18**
 - council members, contracts with, **25:21**
 - legislative powers, contracts restricting, **25:20**
 - recovery of money paid, **25:19**
- Unsupported by available funds, contracts, **25:26**
 - generally, **25:26**
 - executed contracts, **25:27**

CORPORATE LIMITS AND THEIR ALTERATION

- Alterations, effect of, **3:12**
 - generally, **3:12**
 - assets and liabilities, **3:12**
 - by-laws, extension to annexed locality, **3:12**
 - contractions, effect of, **3:12**
 - corporate status, **3:12**
 - jurisdiction, ipso facto extension to new municipality, **3:12**
 - assessments and taxes, **3:20**
 - cessation of proceedings upon assessment, **3:20**
 - exception, **3:20**
 - imposition of rates, **3:20**
 - uncollected taxes, **3:20**
 - by-laws, existing, **3:14**
 - locality subject to annexing municipality’s by-laws, **3:14**
 - by-laws of locality ceasing to apply, **3:14**

CORPORATE LIMITS AND THEIR ALTERATION—Cont'd

- Alterations, effect of, **3:12**—Cont'd
 - by-laws, existing, **3:14**—Cont'd
 - locality subject to annexing municipality's by-laws, **3:14**—Cont'd
 - exceptions, **3:14**
 - council, previous, jurisdiction of, **3:15**
 - effective date of annexation, **3:13**
 - franchises and other contracts, **3:17**
 - fixed assessments, **3:17**
 - franchises, **3:17**
 - tax exemptions, **3:17**
 - liabilities and pending causes of action, **3:21**
 - debt and liabilities, **3:21**
 - maintenance and repair of works, **3:21**
 - public works in progress, **3:16**
 - school sections and assets, **3:19**
 - streets, title to and jurisdiction over, **3:18**
 - title vested in local authority, **3:18**
 - transfer of jurisdiction to annexing municipality, **3:18**
 - Assets and liabilities, adjustment of, **3:22**
 - generally, **3:22**
 - appeals, **3:22**
 - mistakes in agreements, rectification, **3:22**
 - procedure, **3:22**
 - application, **3:22**
 - rationale, **3:22**
 - settling adjustments, **3:22**
 - arbitration, **3:22**
 - functionary, **3:22**
 - negotiation, **3:22**
 - bridges, **3:26**
 - debts, **3:25**
 - apportionment, **3:25**
 - assumption by annexed territory, **3:25**
 - limitation of liability, **3:25**
 - method of adjustment, **3:23**
 - agreement, **3:23**
 - Municipal board, **3:23**
 - Valuation, **3:23**
 - assets exceeding liabilities, **3:23**
 - liabilities exceeding assets, **3:23**

CORPORATE LIMITS AND THEIR ALTERATION—Cont'd

- Assets and liabilities, adjustment of, **3:22**—Cont'd
 - public works, **3:28**
 - real property and other assets, **3:24**
 - asset, determining whether, **3:24**
 - compensation, **3:24**
 - equitable division, **3:24**
 - situs of property determining its disposition on annexation (Ontario), **3:24**
 - title, acquisition by annexing municipality, **3:24**
- roads, **3:26**
 - assets, whether, **3:26**
 - gravel pits, **3:26**
 - roadmaking machinery, **3:26**
- school property, **3:27**
 - assets, whether, **3:27**
 - school assets, adjustments of, **3:27**
- Boundaries, alterations of, **3:6**
 - generally, **3:6**
 - delegation of power, **3:6**
 - inhabitants' interests to be considered, **3:6**
 - presumption of valid annexation, **3:6**
 - procedure, municipal legislation providing, **3:6**
- powers of Ontario Municipal Board (OMB), **3:7**
 - generally, **3:7**
 - administrative tribunal, **3:7, 3:8**
 - annexation applications, **3:7**
 - assets and liabilities, adjustment of, **3:7**
 - dissolutions, **3:7**
 - incorporations, **3:7**
 - reduction of role to incorporations, annexations or dissolutions, **3:7**
 - restructurings, **3:7**
- appeals, **3:9**
 - administrative appeals, **3:9**
 - appeal of procedure, **3:9**
 - assumption of validity of annexation order, **3:9**
 - judicial review, **3:9**
 - patently unreasonable, **3:9**
 - question of fact, no appeal, **3:9**

CORPORATE LIMITS AND THEIR ALTERATION—Cont'd

- Boundaries, alterations of, **3:6**—Cont'd
 - powers of Ontario Municipal Board (OMB), **3:7**—Cont'd
 - principles to be applied on annexation, **3:8**
 - assets, upon acquisition, **3:8**
 - economies of scale, **3:8**
 - establishing principles, **3:8**
 - growth and expansion of municipalities without fixed boundaries, **3:8**
 - homes, employment, schools, public works, parks brought into municipality, **3:8**
 - industrial development, necessity for, proof required, **3:8**
 - larger areas preferred to piecemeal additions, **3:8**
- procedure on annexation, **3:10**
 - adjoining territory, **3:10**
 - definition, **3:10**
 - applications, **3:10**
 - by-law authorizing applications, **3:10**
 - contiguity of territory, **3:10**
 - petition of electors, **3:10**
 - restructuring proposals, **3:10**
 - simultaneous applications, amalgamation and annexations, **3:10**
- terms and conditions in annexation order, **3:11**
 - obligations imposed on annexing municipality, **3:11**
- Determination of corporate limits, **3:1**
 - generally, **3:1**
 - Indian Reserves within municipality, **3:1**
 - jurisdiction ascertained by territory, **3:1**
 - exemptions, **3:1**
 - extension to other territories by consent, **3:1**
 - limits essential to existence of municipal government, **3:1**
 - overlapping boundaries, **3:1**
 - ownership of land outside territory, **3:1**
 - services to other territories, **3:1**
 - description of limits, **3:2**
 - description in document creating municipality, **3:2**

CORPORATE LIMITS AND THEIR ALTERATION—Cont'd

- Determination of corporate limits, **3:1**
 - Cont'd
 - description of limits, **3:2**—Cont'd
 - highways and boundaries, **3:2**
 - inference of boundaries, **3:2**
 - popular understanding, **3:2**
 - roads between two municipalities, **3:2**
 - statutes inconsistent with inclusions, **3:2**
 - municipal surveys, **3:5**
 - continuation of boundary lines, **3:5**
 - costs, **3:5**
 - survey lines prevailing, **3:5**
 - right to determine, **3:3**
 - legislature's power, **3:3**
 - delegation to incorporating functionary or petitioners, **3:3**
 - Ontario Municipal Board, **3:3**
 - petitioners, **3:3**
 - police village, **3:3**
 - quieting order (Ontario), **3:3**
 - water boundaries, **3:4**
 - charters, **3:4**
 - common law rule, **3:4**
 - Great Lakes, **3:4**
 - incorporating document, **3:4**
 - navigable rivers, **3:4**
 - proclamation, **3:4**
 - St. Lawrence River, **3:4**

COUNCIL MEMBERS

- See also **MUNICIPAL COUNCIL**
- Contracts with corporation, **5:56**
 - Alberta, **5:56**
 - British Columbia, **5:56**
 - failing to disclose interest in contract, effect of, **5:56**
 - impeachment of contract, **5:56**
 - Manitoba, **5:56**
 - Ontario, **5:56**
 - Saskatchewan, **5:56**
 - voidable where failure to disclose interest in contract, **5:56**
- Elections, **5:16**
 - generally, **5:16**
 - attacking election, **5:16**
 - counting ballots, **5:16**
 - declaration of office, **5:16**

COUNCIL MEMBERS—Cont'd

- Elections, **5:16**—Cont'd
 - generally, **5:16**—Cont'd
 - declaration of qualification, **5:16**
 - declaration of results, **5:16**
 - election officials, **5:16**
 - nomination meeting, **5:16**
 - polling stations, **5:16**
 - pooling day, **5:16**
 - voters' list, **5:16**
- declaration of office, **5:17**
 - Alberta, **5:17**
 - British Columbia, **5:17**
 - effect of, **5:17**
 - failure, effect of, **5:17**
 - Manitoba, **5:17**
 - New Brunswick, **5:17**
 - Newfoundland and Labrador, **5:17**
 - Ontario, **5:17**
 - Quebec, **5:17**
 - Saskatchewan, **5:17**
 - time, **5:17**
- disclaimer, **5:18**
 - Alberta, **5:18**
 - availability, **5:18**
 - effect, **5:18**
 - resignation, **5:18**
 - vacancy, **5:18**
 - validity of proceedings, **5:18**
 - liability for costs of proceedings, whether, **5:18**
 - Manitoba, **5:18**
 - Ontario, **5:18**
 - procedure, **5:18**
 - Saskatchewan, **5:18**
- disqualification after election, **5:19**
 - generally, **5:19**
 - Alberta, **5:19**
 - avoiding proceedings, **5:19**
 - declaration of vacancy, **5:19**
 - effect, **5:19**
 - forfeiture, **5:19**
 - limitation period, **5:19**
 - Manitoba, **5:19**
 - Ontario, **5:19**
 - continuation of prescribed qualifications throughout term, **5:19**
 - Quebec, **5:19**
 - Saskatchewan, **5:19**

COUNCIL MEMBERS—Cont'd

- Elections, **5:16**—Cont'd
 - disqualification after election, **5:19**
 - Cont'd
 - bribery and corrupt practices, **5:36**
 - Alberta, **5:36**
 - British Columbia, **5:36**
 - New Brunswick, **5:36**
 - Newfoundland and Labrador, **5:36**
 - Nova Scotia, **5:36**
 - Ontario, **5:36**
 - Quebec, **5:36**
 - Saskatchewan, **5:36**
 - conflict of interest, disclosure of, **5:20**
 - abstaining from voting, participating or influencing, **5:22**
 - appearance of conflict of interest, **5:25**
 - closely connected individuals, **5:30**
 - community of interest, **5:31**
 - “interest in common with electors generally,” **5:31**
 - corporations, **5:27**
 - duty not to vote, participate or influence, **5:22**
 - duty to disclose, **5:21**
 - failure to disclose, **5:21**
 - employees, **5:28**
 - exculpatory provisions, **5:34**
 - bona fide error in judgment, **5:34**
 - financial disclosure, **5:26**
 - insignificant interest, **5:32**
 - pecuniary interest, **5:24**
 - definition, **5:24**
 - direct pecuniary interest, **5:24**
 - indirect pecuniary interest, **5:24**
 - proceedings to unseat member, **5:33**
 - appeals, **5:33**
 - declaration of vacancy, discretion or mandatory, **5:33**
 - limitation periods, **5:33**
 - restitution where personal financial gain, **5:33**
 - record of disclosure, **5:23**
 - relatives, **5:29**

COUNCIL MEMBERS—Cont'd

- Elections, **5:16**—Cont'd
 - disqualification after election, **5:19**
 - Cont'd
 - conflict of interest, disclosure of, **5:20**—Cont'd
 - statutes, **5:20**
 - Charter of Rights and Freedoms, **5:20**
 - voting, abstaining from, **5:22**
 - corruption in office, **5:37**
 - inappropriate conduct in office, **5:38**
 - voting illegally, **5:35**
 - Alberta, **5:35**
 - British Columbia, **5:35**
 - Manitoba, **5:35**
 - Newfoundland and Labrador, **5:35**
 - Nova Scotia, **5:35**
 - Ontario, **5:35**
 - borrowing beyond statutory maximum, **5:35**
 - disqualification, continuing, **5:35**
 - illegal disposition of corporate funds, **5:35**
 - penalty, **5:35**
 - levies for sinking funds, **5:35**
 - Quebec, **5:35**
 - Saskatchewan, **5:35**
- Eligibility, **5:4**
 - generally, **5:4**
 - Charter rights, **5:4**
 - disqualifications, **5:4**
 - qualifications, principal, **5:4**
 - age, **5:4**
 - citizenship, **5:4**
 - property, **5:4**
 - residence, **5:4**
 - strict construction, **5:4**
 - timing, **5:4**
 - declaration of qualification and consent to be nominated, **5:8**
 - Alberta, **5:8**
 - British Columbia, **5:8**
 - delay in making and filing, **5:8**
 - form, **5:8**
 - Manitoba, **5:8**
 - New Brunswick, **5:8**
 - Newfoundland and Labrador, **5:8**
 - nomination papers, filing with, **5:8**

COUNCIL MEMBERS—Cont'd

- Eligibility, **5:4**—Cont'd
 - declaration of qualification and consent to be nominated, **5:8**—Cont'd
 - Ontario, **5:8**
 - prerequisite to member-elect entering upon duties, **5:8**
 - disqualification, grounds for, **5:9**
 - generally, **5:9**
 - Alberta, **5:9**
 - British Columbia, **5:9**
 - Charter, relation with, **5:9**
 - conflict of interest, **5:9**
 - Manitoba, **5:9**
 - New Brunswick, **5:9**
 - Newfoundland and Labrador, **5:9**
 - Nova Scotia, **5:9**
 - Ontario, **5:9**
 - disqualification under another act, **5:9**
 - Quebec, **5:9**
 - Saskatchewan, **5:9**
 - strict construction, **5:9**
 - time, **5:9**
 - arrears of taxes, **5:10**
 - Alberta, **5:10**
 - Nova Scotia, **5:10**
 - Ontario, **5:10**
 - Quebec, **5:10**
 - claim against municipality, **5:13**
 - Alberta, **5:13**
 - Ontario, **5:13**
 - claim, types, **5:13**
 - materials supplied, **5:13**
 - moneys owing for services rendered, **5:13**
 - unemployment relief, **5:13**
 - work completed, **5:13**
 - claim against corporation, **5:13**
 - “has any claim,” meaning, **5:13**
 - Quebec, **5:13**
 - Saskatchewan, **5:13**
 - incompatible offices, **5:11**
 - Alberta, **5:11**
 - British Columbia, **5:11**
 - Charter rights, **5:11**
 - disqualification from office, **5:11**
 - “employee of the municipality or of the local board,” **5:11**
 - employees of municipality, **5:11**

COUNCIL MEMBERS—Cont'd

- Eligibility, **5:4**—Cont'd
 - disqualification, grounds for, **5:9**
 - Cont'd
 - incompatible offices, **5:11**—Cont'd
 - employees of school board, **5:11**
 - Manitoba, **5:11**
 - medical officer of health, **5:11**
 - New Brunswick, **5:11**
 - Newfoundland and Labrador, **5:11**
 - Nova Scotia, **5:11**
 - Quebec, **5:11**
 - rationale, neutrality, **5:11**
 - Saskatchewan, **5:11**
 - school trustees, **5:11**
 - interest in contract or matter, **5:12**
 - Alberta, **5:12**
 - British Columbia, **5:12**
 - cessation of interest, **5:12**
 - contract continuing, whether, **5:12**
 - contracts, types, **5:12**
 - commissions, **5:12**
 - leases, **5:12**
 - local boards, **5:12**
 - municipal corporation, **5:12**
 - public utilities commissions, **5:12**
 - school boards or boards of education, **5:12**
 - shareholder of corporation having dealings with municipality, **5:12**
 - controlling interest, **5:12**
 - supply of goods or material, **5:12**
 - sureties to corporation, **5:12**
 - tax exemption, persons granted, **5:12**
 - “interest,” meaning of, **5:12**
 - beneficial interest, **5:12**
 - duration, **5:12**
 - Ontario, **5:12**
 - contract, what constituting, **5:12**
 - de minimis non curat lex, **5:12**
 - disclosure of pecuniary interest, **5:12**
 - restrictions, **5:12**
 - strict construction, **5:12**
 - good faith, no defence, **5:12**
 - profit not required, **5:9**

COUNCIL MEMBERS—Cont'd

- Eligibility, **5:4**—Cont'd
 - disqualification, grounds for, **5:9**
 - Cont'd
 - interest in contract or matter, **5:12**
 - Cont'd
 - Quebec, **5:12**
 - Saskatchewan, **5:12**
 - other grounds, **5:14**
 - Alberta, **5:14**
 - British Columbia, **5:14**
 - Manitoba, **5:14**
 - Nova Scotia, **5:14**
 - Ontario, **5:14**
 - criminal conviction, **5:14**
 - solicitor or counsel for or against corporation, **5:14**
 - undischarged bankrupts, **5:14**
 - Quebec, **5:14**
 - Saskatchewan, **5:14**
 - disqualification, notice of, **5:15**
 - clear and explicit, required to be, **5:15**
 - court's jurisdiction, **5:15**
 - time, **5:15**
 - vacancy, filling, **5:15**
 - property, **5:7**
 - assessment roll evidence of rating and qualification, **5:7**
 - British Columbia, **5:7**
 - estate for qualification, **5:7**
 - freehold or leasehold, **5:7**
 - legal or equitable, **5:7**
 - land held in his own right, **5:7**
 - Ontario, **5:7**
 - partnership interest, **5:7**
 - qualification, **5:7**
 - rated on last revised assessment roll, **5:7**
 - Quebec, **5:7**
 - rationale, **5:7**
 - qualifications, **5:5**
 - Canadian citizenship, **5:6**
 - Alberta, **5:6**
 - British Columbia, **5:6**
 - Manitoba, **5:6**
 - New Brunswick, **5:6**
 - Newfoundland and Labrador, **5:6**
 - Nova Scotia, **5:6**
 - Ontario, **5:6**

INDEX

COUNCIL MEMBERS—Cont'd

- Eligibility, **5:4**—Cont'd
 - qualifications, **5:5**—Cont'd
 - Canadian citizenship, **5:6**—Cont'd
 - Quebec, **5:6**
 - Saskatchewan, **5:6**
- residence, **5:5**
 - Alberta, **5:5**
 - British Columbia, **5:5**
 - Manitoba, **5:5**
 - New Brunswick, **5:5**
 - Newfoundland and Labrador, **5:5**
 - Nova Scotia, **5:5**
 - Ontario, **5:5**
 - Quebec, **5:5**
 - Saskatchewan, **5:5**
- Libel and slander actions, **5:54**
 - council proceedings, **5:54**
 - fair and reasonable comments, **5:54**
 - interference with council member's ability to function, **5:54**
 - malicious statements, **5:54**
- Personal liability, **5:48**
 - generally, **5:48**
 - Alberta, **5:48**
 - British Columbia, **5:48**
 - Criminal Code offences, **5:48**
 - fraud, **5:48**
 - illegal resolutions, **5:48**
 - Manitoba, **5:48**
 - misapplication of municipal funds, **5:48**
 - negligence, **5:48**
 - New Brunswick, **5:48**
 - Newfoundland and Labrador, **5:48**
 - Quebec, **5:48**
 - Saskatchewan, **5:48**
 - costs of proceedings, **5:52**
 - groundless actions, **5:52**
 - illegal expenditures, **5:52**
 - legal conduct, **5:52**
 - official capacity, actions done in, **5:52**
 - statutory duties, refusing to discharge, **5:52**
 - promissory notes and contracts, liability on, **5:50**
 - protection from actions, **5:51**
 - Ontario
 - good faith, **5:51**

COUNCIL MEMBERS—Cont'd

- Personal liability, **5:48**—Cont'd
 - protection from actions, **5:51**—Cont'd
 - Ontario—Cont'd
 - limitation period, **5:51**
 - wrongful act of corporation, liability for, **5:49**
- Remuneration, **5:55**
 - ability to determine, **5:55**
 - Alberta, **5:55**
 - British Columbia, **5:55**
 - by-laws authorizing remuneration, **5:55**
 - garnishable debts, not, **5:55**
 - honoraria, **5:55**
 - illegal payments, **5:55**
 - Manitoba, **5:55**
 - New Brunswick, **5:55**
 - Newfoundland and Labrador, **5:55**
 - Nova Scotia, **5:55**
 - Ontario, **5:55**
 - Quebec, **5:55**
 - Saskatchewan, **5:55**
- Status, **5:1**
 - generally, **5:1**
 - de jure occupation of office, prerequisites to, **5:1**
 - duties, **5:1**
 - function, **5:1**
 - liability, **5:1**
 - relationship with others, **5:1**
 - standing, **5:1**
 - tenure, **5:1**
 - agents or employees, **5:3**
 - trustees, **5:2**
 - councillors not trustees, **5:2**
 - exceptions, **5:2**
- Statutory duties, enforcement of, **5:53**
 - attachment, **5:53**
 - costs, **5:53**
 - fine, **5:53**
 - mandamus, **5:53**
- Vacancies, filling, **5:44**
 - generally, **5:44**
 - appointment, **5:44**
 - by-elections, **5:44**
 - leaving unoccupied, **5:44**
 - by-election, holding, **5:45**
 - Alberta, **5:45**
 - Manitoba, **5:45**
 - Newfoundland and Labrador, **5:45**

COUNCIL MEMBERS—Cont'd

- Vacancies, filling, **5:44**—Cont'd
 - by-election, holding, **5:45**—Cont'd
 - Nova Scotia, **5:45**
 - Ontario, **5:45**
 - clarification of doubt of vacancy, **5:45**
 - discretion to hold by-election, **5:45**
 - warrants, **5:45**
 - where new election required, **5:45**
 - Quebec, **5:45**
 - Saskatchewan, **5:45**
- Council elections, **5:46**
 - Alberta, **5:46**
 - Manitoba, **5:46**
 - New Brunswick, **5:46**
 - Ontario, **5:46**
 - Quebec, **5:46**
 - Saskatchewan, **5:46**
- new elections, **5:47**
- runner-up, awarding seat to, **5:47**
- Vacancies generally, **5:40**
 - generally, **5:40**
 - Alberta, **5:40**
 - Manitoba, **5:40**
 - New Brunswick, **5:40**
 - Newfoundland and Labrador, **5:40**
 - Nova Scotia, **5:40**
 - Ontario, **5:40**
 - council authority to declare vacancy, **5:40**
 - definition, **5:40**
 - filling vacancies, authority, **5:40**, **5:44**
 - types of vacancies, **5:40**
 - absent at meetings, **5:40**
 - death, **5:40**
 - disqualification, **5:40**
 - failing to make declarations, **5:40**
 - filling other vacancy, **5:40**
 - forfeiture of office, **5:40**
 - judicial proceedings, **5:40**
 - neglecting office, **5:40**
 - refusing office, **5:40**
 - resignation, **5:40**
 - Quebec, **5:40**
 - Saskatchewan, **5:40**

COUNCIL MEMBERS—Cont'd

- Vacancies generally, **5:40**—Cont'd
 - council declaration, by, **5:41**
 - bankruptcy or insolvency, where, **5:41**
 - British Columbia, **5:41**
 - challenging, **5:41**
 - declaration of office, failure to make, **5:41**
 - effective time, **5:41**
 - failure to attend council meetings, **5:41**
 - imprisonment, **5:41**
 - mandamus remedy, **5:41**
 - Ontario, **5:41**
 - grounds, **5:41**
 - strict construction, **5:41**
 - restoration of seat, **5:41**
 - Saskatchewan, **5:41**
 - court order, by, **5:42**
 - Alberta, **5:42**
 - British Columbia, **5:42**
 - disclaimers, effect of, **5:42**
 - Manitoba, **5:42**
 - Ontario, **5:42**
 - Saskatchewan, **5:42**
 - resignation, by, **5:43**
 - Alberta, **5:43**
 - British Columbia, **5:43**
 - common law, duties at, **5:43**
 - consent of council required, **5:43**
 - Manitoba, **5:43**
 - mode, **5:43**
 - New Brunswick, **5:43**
 - Newfoundland and Labrador, **5:43**
 - Nova Scotia, **5:43**
 - Ontario, **5:43**
 - abandonment by nonattendance, **5:43**
 - consent of council, **5:43**
 - effect on holding other office, **5:43**
 - ineffective if council reduced below quorum, **5:43**
 - notice in writing, **5:43**
 - Quebec, **5:43**
 - Saskatchewan, **5:43**
 - statutory requirements generally, **5:43**

DEBENTURESSee **BORROWING AND DEBENTURES**

DRAINAGE AND WATERCOURSES

- Generally, **21:1 to 21:4**
 - common law, **21:2**
 - obligation to receive drainage, **21:3**
 - right to drain land, **21:2**
 - introduction, **21:1**
 - “drainage,” definition, **21:1**
 - “sewer,” definition, **21:1**
 - statute law, **21:4**
 - Alberta, **21:4**
 - British Columbia, **21:4**
 - Manitoba, **21:4**
 - New Brunswick, **21:4**
 - Ontario, **21:4**
 - Quebec, **21:4**
 - Saskatchewan, **21:4**
- Assessment of drainage, **21:20 to 21:27**
 - damages and costs against drainage area, assessment of, **21:23**
 - general principles of assessment, **21:20**
 - injuring liability, assessment for, **21:21**
 - maintenance, varying assessment for, **21:27**
 - municipalities, assessment between, **21:25**
 - outlet liability, assessment for, **21:22**
 - revision of assessment, **21:24**
 - settlement and payment of amounts assessed between municipalities, **21:26**
- Construction of drain, **21:34 to 21:36**
 - generally, **21:34**
 - award drain incorporated in municipal drain, **21:36**
 - railway, public utility or road authority lands, **21:35**
- Damages, compensation and other remedies, **21:49 to 21:56**
 - generally, **21:49**
 - drainage referee, **21:49**
 - compensation, **21:50**
 - defences to actions, **21:55**
 - agreement, **21:55**
 - fault of injured party, **21:55**
 - independent contractor, **21:55**
 - purchaser with notice, **21:55**
 - vis major, **21:55**
 - limitation of action, **21:56**
 - negligence in respect of construction, **21:52**

DRAINAGE AND WATERCOURSES**—Cont’d**

- Damages, compensation and other remedies, **21:49 to 21:56**—Cont’d
 - non-repair, liability for, **21:53**
 - nuisance, no action in, **21:54**
 - unauthorized work, construction of, **21:51**
- Drainage by-laws, **21:28 to 21:33**
 - generally, **21:28**
 - amendment of by-law, **21:33**
 - borrowing, **21:31**
 - form and contents, **21:29**
 - passing, final, **21:32**
 - service of by-law and notice, **21:30**
- Engineer and report, **21:13 to 21:19**
 - generally, **21:13**
 - appointment of engineer, **21:13**
 - engineer’s duty, **21:13**
 - adoption of report, **21:16**
 - alteration of report or scheme, **21:17**
 - appeals from report, **21:18**
 - examination, **21:14**
 - fees of engineer, **21:19**
 - report, **21:15**
- Jurisdiction over drainage matters, **21:42 to 21:48**
 - generally, **21:42**
 - appeals from referee, **21:46**
 - appeals to referee, **21:45**
 - attacking by-law, **21:44**
 - construction of statute, **21:43**
 - costs, **21:47**
 - injunctive, **21:48**
 - mandamus, **21:48**
- Maintenance and repair, **21:37 to 21:41**
 - cost, **21:40**
 - duty to maintain, **21:37**
 - improvements, **21:38**
 - mandamus to compel repair, **21:41**
 - procedure for maintenance and improvement, **21:39**
- Mutual agreements, drainage works constructed by, **21:12**
- Petitions, **21:5 to 21:10**
 - generally, **21:5**
 - description of lands, **21:7**
 - environmental appraisal, **21:10**
 - parties, **21:6**
 - sufficiency, **21:9**

DRAINAGE AND WATERCOURSES**—Cont'd**

- Petitions, **21:5 to 21:10**—Cont'd
 - withdrawal, **21:8**
- Requisition, drainage works construction on, **21:11**

EARLY CLOSING BY-LAWS

- Classification of shops, **16:26**
- Council's initiative, by-laws passed on, **16:24**
- Enactment, petitions for, **16:25**
- Exceptions and exemptions, **16:23**
- Nature and extent of authority, **16:22**
 - Charter, **16:22**
 - "closed," meaning of, **16:22**
 - object of, **16:22**
 - statutory authority, **16:22**
 - strict compliance with stature requirements, **16:22**
 - Sunday observance, **16:22**
 - times of closing, **16:22**
- Principal trade, **16:27**

ELECTIONS

See also **COUNCIL MEMBERS**

- Ballot papers, **4:27**
 - generally, **4:27**
 - candidate names, **4:27**
 - form, **4:28**
 - marking, **4:24, 4:29**
 - validity of ballots, **4:29**
 - voter intention given paramountcy, **4:29**
- Candidates, **4:13**
 - acclamation, **4:17**
 - setting aside, **4:17**
 - time, **4:17**
 - campaign and campaign finances, **4:18**
 - campaign Practices, **4:18.50**
 - eligibility, **4:14**
 - employees, municipal, **4:14**
 - nomination day, **4:13**
 - nomination papers, **4:15**
 - consent of candidate, **4:15**
 - declaration of qualification, **4:15**
 - electors' signatures, **4:15**
 - filing of nominations, **4:15**
 - particulars, **4:15**
 - validity of nomination paper, **4:15**
 - writing requirement, **4:15**

ELECTIONS—Cont'd

- Candidates, **4:13**—Cont'd
 - nominations, **4:13**
 - nomination day, **4:13**
 - nomination meetings, **4:13**
 - nomination papers, **4:15**
 - notices, **4:13**
 - public inspection, **4:13**
 - withdrawals, **4:16**
 - time limits, **4:16**
 - withdrawal of resignations, **4:16**
- Contesting elections, **4:37**
 - generally, **4:37**
 - judge's jurisdiction, **4:37**
 - procedure, **4:37**
 - quo warrantoremedy, **4:37**
 - summary proceedings for setting aside elections, **4:37**
 - appeals, **4:51**
 - corrupt practices, effect of, **4:48**
 - election voided, **4:48**
 - forfeiture of office, **4:48**
 - costs, **4:52**
 - curative provisions, **4:47**
 - burden of proof of allegation of invalidity, **4:47**
 - case-by-case consideration, **4:47**
 - conditions for curative provision taking effect, **4:47**
 - irregularity, meaning of, **4:47**
 - "principles of Act," meaning of, **4:47**
 - disclaimer of office, **4:43**
 - effect of, **4:43**
 - procedure, **4:43**
 - evidence, **4:44**
 - affidavits, **4:44**
 - cross-examinations, **4:44**
 - election papers, production of, **4:44**
 - oral testimony, **4:44**
 - fiat, granting of, **4:40**
 - application, **4:40**
 - discretion of judge, **4:40**
 - purpose, **4:40**
 - setting aside fiat, **4:40**
 - grounds for setting aside election, **4:46**
 - illegal votes, **4:46**
 - irregularities, **4:46**
 - principles, violation of, **4:46**

INDEX

ELECTIONS—Cont'd

- Contesting elections, **4:37**—Cont'd
 - hearing, **4:45**
 - common law rule for setting aside election, **4:45**
 - irregularity of proceedings, **4:45**
 - scope of court's authority, **4:45**
 - statutory rule, **4:45**
 - summary hearings, **4:45**
 - orders or judgments, **4:49**
 - right to institute proceedings, **4:38**
 - municipality, **4:38**
 - personal motives, **4:38**
 - relator, qualifications of, **4:38**
 - runner-up, seat to, **4:50**
 - security for costs, **4:41**
 - time to institute proceedings, **4:39**
 - limitation period, **4:39**
 - writ, notice of motion or petition, **4:42**
 - content of writ or motion, **4:42**
 - proceeding, means, **4:42**
 - proceedings against multiple persons, **4:42**
 - realtors, attack by, **4:42**
- Corrupt practices and offences, **4:36**
 - agency, **4:36**
 - bribery offences, **4:36**
 - standard of proof, **4:36**
 - consequences, **4:36**
 - definition, **4:36**
 - penalties, **4:36**
 - subjective mens rearequirement, **4:36**
 - types of corrupt practices, **4:36**
 - bribery, **4:36**
 - campaign finance offences, **4:36**
 - undue influence, **4:36**
- Counting and returns, **4:30**
 - generally, **4:30**
 - deputy returning officer initialling ballot, **4:30**
 - electronic scanners, use of, **4:30**
 - method of counting, **4:30**
 - recount, **4:30**. **see also recounts infra**
 - rejecting votes, **4:30**
 - results, declaration of, **4:30**
 - tie, **4:31**
- Definitions, **4:1**
 - by-laws, voting on, **4:1**

ELECTIONS—Cont'd

- Definitions, **4:1**—Cont'd
 - “election,” **4:1**
 - nomination day, **4:1**
 - polling day, **4:1**
 - municipal council, voting on election to, **4:1**
 - principles applying to municipal election, **4:1**
 - school boards, voting on election to, **4:1**
- Election officials, **4:19**
 - clerk, **4:19**
 - presiding officer, **4:19**
 - returning officer, **4:19**
 - administrative function, **4:19**
 - impartiality, **4:19**
 - liability, **4:19**
- Electors, **4:7**
 - disqualifications, **4:11**
 - identification, **4:8**
 - qualifications, **4:7**
 - age, **4:7**
 - alienation, **4:7**
 - liberal interpretation, **4:7**
 - rating, **4:7**
 - requirements
 - age, **4:7**
 - citizenship, **4:7**
 - ownership or tenancy in municipality, **4:7**
 - residency rules, **4:7**
 - residence, **4:7**
 - right to vote, **4:10**
 - double voting, **4:10**
 - voter's lists, **4:10**
 - taking of oath, **4:12**
 - challenging right of person to vote, **4:12**
 - intending voter required to take oath, **4:12**
 - omission of name from electors' list, **4:12**
- Electors' lists, **4:2**
 - finality, **4:5**
 - preparation, **4:2**
 - proper list, **4:4**
 - public inspection of lists, **4:6**
 - revision, **4:3**

ELECTIONS—Cont'd

- Financial controls, **4:53**
 - campaign expenses, **4:53**
 - compliance audits, **4:53**
 - appeals, **4:53**
 - application, **4:53**
 - failing, effect of, **4:53**
 - contributions to candidate, **4:53**
 - fundraising, **4:53**
 - reporting dates, **4:53**
 - surpluses, **4:53**
- Guiding principles, **4:1**
- Polling and voting, **4:22**
 - enabling the vote, **4:26**
 - accessibility, **4:26**
 - manner of voting, **4:24, 4:29**
 - ballot, **4:24**
 - directions, **4:24**
 - illiterates, votes of, **4:24**
 - mail, voting by, **4:24**
 - marking of ballot, **4:24, 4:29**
 - proxies, voting by, **4:24**
 - secrecy, **4:24**
 - telephone, voting by, **4:24**
 - voting compartment, **4:24**
 - notice of election or poll, **4:22**
 - order in polling stations, **4:25**
 - adjournments, **4:25**
 - authority of official, **4:25**
 - time, **4:22**
 - election day, **4:22**
 - notice, **4:22**
 - polling day, **4:22**
 - time for opening and closing, **4:23**
 - agent or scrutineer of candidate, **4:23**
 - times, **4:23**
 - unauthorized persons, presence of, **4:23**
- Polling places and subdivisions, **4:20**
- Recounts, **4:32**
 - generally, **4:32**
 - appeals, **4:32**
 - application to judge, **4:32**
 - conditions precedent, **4:32**
 - evidence of improper count, **4:32**
 - security for costs, **4:32**
 - finality of recount, **4:32**
 - procedure, **4:32**
 - returning officers, **4:32**
 - threshold for recount, **4:32**

ELECTIONS—Cont'd

- Recounts, **4:32—Cont'd**
 - costs, **4:35**
 - evidence, **4:34**
 - judge's powers, **4:33**
 - finality of recount, **4:35**
 - judicial function of judge, **4:33**
 - procedure for conducting recount, **4:33**
 - scope of recount, **4:33**
- Wards, **4:21**

EXERCISE OF MUNICIPAL POWERS

- See also POWERS AND DUTIES OF MUNICIPAL CORPORATION
- Conditions of exercise, **8:61**
 - generally, **8:61**
 - good faith, **8:63**
 - impartiality, **8:66**
 - notice, **8:64**
 - prudence and good governance, **8:67**
 - public interest, **8:62**
 - reasonableness, **8:65**
- Council vote, **8:60**
- Discretionary powers, **8:68**
 - generally, **8:68**
 - choice of means, **8:69**
 - duty of use care, **8:70**
- Duties, **8:79, 8:80**
 - generally, **8:79**
 - governmental capacity, **8:79**
 - proprietary capacity, **8:79**
 - enforcement of duties, **8:80**
- Extent and limits of exercise, **8:58**
- Illegal or negligent exercise of authority, **8:75**
- Mandatory powers or duties, **8:71**
 - generally, **8:71**
 - action by Attorney-General, **8:74**
 - indictment, remedy by, **8:73**
 - mandamus, **8:72**
- Mode of exercise, **8:76 to 8:78**
 - by-law or resolution, **8:76**
 - permits and licences, **8:78**
 - prohibition or regulation, **8:77**
- Partial exercise, **8:59**

EXPENDITURES

- See REVENUES, EXPENDITURES AND FISCAL MANAGEMENT

INDEX

EXPROPRIATION

See also PROPERTY, CORPORATE and ARBITRATIONS

Generally, **26:13**

authority, **26:13**

competing powers, **26:13**

strict construction, **26:13**

Abandonment of proceedings, **26:23**

Appeals beyond approval, **26:17**

By-law, necessity of, **26:19**

Inquiry and approval, **26:16**

Interest expropriated, **26:20**

Notice of intention, **26:15**

Offer and negotiation, statutory, **26:18**

Possession, **26:21**

Procedure, **26:14**

Title, **26:21**

FIRE PROTECTION

See PUBLIC SAFETY AND FIRE PROTECTION

FISCAL MANAGEMENT

See REVENUES, EXPENDITURES AND FISCAL MANAGEMENT

FIXED ASSESSMENT BY-LAWS AND BONUSES

Generally, **19:1 to 19:3**

authority, nature of, **19:1**

“bonus”, definition of, **19:2**

bonus prohibited, **19:3**

Extent of authority, **19:4 to 19:11**

business established elsewhere, **19:10**

consent of established businesses, **19:6**

enactment, method of, **19:8**

fixed assessment or tax exemption,

grant of, **19:4**

grant, terms and conditions of, **19:9**

limitation as to period, **19:7**

manufacturing, limited to lands used in, **19:5**

school and local improvement taxes, effect on, **19:11**

Industrial sites, sale or lease of lands for, **19:18**

Judicial control over bonus by-laws, **19:12**

Rights and liabilities created, **19:13 to 19:17**

assignability, **19:13**

FIXED ASSESSMENT BY-LAWS AND BONUSES—Cont’d

Rights and liabilities created, **19:13 to 19:17**—Cont’d

damages for breach of agreement, **19:14**

existing by-laws and agreements, **19:17**

recovery of remitted taxes, **19:15**

repeal of by-law, **19:16**

FRANCHISES AND PUBLIC UTILITIES

Franchises, **27:1 to 27:16**

generally, **27:1**

“franchise,” definition, **27:1**

abandonment of franchises, **27:11**

actions in respect of franchises, **27:16**

area of operation, **27:15**

construction of statutes and grants, **27:2**

duration of franchise, **27:12**

expiration of franchise, rights on, **27:14**

forfeiture, **27:13**

power to grant or consent,

municipality’s, **27:3**

generally, **27:3**

authority, **27:3**

conditions governing grant, **27:7**

consent, lack of, effect of, **27:5**

consent, when required, **27:4**

denial of right to exercise, **27:9**

exclusive franchise, **27:6**

illegal grant, effect of, **27:5**

mode of grant and giving consent, **27:8**

restrictions on exercise of franchise, **27:10**

termination, **27:13**

Poles, tracks etc. on streets, **27:37, 27:38**

duty to repair street, **27:37**

removal or alteration caused by municipal works, **27:38**

Privately owned utilities, **27:29**

Public utilities, municipal ownership of, **27:17 to 27:28**

generally, **27:17**

authority, **27:17**

duty to supply utility, **27:17**

“public utility,” defined, **27:17**

borrowing for public utility purposes, **27:25**

electrical power, supply of, **27:18**

FRANCHISES AND PUBLIC UTILITIES—Cont'd

- Public utilities, municipal ownership of, **27:17 to 27:28—Cont'd**
 - liability, **27:28**
 - rates, **27:26**
 - generally, **27:26**
 - authority, **27:26**
 - non-discrimination rule, **27:26**
 - special rates, **27:26**
 - taxes, distinguished from, **27:26**
 - user-charge basis, **27:26**
 - collection of rates, **27:27**
- water supply, **27:19**
 - compulsory exercise, **27:20**
 - government approval, **27:21**
 - nature of supply, **27:22**
 - safe drinking water, ensuring, **27:23**
 - waterworks, power to establish, **27:19**
- Public utility commissions, **27:30 to 27:34**
 - creation, **27:30**
 - liability, **27:34**
 - members, officers and servants, **27:31**
 - powers and functions, **27:32**
 - revenues, **27:33**
- Rates, regulation by government boards, **27:36**
- Supply of power, **27:35**
 - Ontario power authority and independent electrical system operators, **27:35**

HIGHWAYS AND STREETS

- Abutting owners, rights and obligations of, **30:64 to 30:66**
 - access, **30:64**
 - encroachments, **30:66**
 - support of highway, right to, **30:65**
- Alterations, **30:47**
 - by-laws for, **30:49 to 30:51**
- Bridges, duty to build and repair, **30:97 to 30:100**
 - generally, **30:97**
 - duty to repair, **30:99**
 - duty to replace, **30:100**
 - safeguards, duty to provide, **30:98**
- By-laws for opening, closing, altering etc., **30:49 to 30:51**
 - generally, **30:49**
 - presumption of validity, **30:49**

HIGHWAYS AND STREETS—Cont'd

- By-laws for opening, closing, altering etc., **30:49 to 30:51—Cont'd**
 - conditions of validity, **30:50**
 - public interest, passed in, **30:51**
- Closing highways, **30:39 to 30:45**
 - by-laws for, **30:49 to 30:51**
- Definitions, **30:1 to 30:9**
 - “bridge,” **30:9**
 - “highway,” **30:1**
 - “lane,” **30:7**
 - “road allowance,” **30:3**
 - “roadway,” **30:4**
 - “sidewalk,” **30:8**
 - “street,” **30:6**
- Establishment, **30:10 to 30:19**
 - generally, **30:10**
 - dedication by Crown, **30:10**
 - private individuals, **30:10**
 - statutory provision, **30:10**
 - usurpation and long enjoyment, **30:10**
 - dedication, **30:11**
 - generally, **30:11**
 - burden of proof, **30:11**
 - proof required, **30:11**
 - acceptance, **30:13**
 - Crown, dedication by, **30:15**
 - intention to dedicate, **30:12**
 - plan, dedication by, **30:16**
 - presumption from user, **30:14**
 - establishment by effect of statute, **30:17**
 - generally, **30:17**
 - expenditure of public money, **30:18**
 - performance of “statute labour,” **30:19**
- Highways, closing, **30:39 to 30:45**
 - generally, **30:39**
 - continuation of highway until formal proceedings, **30:39**
 - access, duty to provide other, **30:43**
 - compensation for closing, **30:44**
 - disposition of closed roads and allowances, **30:45**
 - abutting owners, **30:45**
 - successive owners, **30:45**
 - jurisdiction to close, **30:41**
 - power to close, **30:40**
 - registered plan, streets on, **30:42**

HIGHWAYS AND STREETS—Cont'd

Highways, establishment by municipality,
30:31 to 30:37

generally, **30:31**

initiation proceedings, **30:31**

boundaries, determination of, **30:35**

discretion, exercise of, **30:33**

manner of exercise, **30:34**

private roads, establishment, **30:37**

road allowances, original, **30:36**

statute, establishment under, **30:32**

Improvements, **30:48**

Injuries from non-repair, obstructions or
defects, **30:101 to 30:149**

defects or obstructions caused by other,
30:134 to 30:141

contributions between municipali-
ties, **30:141**

municipality and third persons,
liability of, **30:135 to 30:139**

generally, **30:135**

acts permitted by municipality,
30:137

independent contractor, **30:138**

statutory authority, companies
exercising, **30:139**

unauthorized or wrongful acts of
others, **30:136**

person causing, liability of, **30:134**

remedy over by municipality, **30:140**

defences, **30:142 to 30:149**

authorization, statutory, **30:147**

compliance with statutory or regula-
tory standards, **30:148**

contributory negligence, **30:142 to
30:144**

generally, **30:142**

knowledge, **30:143**

passenger, effect on, **30:144**

streets and sidewalks, **30:149**

violation of statute or by-law, **30:146**

volenti non fit injuria, **30:145**

liability, municipality's, **30:109 to
30:115**

causal connection, **30:114**

common law: misfeasance, **30:109**

dual causes producing injury, **30:115**

notice of defect: reasonable precau-
tions, **30:112, 30:113**

generally, **30:112**

HIGHWAYS AND STREETS—Cont'd

Injuries from non-repair, obstructions or
defects, **30:101 to 30:149—Cont'd**

liability, municipality's, **30:109 to
30:115—Cont'd**

notice of defect: reasonable precau-
tions, **30:112, 30:113—Cont'd**

presumptions: burden of proof,
30:113

statutory liability: non-repair or
nonfeasance, **30:110**

principles, application of, **30:116 to
30:124**

generally, **30:116**

area openings and grating in
sidewalks, **30:124**

holes and excavations in road,
30:118

obstructions above highway, **30:120**

obstructions and projections on road,
30:117

obstructions off travelled way,
30:119

obstructions on boulevards, **30:121**

sidewalks generally, **30:123**

street signs and lighting, **30:122**

remedies, **30:101 to 30:108**

action for damages, **30:101**

declaratory relief, **30:106**

indictment, **30:102, 30:103**

non-repair, **30:102**

obstructions, **30:103**

injunction, **30:104**

mandamus, **30:105**

who able to take proceedings,
30:107, 30:108

where no particular injury, **30:107**

where particular injury, **30:108**

snow and ice, injury from, **30:125 to
30:133**

generally, **30:125**

roads, **30:126**

sidewalks, **30:127 to 30:133**

abutting owner, liability of,
30:132

by-law requiring removal or sand-
ing by owner, **30:133**

gross negligence, liability based
on, **30:128**

non-repair, liability based on,
30:127

HIGHWAYS AND STREETS—Cont'd

- Injuries from non-repair, obstructions or defects, **30:101 to 30:149**—Cont'd
 - snow and ice, injury from, **30:125 to 30:133**—Cont'd
 - sidewalks, **30:127 to 30:133**
 - Cont'd
 - non-repair as contributing factor, **30:131**
 - notice of danger, **30:130**
 - preventive measures by municipality, **30:129**
- Maintenance and repair, **30:67 to 30:95**
 - generally, **30:67**
 - authority to repair, **30:91**
 - duty to repair, **30:68**
 - extent of duty to repair, **30:69 to 30:84**
 - generally, **30:67**
 - “reasonable state of repair,” duty to maintain, **30:67**
 - changed conditions, duty to meet, **30:74**
 - factors affecting duty, **30:70 to 30:73**
 - generally, **30:70**
 - financial means, **30:72**
 - nature of locality, **30:71**
 - weather, **30:73**
 - guard rails and fences, duty to provide, **30:82**
 - signage, duty to provide, **30:83**
 - what duty extending to, **30:75 to 30:81**
 - generally, **30:75**
 - boulevards, **30:78**
 - destroyed roads and bridges, **30:80**
 - highways, **30:76**
 - off the via trita, **30:79**
 - railroad crossings, **30:81**
 - sidewalks, **30:77**
 - non-repair, what constituting, **30:92 to 30:95**
 - generally, **30:92**
 - guard rail, absence of, **30:95**
 - roads, **30:93**
 - sidewalks, **30:94**
 - repairing and constructing, duty while, **30:90**
 - whom duty owed by, **30:85 to 30:88**
 - existence of duty in others, **30:86**
 - individuals, **30:87**

HIGHWAYS AND STREETS—Cont'd

- Maintenance and repair, **30:67 to 30:95**
 - Cont'd
 - whom duty owed by, **30:85 to 30:88**
 - Cont'd
 - municipalities, **30:85**
 - whom duty owed to, **30:89**
- Opening, by-laws for, **30:49 to 30:51**
- Private roads, establishment by municipality, **30:37**
- Private roads and laneways, assumption of, **30:38**
- Regulation and use of highways, **30:52 to 30:63**
 - generally, **30:52**
 - areaways, vaults and openings, **30:61**
 - doorsteps, **30:62**
 - encroachments, **30:62**
 - obstruction or occupation of highway, **30:58**
 - power to permit, **30:58**
 - power to prohibit, **30:59**
 - removal of obstructions, **30:60**
 - parking of vehicles off highway, **30:56**
 - pedestrians, **30:54**
 - projections, **30:62**
 - railways, **30:57**
 - reasonable and lawful user, **30:53**
 - trees on highway, **30:63**
 - vehicles, **30:55**
 - verandas, **30:62**
- Title and jurisdiction, **30:20 to 30:30**
 - jurisdiction, **30:23 to 30:30**
 - generally, **30:23**
 - statutory provision, **30:23**
 - boundary roads, **30:27, 30:28**
 - generally, **30:27**
 - deviations, **30:28**
 - bridges, **30:29**
 - county roads and bridges, **30:24 to 30:26**
 - assumption of, **30:26**
 - bridges, **30:25**
 - roads, **30:24**
 - title, **30:20 to 30:22**
 - generally, **30:20**
 - common law, **30:20**
 - statutory title, **30:20**
 - nature of title, **30:21**
 - suing, right of municipality, **30:22**

HIGHWAYS AND STREETS—Cont'dWidening, **30:46****INCORPORATION**Assets and liabilities, adjustment of, **2:34 to 2:37**generally, **2:34**adjustments between newly divided groups of ratepayers, **2:34**determination, **2:34**arbitration, **2:34**municipal official, duties re., **2:34**negotiation and agreement, **2:34**when required, **2:34**assets, **2:36**definition, **2:36**schools, **2:36**disposition of assets, **2:36**adjustment, **2:36**agreement, **2:36**orders, **2:36**restructuring orders, **2:36**debts, **2:37**assumption by successor corporation, **2:37**contractual liability, **2:37**village, formation, **2:37**withdrawal from county, **2:37**drainage, **2:37**improvements, **2:37**method, **2:35**Attacking incorporation proceedings, **2:38**by-laws, effect on, **2:38**collateral attack of corporate status or existence, **2:38**confirmatory statutes, **2:38**curative provisions validating defective proceedings, **2:38**direct action re: defect or informality of proceedings, **2:38**effect of successful challenge, **2:38**invalidation of legality of municipal corporation, **2:38**Gazette, publication in, conclusive evidence, **2:38**Ontario Municipal Board, **2:38**quieting order, **2:38**presumption of regularity of incorporation proceedings, **2:38****INCORPORATION—Cont'd**Change of status, **2:27 to 2:33**council, prior, jurisdiction of, **2:30**no jurisdiction without statutory provision, **2:30**statutory rule, **2:30**de facto council of new municipality, **2:30**prevention of hiatus, **2:30**effective date of incorporation, **2:28**effect of incorporation, **2:27**change of class not dissolution, **2:27**legal body composed of inhabitants of locality, **2:27**repeal of charter, **2:27**rights of inhabitants, **2:27**severance, **2:27**existing by-laws, **2:29**continuation until repeal, **2:29**definitions, **2:29**“in-force,” **2:29**“remain in force,” **2:29**repeals of by-law, **2:29**liabilities and pending actions, **2:32**change to higher status, **2:32**succession of liabilities, **2:32**separation of union of townships, where, **2:32**counties, joint liability, **2:32**townships, several liability, **2:32**villages, erection of part of township into, **2:32**officers and sureties, **2:31**continuation of office until dismissed or successors appointed, **2:31**surety bonds, liability of, **2:31**taxes, unpaid, **2:33**new municipality entitled to unpaid taxes, **2:33**Conditions upon incorporation, **2:26**Disestablishment, **2:39**Dissolution, **2:39**change to boundaries, status, name, effect of, **2:39**charter, revocations, **2:39**delegation of power by legislature, **2:39**effect of dissolution, **2:39**letters patent, revocation, **2:39**mode, **2:39**legislative action, **2:39**

INCORPORATION—Cont'd

- Dissolution, **2:39**—Cont'd
 - mode, **2:39**—Cont'd
 - statutory procedure, **2:39**
 - application, by, **2:39**
 - referral to board (Ontario), **2:39**
- Incorporation and erection of various classes of municipalities, **2:8 to 2:25**
 - generally, **2:8**
 - definition, **2:8**
 - incorporation, distinguished from, **2:8**
 - procedure, **2:8**
 - application, **2:8**
 - census, **2:8**
 - consultation with public, **2:8**
 - double majority, **2:8**
 - petition, **2:8**
 - public hearing or vote, **2:8**
 - amalgamation, **2:25**
 - annexations and amalgamations, **2:25**
 - definition, **2:25**
 - procedure, **2:25**
 - provincial jurisdiction, **2:25**
 - cities, **2:20**
 - formation, **2:20**
 - restructuring proposal, **2:20**
 - status, **2:20**
 - highest form of municipal organization, **2:20**
 - lower-tier or single-tier municipality, **2:20**
 - conditions upon incorporation, **2:26**
 - confederation of municipalities, **2:22**
 - Metropolitan Toronto, **2:22**
 - counties, **2:23**
 - definition, **2:23**
 - quasi-municipal corporations, **2:23**
 - separated towns. vs., **2:23**
 - status, **2:23**
 - upper-tier municipalities, **2:23**
 - subdivisions of counties, **2:23**
 - taxation, **2:23**
 - union of counties, **2:23**
 - improvement districts, **2:12**
 - definition, **2:12**
 - powers, **2:12**
 - status, **2:12**
 - municipalities, other forms, **2:21**

INCORPORATION—Cont'd

- Incorporation and erection of various classes of municipalities, **2:8 to 2:25**—Cont'd
 - Ontario Municipal Board, powers of, **2:10**
 - administrative function, **2:10**
 - annexations, **2:10**
 - board decisions, effects and appeals, **2:10**
 - dissolutions, **2:10**
 - incorporations, **2:10**
 - orders by board, **2:10**
 - restructuring, **2:10**
 - police villages, **2:15**
 - assessment and taxation purposes, **2:15**
 - classes of police villages, **2:15**
 - incorporated, **2:15**
 - unincorporated, **2:15**
 - definition, **2:15**
 - trustees, **2:15**
 - population, determination of, **2:9**
 - census assumed accurate, **2:9**
 - definition, **2:9**
 - incorrect population figure, effect of, **2:9**
 - minimum population requirements no longer needed in Ontario, **2:9**
 - provincial boards, powers of, **2:11**
 - amalgamation, **2:11**
 - annexation, **2:11**
 - in-boundary determination, **2:11**
 - regions and regional forms, **2:24**
 - towns, **2:18**
 - application to Municipal Board, **2:18**
 - formation, **2:18**
 - part of county for municipal purposes, **2:18**
 - status, **2:18**
 - lower-tier or single-tier municipality, **2:18**
 - urban municipality, **2:18**
 - withdrawing from county, **2:18**
 - townships, unions of, **2:13, 2:14**
 - definition, **2:14**
 - dissolution of union, **2:14**
 - formation of unions, **2:13, 2:14**
 - separation of township, **2:14**

INCORPORATION—Cont'd

- Incorporation and erection of various classes of municipalities, **2:8 to 2:25**
 - Cont'd
 - townships generally, **2:13**
 - classes of townships (Ontario), **2:13**
 - definition, **2:13**
 - formation, **2:13**
 - status
 - lower-tier, single-tier or local municipality, **2:16**
 - unions of townships, **2:13, 2:14**
- villages, **2:16**
 - definition, **2:16**
 - police village, distinguished from, **2:16**
 - formation, **2:16**
 - status, **2:16**
 - lower-tier or single-tier municipality, **2:16**
- Modes of incorporation, **2:4 to 2:7**
 - generally, **2:4**
 - application to Minister or Municipal Board, **2:4**
 - by-law, **2:4**
 - charter, **2:4**
 - decree or order, **2:4**
 - general statutes, **2:4, 2:6**
 - “incorporation” defined, **2:4**
 - letters patent, **2:4**
 - order-in-council, **2:4**
 - proceedings under general municipal laws, **2:4**
 - proclamation, **2:4**
 - procurement by inhabitants, **2:4**
 - royal charter, **2:4**
 - special Act or charter, **2:4, 2:5**
 - conditions precedent, **2:7**
 - conditions, types of, **2:7**
 - presumption of compliance, **2:7**
 - strict compliance, **2:7**
 - delegation of incorporation power, **2:7**
- general municipal Acts, **2:6**
 - changing status, **2:6**
 - classes of municipalities, factors affecting, **2:6**
 - discretion in granting incorporation, **2:6**
 - procedure for incorporation, **2:6**

INCORPORATION—Cont'd

- Modes of incorporation, **2:4 to 2:7**
 - Cont'd
 - special Act or Charter, **2:5**
 - amendments, **2:5**
 - organic law of the community, **2:5**
 - strict interpretation, **2:5**
- Power to create, **2:1 to 2:3**
 - constitutional aspect, **2:3**
 - Constitution Act, 1867, **2:3**
 - provincial power, s. 92, **2:3**
 - delegation to executive, **2:3**
 - Indian bands, **2:3**
 - Crown, **2:1**
 - letters patent establishing “bodies corporate,” **2:1**
 - natural person capacity, **2:1**
 - royal prerogative, **2:1**
 - ultra vires doctrine not applicable, **2:1**
 - legislature, **2:2**
 - assent of inhabitants not necessary, **2:1**
 - general municipal legislation, **2:2**
 - classes of corporations, **2:2**
 - incorporation, **2:2**
 - intention implied from language, **2:2**
 - Parliament’s powers vs. Crown, **2:2**
 - petition for municipal corporations by private Acts, **2:2**
 - ultra vires doctrine applying, **2:2**
- Revocation, **2:39**

INQUIRIES

- See ADMINISTRATION OF JUSTICE, POLICING AND INQUIRIES

LICENSING BY-LAWS

- See TRADE REGULATION AND LICENSING BY-LAWS

LOCAL AND OTHER PUBLIC IMPROVEMENTS

- Generally, **20:1, 20:2**
 - authority, nature of, **20:1**
 - judicial construction, **20:2**
- Authority, source and extent of, **20:3 to 20:6**
 - acquisition of lands, **20:6**
 - classes of local improvements, **20:4**
 - legislation, **20:3**
 - mode of exercise, **20:5**

LOCAL AND OTHER PUBLIC IMPROVEMENTS—Cont'd

- Borrowing for local improvements and other works, **20:32, 20:33**
 - generally, **20:32**
 - surplus funds, **20:33**
- Council initiative, works undertaken on, **20:16 to 20:19**
 - generally, **20:16**
 - counter petitions, **20:19**
 - notice of intention to proceed, **20:17**
 - want of or irregular publication or service, **20:18**
- Engineer's report, **20:29**
- Judicial control, **20:7 to 20:10**
 - generally, **20:7**
 - bad faith, clear evidence of, **20:7**
 - excess of jurisdiction, **20:7**
 - bad faith, **20:9**
 - certification of special roll, after, **20:10**
 - non-observance of statutory requirements, **20:8**
- Local improvement and other special rates, **20:30, 20:31**
 - generally, **20:30**
 - charge, rate as, **20:30**
 - corporation as trustee, **20:30**
 - local improvement rates, **20:30**
 - power not continuous, **20:30**
 - sewage service rates, **20:30**
 - sewer rate, **20:30**
 - tax, rate as, **20:30**
 - water rate, **20:30**
 - judicial control, extent of, **20:31**
- Petition, works undertaken on, **20:11 to 20:15**
 - generally, **20:11**
 - defective petitions, **20:11**
 - signatures required, **20:12**
 - sufficiency of petition, **20:14**
 - withdrawal, **20:13**
 - work to be as petitioned for, **20:15**
- Reconstruction, **20:34**
- Repairs, **20:35**
- Sanitary grounds, works constructed on, **20:20, 20:21**
 - generally, **20:20**
 - provincial board, approvals by and appeals to, **20:21**

LOCAL AND OTHER PUBLIC IMPROVEMENTS—Cont'd

- Sewers and sewage systems and works, **20:24 to 20:28**
 - generally, **20:24**
 - "sewer" defined, **20:24**
 - "work" defined, **20:24**
 - authority to construct, **20:25**
 - extension of sewers into adjacent municipalities, **20:27**
 - private sewer connections, **20:28**
 - water resources, approval of, **20:26**
- Utility connections and highway improvement, **20:22, 20:23**
 - generally, **20:22**
 - municipal board, appeals to, **20:23**

MEETINGS

See MUNICIPAL COUNCIL

MISCELLANEOUS MATTERS

- Animals: keeping of, **22:1**
- Animals running at large, **22:2**
- Cemeteries, **22:4**
- Dogs: licensing of and running at large, **22:5**
- Explosives and combustible substances, **22:6**
- Fences, **22:7**
- Garbage, **22:8**
- Markets, **22:9**
- Noises, **22:10**
- Nuisances, **22:11**
 - anti-smoking by-laws, **22:11**
 - contaminants, use and storage of, **22:11**
 - discretionary authority, **22:11**
 - nuisances at law, **22:11**
 - public nuisance, scope of, **22:11**
- Offensive and noxious trades, **22:12**
- Parks and recreational grounds, **22:13**
- Pits and quarries, **22:14**
- Plebiscites, **22:15**
- Privies and comfort stations, **22:16**
- Public libraries, **22:17**
- Signs, **22:18**
- Tree planting and trimming by-laws, **22:19**
- Weighing and weighing machines, **22:20**

MONEY BY-LAWS

See BORROWING AND DEBENTURES

INDEX

MUNICIPAL CORPORATION

See also INCORPORATION; MUNICIPAL COUNCIL and POWERS AND DUTIES OF MUNICIPAL CORPORATION

Classification, **1:12, 1:13**

generally, **1:12**

general municipal statutes, **1:12**

Ontario, **1:12**

lower-tier: township, **1:12**

single-tier: city or town, **1:12**

upper-tier: counties, regions and districts, **1:12**

special charters, **1:12**

two-tier systems, **1:12**

counties, regional municipalities, **1:12**

local municipalities, **1:12**

villages, **1:12**

legislation, applicability of, **1:13**

general statutes for local authorities, **1:13**

Baldwin Act, **1:13**

inconsistent statutory provisions, **1:13**

special Acts and charters, **1:13**

Definitions, **1:1**

corporation, **1:1**

municipal corporation, **1:1**

municipality, **1:1**

person, **1:1**

Distinguishing from other entities, **1:8 to 1:11**

common law corporations, **1:9**

natural person capacities, **1:9**

statute-created municipalities, **1:9**

ultra vires doctrine, **1:9**

Crown and province, **1:8**

agency relationship, **1:8**

creatures of legislature, **1:8**

Crown's special prerogatives and immunities not applying, **1:8**

distinct legal entity from Crown in right of province, **1:8**

notice and consultation, British Columbia requiring, **1:8**

provincial government not having veto power, **1:8**

public corporations, **1:10, 1:11**

business, not to conduct, **1:11**

MUNICIPAL CORPORATION—Cont'd

Distinguishing from other entities, **1:8 to 1:11**—Cont'd

public corporations, **1:10, 1:11**

—Cont'd

civil administration, betterment of, **1:11**

commercial corporations, statutes re., generally not applicable, **1:11**

private corporation, gain or profit, **1:11**

public welfare, promotion of, **1:10**

quasi-municipal corporations, **1:10**

civil liability, **1:10**

American doctrine, **1:10**

British law, **1:10**

Canadian law, **1:10**

governmental agencies to administer provincial laws, **1:10**

involuntary organizations, **1:10**

Historical development of Canadian local government, **1:21 to 1:23**

English origin, **1:21**

period of 1788 to 1841, **1:22**

period of 1841 to present, **1:23**

Inhabitants and residents, **1:17 to 1:20**

generally, **1:17**

corporation distinct from inhabitants, **1:17**

corporation not trustee or agent of inhabitants, **1:17**

electors, **1:17**

essential requisites of valid municipality, as, **1:17**

minimum number of inhabitants as requisite for incorporation, **1:17**

organization determined by density of population, **1:17**

Ontario, excepted, **1:17**

populous localities receiving additional powers, **1:17**

ratepayers, **1:17**

inhabitants, **1:18**

definition, **1:18**

dweller, **1:18**

multiple places, of, **1:18**

permanent residency, **1:18**

rights, **1:18**

determined by statute, **1:18**

MUNICIPAL CORPORATION—Cont'd

- Inhabitants and residents, **1:17 to 1:20**
 - Cont'd
 - ratepayers, **1:20**
 - definition, **1:20**
 - rights of ratepayers, **1:20**
 - residents, **1:19**
 - children's residence, **1:19**
 - constructive residence, **1:19**
 - definition, **1:19**
 - domicile, vs., **1:19**
 - intention to remain, **1:19**
 - physical presence, **1:19**
 - importance, **1:19**
 - candidacy in election, **1:19**
 - liability to assessment, **1:19**
 - school, right of child to attend, **1:19**
 - voting in an election, **1:19**
 - welfare support, **1:19**
 - multiple residences, **1:19**
 - temporary absences, **1:19**
 - termination, **1:19**
- Name, **1:14**
 - acquisition, **1:14**
 - change of name, **1:14**
 - misnomers, effect of, **1:14**
 - by-laws, **1:14**
 - contracts, **1:14**
 - lawsuits, **1:14**
 - variations in documents, **1:14**
- Nature, **1:2**
 - dual aspect, **1:4**
 - community at large vs. inhabitants within local limits, powers for benefit of, **1:4**
 - government agent vs. private corporation providing utilities and services, **1:4**
 - incidents and attributes, **1:6**
 - authority over inhabitants, **1:6**
 - common seal, **1:6**
 - contract, power to, **1:6**
 - corporate name, **1:6**
 - governing body, **1:6**
 - immunity, **1:6**
 - liability, **1:6**
 - membership, **1:6**
 - perpetual succession, **1:6**
 - property, power to acquire, **1:6**

MUNICIPAL CORPORATION—Cont'd

- Nature, **1:2—Cont'd**
 - incidents and attributes, **1:6—Cont'd**
 - suing and being sued, power to, **1:6**
 - territory, **1:6**
 - voting, **1:6**
 - local self-government, **1:2**
 - accountable and responsible government, **1:2**
 - autonomy, restricted, **1:2**
 - good government, provide, purpose to, **1:2**
 - natural person authority, **1:2**
 - non-fiduciary nature, **1:5**
 - voluntary nature, **1:3**
- Nature: Canada, Great Britain and U.S.A., **1:7**
 - Canada, **1:7**
 - statutory creature, **1:7**
 - common law corporations, **1:7**
 - England, **1:7**
 - Act of Parliament, by, **1:7**
 - common law, by, **1:7**
 - prescription, by, **1:7**
 - Queen's charter, by, **1:7**
 - ultra vires doctrine, **1:7**
 - United States, **1:7**
 - statutory creature, **1:7**
- Seal, **1:15**
 - adoption, **1:15**
 - by-laws to be under seal, **1:15**
 - resolutions unsealed, **1:15**
 - requirement, **1:15**
 - type of seal, **1:15**
 - use of seal, **1:15**
 - binding municipality, **1:15**
 - estoppels, want of, **1:15**
 - wrongful detention, **1:15**
- Territory, **1:16**
 - alteration of municipal boundaries, **1:16**
 - authority to act for municipal purposes within boundaries, **1:16**
 - extra-territorial powers, **1:16**
 - incorporation, **1:16**
 - legislature prescribing minimum inhabitants and maximum territory, **1:16**
 - letters patent or orders describing boundaries, **1:16**

MUNICIPAL CORPORATION—Cont'd

- Territory, **1:16**—Cont'd
 - inhabitants distinct from municipal corporation, **1:16**
 - invasion by other municipality requiring sanctioning or consent, **1:16**
 - joint agreements, **1:16**
 - jurisdiction conterminous with local limits, **1:16**
 - jurisdiction not ownership, **1:16**
 - land not corporation, **1:16**
 - limits of territory to be defined, **1:16**
 - non-contiguous parcels, **1:16**
 - overlapping jurisdictions, **1:16**
 - seat of government, **1:16**
 - territorial limit, designation of municipality within, **1:16**

MUNICIPAL COUNCIL

- See also COUNCIL MEMBERS and MUNICIPAL CORPORATION
- Generally, **6:1**
 - agent of corporation, **6:1**
 - “common council,” **6:1**
 - fluctuating body, **6:1**
 - inhabitants constituted as body corporate, **6:1**
 - legislative assembly, not, **6:1**
 - local boards and commissions, **6:1**
 - perpetual succession, **6:1**
- Accountability and transparency, **6:50**
 - access and privacy, **6:51**
 - financial and performance accountability, **6:52**
 - integrity and appropriate conduct, **6:50**
- Boards of control and executive committees, **6:43**
 - generally, **6:43**
 - Ontario, **6:43**
 - Quebec, **6:43**
 - powers and duties, **6:43**
 - contracts, **6:43**
 - council’s rights respecting, **6:43**
 - delegation by council to, **6:43**
 - estimates of proposed expenditures, **6:43**
 - initiative respecting assigned duties, **6:43**
 - Quebec, **6:43**

MUNICIPAL COUNCIL—Cont'd

- Committees, **6:41**
 - generally, **6:41**
 - composition, **6:41**
 - delegation of powers to committees, **6:41**
 - meetings, **6:41**
 - proceedings, **6:41**
 - standing or special committees, **6:41**
 - authority, **6:42**
 - contracts, **6:42**
 - decisions by, effect of, **6:42**
 - limited authority, **6:42**
 - personal liability, **6:42**
 - public hearings, **6:42**
 - revocation, **6:42**
 - statute defining authority, **6:42**
- Composition, **6:5**
 - generally, **6:5**
 - bicameral councils, **6:5**
 - chief executive officer, **6:5**
 - members of council, **6:5**
 - number of electors as factor, **6:5**
 - population as factor, **6:5**
 - systems of local elections, **6:5**
 - general vote system, **6:5**
 - mixed voting system, **6:5**
 - voting by wards, **6:5**
 - wards, creating or dissolving, **6:5**
- Alberta, **6:9**
 - cities and towns, **6:9**
 - municipal districts, **6:9**
 - villages and summer villages, **6:9**
- British Columbia, **6:10**
 - cities and district municipalities, **6:10**
 - towns and villages, **6:10**
- Manitoba, **6:7**
- New Brunswick, **6:13**
- Newfoundland and Labrador, **6:14**
- Nova Scotia, **6:12**
- Ontario, **6:6**
 - cities, **6:6**
 - local municipalities, **6:6**
 - police villages, **6:6**
 - regional municipalities, **6:6**
 - upper-tier councils, **6:6**
- Quebec, **6:11**
 - cities and towns, **6:11**
- Saskatchewan, **6:8**

MUNICIPAL COUNCIL—Cont'd

- Council heads, **6:44**
 - generally, **6:44**
 - acting heads, **6:44**
 - appointment procedure, **6:44**
 - council member, whether, **6:44**
 - ex officio member of boards and commissions, **6:44**
 - mayors, **6:44**
 - presiding officer, **6:44**
 - reeves, **6:44**
 - regional councils, **6:44**
 - vacancy, **6:44**
 - wardens, **6:44**
 - by-laws, contracts and motions, duty regarding, **6:48**
 - duty to sign, **6:48**
 - no veto power, **6:48**
 - mandamus, **6:48**
 - place of signing, **6:48**
 - signature, effect of, **6:48**
- general powers and duties, **6:45**
 - common law rules, **6:45**
 - compliance with laws, ensuring, **6:45**
 - mandamus, **6:45**
 - meetings, duties re., **6:45**
 - statutory powers, **6:45**
 - chief executive officer, **6:45**
 - power to enforce order, **6:46**
 - veto, right to, **6:49**
- De facto councils, **6:40**
 - acting under colour of right, **6:40**
 - de facto members, **6:40**
 - de jure members, **6:40**
 - validity of acts, **6:40**
- Functions, **6:3**
 - adjudicative functions, **6:3**
 - procedural fairness, **6:3**
 - administrative functions, **6:3**
 - good governance, **6:3**
 - judicial or quasi-judicial capacity, **6:3**
 - judicial review, **6:3**
 - legislative functions, **6:3**
 - adoption of by-laws and resolutions, **6:3**
 - policy evolutions, **6:3**
 - repealing by laws, **6:3**
 - local boards and commissions, **6:3**
 - procedural fairness, degree of, **6:3**
 - sound administration, **6:3**

MUNICIPAL COUNCIL—Cont'd

- Meetings, **6:16**
 - generally, **6:16**
 - collective judgement, **6:16**
 - common law rules, **6:16**
 - form of exercise of power, **6:16**
 - by-laws, **6:16**
 - resolutions, **6:16**
 - meetings, corporate affairs to be conducted at, **6:16**
 - adjourned meetings, **6:23**
 - continuation of previous meeting, as, **6:23**
 - fixed future day, adjournment to, **6:23**
 - power to adjourn meeting, **6:23**
 - calling, **6:27**
 - Alberta, **6:27**
 - British Columbia, **6:27**
 - common law, **6:27**
 - Manitoba, **6:27**
 - Newfoundland and Labrador, **6:27**
 - Ontario, **6:27**
 - Quebec, **6:27**
 - Saskatchewan, **6:27**
 - special meetings, **6:27**
 - statutory authority, **6:27**
 - closed meeting investigations, **6:18**
 - closed meetings, **6:17**
 - electronic meetings, **6:25**
 - exclusion or expulsion, **6:30**
 - common law, **6:30**
 - improper conduct, for, **6:30**
 - press, **6:30**
 - public hearings, **6:30**
 - extraordinary meetings, **6:22**
 - notice, **6:28**
 - adjourned, **6:28**
 - Manitoba, **6:28**
 - Quebec, **6:28**
 - general, **6:28**
 - common law requirements, **6:28**
 - statutory requirements, **6:28**
 - method of giving, **6:28**
 - Alberta, **6:28**
 - British Columbia, **6:28**
 - Manitoba, **6:28**
 - Nova Scotia, **6:28**
 - oral notice, **6:28**
 - Quebec, **6:28**

MUNICIPAL COUNCIL—Cont'd

- Meetings, **6:16**—Cont'd
 - notice, **6:28**—Cont'd
 - method of giving, **6:28**—Cont'd
 - Saskatchewan, **6:28**
 - service, **6:28**
 - purpose stated, **6:28**
 - regular meetings, **6:28**
 - special meetings, **6:28**
 - common law, **6:28**
 - statutory provisions, **6:28**
 - waiver, **6:28**
 - call waiving, **6:28**
 - express waiver, **6:28**
 - notice, waiting, **6:28**
 - open and closed meetings, **6:17**
 - closed meetings, **6:17**
 - investigation of propriety of, **6:17**
 - committee meetings, **6:17**
 - common law, **6:17**
 - closed meetings, **6:17**
 - expulsion of member, **6:17**
 - in camerameetings, **6:17**
 - statutory rule, **6:17**
 - failure to comply, effect, **6:17**
 - open to public, **6:17**
 - ordinary meetings, **6:21**
 - designated places, **6:21**
 - fixed dates, **6:21**
 - frequency of meetings, **6:21**
 - ordinary or regular vs. special or extraordinary, **6:21**
 - “stated meetings,” **6:21**
 - place, **6:24**
 - adjacent municipalities, **6:24**
 - fixed place, **6:24**
 - inaugural meeting, **6:24**
 - within municipality, **6:24**
 - regularity, presumption of, **6:29**
 - regular meetings, **6:21**
 - special meetings, **6:22**
 - meeting frequency, **6:22**
 - stated meetings, **6:21**
 - time, **6:26**
 - Alberta, **6:26**
 - altering dates, **6:26**
 - British Columbia, **6:26**
 - fixed dates, **6:26**
 - holidays, **6:26**
 - Manitoba, **6:26**

MUNICIPAL COUNCIL—Cont'd

- Meetings, **6:16**—Cont'd
 - time, **6:26**—Cont'd
 - Newfoundland and Labrador, **6:26**
 - Ontario, **6:26**
 - Prince Edward Island, **6:26**
 - Quebec, **6:26**
 - Saskatchewan, **6:26**
- Organization, **6:4**
 - definition, **6:4**
 - procedure, **6:4**
- Powers, **6:39**
 - generally, **6:39**
 - administrative functions, **6:39**
 - confined to constituent Act, **6:39**
 - continuing bodies, **6:39**
 - custodian of powers of municipality, **6:39**
 - exercising powers, **6:39**
 - directly, **6:39**
 - officers and servants, **6:39**
 - incoming council, discretion of, **6:39**
 - legislative functions, **6:39**
 - liability for council acts outside corporation's scope, **6:39**
 - outgoing council, limitation of powers of, **6:39**
 - change of boundaries and status, **6:39**
 - right of reconsideration, **6:39**
 - interval after adoption of bylaw, **6:39**
 - interval after rejection of amendment, **6:39**
 - interval between third reading and adoption of by-law, **6:39**
 - notice, **6:39**
 - power to reconsider, **6:39**
 - right of rescission, **6:39**
 - statutory restrictions, **6:39**
 - term of office, **6:39**
- Proceedings, **6:31**
 - procedure, **6:32**
 - generally, **6:32**
 - bilingual municipality, designation as, **6:32**
 - compliance with provincial statute, **6:32**
 - deviation from procedures, **6:32**
 - number of readings of by-law, **6:32**
 - procedural by-laws, **6:32**

MUNICIPAL COUNCIL—Cont'd

- Proceedings, **6:31**—Cont'd
 - procedure, **6:32**—Cont'd
 - generally, **6:32**—Cont'd
 - special code of procedure, **6:32**
 - irregularity, **6:33**
 - curative provisions in provincial statutes, **6:33**
 - internal procedures, failure to follow, **6:33**
 - rules of procedure, failure to follow, **6:33**
 - statutory condition, violations of, **6:33**
 - succeeding council, restricting, **6:33**
 - suspension of rules, **6:33**
 - waiver of rules, **6:33**
 - presiding officer, **6:34**
 - absence of, **6:34**
 - judge of procedure, **6:34**
 - mandamus, **6:34**
 - powers and duties, **6:34**
 - voting by, **6:34**
 - quorum, **6:31**
 - generally, **6:31**
 - alteration, **6:31**
 - common law, **6:31**
 - definition, **6:31**
 - statutory rules, **6:31**
 - calculating, **6:31**
 - common law, **6:31**
 - conflict of interest, effect of, **6:31**
 - statutory rules, **6:31**
 - vacancy, effect of, **6:31**
 - loss of quorum, **6:31**
 - adjourning for want of quorum, **6:31**
 - Alberta, **6:31**
 - British Columbia, **6:31**
 - effect of, **6:31**
 - Manitoba, **6:31**
 - New Brunswick, **6:31**
 - Newfoundland and Labrador, **6:31**
 - Nova Scotia, **6:31**
 - Ontario, **6:31**
 - reasons for, **6:31**
 - votes required, **6:37**
 - generally, **6:37**
 - “absolute majority,” meaning of, **6:37**

MUNICIPAL COUNCIL—Cont'd

- Proceedings, **6:31**—Cont'd
 - votes required, **6:37**—Cont'd
 - generally, **6:37**—Cont'd
 - common law rule, **6:37**
 - majority of quorum, **6:37**
 - presumption of required majority, **6:37**
 - “majority of the votes of the members present” meaning of, **6:37**
 - resignations, effect of, **6:37**
 - statutory provisions, **6:37**
 - “unanimous vote” meaning of, **6:37**
 - vacancies, effect of, **6:37**
 - mayor, necessity of voting, **6:37**
 - more than majority, **6:37**
 - “two-thirds vote,” meaning, **6:32**
 - “unanimous vote” meaning of, **6:37**
 - voting, **6:35**
 - generally, **6:35**
 - acquiescence meaning assent, **6:35**
 - mode, **6:35**
 - prescribed method mandatory, **6:35**
 - reasonable mode where method not prescribed, **6:35**
 - open voting, **6:35**
 - presumption of requisite majority, **6:35**
 - recorded vote, **6:35**
 - silence recorded as negative vote, **6:35**
 - tacit acquiescence amounting to assent, **6:35**
 - whether obligatory to vote, **6:35**
 - disqualification from voting, **6:36**
 - bias, **6:36**
 - amenable-to-persuasion test, **6:36**
 - conflict of interest, **6:36**
 - judicial and quasi-judicial functions and, **6:36**
 - attendance, **6:36**
 - bias, **6:36**
 - material facts, hearing, **6:36**
 - personal interest, **6:36**
 - special interest, **6:36**

INDEX

MUNICIPAL COUNCIL—Cont'd

- Proceedings, **6:31**—Cont'd
 - voting, **6:35**—Cont'd
 - disqualification from voting, **6:36**
 - Cont'd
 - voiding by-law or resolution, when, **6:36**
- Records, **6:38**
 - confidentiality, **6:38**
 - minutes, **6:38**
 - approval by council, **6:38**
 - custody of, **6:38**
 - mandatory requirement, **6:38**
 - prima facie evidence of record, **6:38**
 - signing, **6:38**
 - newspaper report of proceedings, **6:38**
 - retention of records, **6:38**
 - right of inspection, **6:38**
 - British Columbia, **6:38**
 - clerk's possession, limit to documents in, **6:38**
 - common law, **6:38**
 - discretion, **6:38**
 - copies, **6:38**
 - Manitoba, **6:38**
 - New Brunswick, **6:38**
 - Newfoundland and Labrador, **6:38**
 - Ontario, **6:38**
 - press, **6:38**
 - Saskatchewan, **6:38**
 - solicitor-client privilege, **6:38**
 - statutory right varying, **6:38**
- Status, **6:2**
 - councillor agent for corporation, **6:2**
 - judicial parentalism, **6:2**
 - ratepayers, relation with, **6:2**
 - trustee, **6:2**

NEGLIGENCE

See WRONGS, MUNICIPAL

NON-CONFORMING USES

See PLANNING AND ZONING

NUISANCE

See MISCELLANEOUS MATTERS and WRONGS, MUNICIPAL

OFFICERS AND SERVANTS

Accountability, **7:40**

OFFICERS AND SERVANTS—Cont'd

- Appointment, **7:4**
 - generally, **7:4**
 - appointment, attacking validity, **7:4**
 - quo warranto proceedings, **7:4**
 - council members, disqualification of, **7:4**
 - de facto officers' acts, effect of, **7:4**
 - multiple offices, holding, **7:4**
 - presumption of regular appointment, **7:4**
 - residency requirement, **7:4**
 - appointing authority, **7:5**
 - board of control, **7:5**
 - council, **7:5**
 - delegation, **7:5**
 - officials, **7:5**
 - declaration of office, **7:8**
 - manner of appointment, **7:6**
 - employment contract, **7:6**
 - officers, **7:6**
 - prescribed by statute or bylaw, **7:6**
 - procedural fairness, **7:6**
 - subordinate positions, **7:6**
 - by-lays, by, **7:6**
 - vacancies, filling, **7:7**
- Authority, **7:20**
 - by-laws, **7:20**
 - delegation of administrative functions to, **7:20**
 - obstruction of, **7:20**
 - scope of, **7:20**
 - statutes, **7:20**
 - unauthorized acts, ratification by council, **7:20**
- Definitions, **7:1**
 - officers, **7:1**
 - council members, **7:1**
 - "designated official," **7:1**
 - employees as, **7:1**
 - "municipal officer," **7:1**
 - "officer," **7:1**
 - "official," **7:1**
 - "servant," **7:1**
 - statutory officers, **7:1**
 - servants and employees, **7:2**
 - "employee," **7:2**
 - "servant," **7:2**

OFFICERS AND SERVANTS—Cont'd

- Discipline, **7:17**
 - employment, labour, human rights, **7:17**
- Duties, liabilities and immunities, **7:21**
 - certification, **7:29**
 - civic servants, protections and municipal liabilities, **7:24**
 - duties, **7:21**
 - immunities, **7:23**
 - liabilities, **7:22**
 - misrepresentation by officials, **7:25**
 - surety bonds, **7:26**
- Power to create offices, **7:3**
- Remuneration, **7:19**
 - actions for, **7:19**
 - additional compensation for legal obligations, **7:19**
 - dismissal of officer, **7:19**
 - fixed, **7:19**
 - by-laws, **7:19**
 - statutes, **7:19**
 - pensions, **7:19**
 - reduction in, **7:19**
 - retirement allowances, **7:19**
 - services outside of duties, **7:19**
 - sick leave credits, **7:19**
- Tenure, **7:9**
 - common law, **7:9**
 - council's discretion, **7:9**
 - officers vs. servants' employments, **7:9**
 - statutory limitations, **7:9**
- Termination of service, **7:10**
 - dismissal or removal, **7:10**
 - Alberta, **7:10**
 - authority, **7:10**
 - collective agreements, **7:10**
 - courts, jurisdiction, **7:10**
 - discretion of appointing authority, **7:10**
 - exceptions, **7:10**
 - fixed term appointment, **7:10**
 - statutory limitation, **7:10**
 - duty to act fairly, **7:10**
 - employment contract, **7:10**
 - grievances with, **7:10**
 - mandamus, **7:10**
 - Manitoba, **7:10**
 - mediated settlements, **7:10**
 - method, **7:10**

OFFICERS AND SERVANTS—Cont'd

- Termination of service, **7:10**—Cont'd
 - dismissal or removal, **7:10**—Cont'd
 - Newfoundland and Labrador, **7:10**
 - notice, **7:10**
 - Ontario, **7:10**
 - procedural fairness, **7:10**
 - Quebec, **7:10**
 - Saskatchewan, **7:10**
 - wrongful dismissal, **7:10**
 - manner of exercise, **7:13**
 - quo warranto proceedings, **7:15**
 - resignation, **7:14**
 - suspension, **7:12**
- Various officers, **7:30**
 - non-statutory positions/functions, **7:38**
 - generally, **7:38**
 - municipal solicitor, **7:39**
 - statutory positions/functions, **7:31**
 - auditor, **7:33**
 - chief auditor and auditor generals, **7:34**
 - clerk, **7:31**
 - ombudsman, **7:35**
 - treasurer, **7:32**

OFFICIAL PLAN

See PLANNING AND ZONING

PERMITS

See BUILDING CONSTRUCTION AND PERMITS

PETITION

See BY-LAWS UPON PETITION and DRAINAGE AND WATERCOURSES

PLANNING AND ZONING

See also BUILDING CONSTRUCTION AND PERMITS

- Authority to plan, **17:5 to 17:9**
 - amendments, **17:9**
 - jurisdiction over planning, **17:5**
 - legal effect, **17:8**
 - planning area, **17:6**
 - planning process, **17:7**
 - adoption by council, **17:7**
 - approval of provincial planning authority, **17:7**
 - public meeting, **17:7**

PLANNING AND ZONING—Cont'd

- Development control, **17:29 to 17:48**
 - generally, **17:29**
 - circumventions of plan, **17:29**
 - de-registration of plans, **17:29**
 - “plan of subdivision” defined, **17:29**
 - quasi-judicial function, **17:29**
 - subdivision, jurisdiction over, **17:29**
 - subdivision approval, **17:29**
 - development agreements, **17:45**
 - development costs, **17:48**
 - development standards, **17:31**
 - Alberta, **17:40**
 - British Columbia, **17:41**
 - subdivision approval, **17:41**
 - Manitoba, **17:38**
 - subdivision approval, **17:38**
 - New Brunswick, **17:35**
 - Newfoundland and Labrador, **17:32**
 - Northwest Territories, **17:42**
 - Nova Scotia, **17:34**
 - Nunavut, **17:44**
 - Ontario, **17:37**
 - exceptions to requirement of subdivision control, **17:37**
 - severances, consents to, **17:37**
 - subdivision approval, **17:37**
 - Prince Edward Island, **17:33**
 - Quebec, **17:36**
 - Saskatchewan, **17:39**
 - Yukon, **17:43**
 - interim development control, **17:30**
 - residential development, **17:46**
 - roads and streets, **17:46**
- Enforcement, appeals and remedies, **17:69 to 17:85**
 - appeals, statutory, **17:70**
 - attacks on by-laws & amendments, **17:75**
 - Alberta, **17:75**
 - British Columbia, **17:75**
 - Manitoba, **17:75**
 - New Brunswick, **17:75**
 - Newfoundland and Labrador, **17:75**
 - Northwest Territories, **17:75**
 - Nova Scotia, **17:75**
 - Nunavut, **17:75**
 - Ontario, **17:75**
 - Prince Edward Island, **17:75**

PLANNING AND ZONING—Cont'd

- Enforcement, appeals and remedies, **17:69 to 17:85—Cont'd**
 - appeals, statutory, **17:70—Cont'd**
 - attacks on by-laws & amendments, **17:75—Cont'd**
 - Quebec, **17:75**
 - Saskatchewan, **17:75**
 - Yukon, **17:75**
 - board procedure, **17:72**
 - costs, **17:73**
 - jurisdictions, **17:70**
 - Alberta, **17:70**
 - British Columbia, **17:70**
 - Manitoba, **17:70**
 - New Brunswick, **17:70**
 - Newfoundland and Labrador, **17:70**
 - Northwest Territories, **17:70**
 - Nova Scotia, **17:70**
 - Nunavut, **17:70**
 - Ontario, **17:70**
 - Ontario Municipal Board, **17:70**
 - Prince Edward Island, **17:70**
 - Quebec, **17:70**
 - Saskatchewan, **17:70**
 - Yukon, **17:70**
 - standards of review, **17:74**
 - standing, **17:71**
 - enforcement, **17:79**
 - finances, **17:79**
 - injunctive relief, **17:79**
 - mandatory order, **17:79**
 - “owner” charged, **17:79**
 - removal of offending structure, **17:79**
 - introduction, **17:69**
 - public input, **17:69**
 - offences and penalties, **17:80**
 - British Columbia, **17:80**
 - Manitoba, **17:80**
 - New Brunswick, **17:80**
 - Newfoundland and Labrador, **17:80**
 - Northwest Territories, **17:80**
 - Nova Scotia, **17:79**
 - Ontario, **17:80**
 - Prince Edward Island, **17:80**
 - Quebec, **17:80**
 - Saskatchewan, **17:80**
 - Yukon, **17:80**

PLANNING AND ZONING—Cont'd

- Enforcement, appeals and remedies, **17:69 to 17:85**—Cont'd
 - remedies, **17:82**
 - liability of municipalities, **17:85**
 - remedies and judicial review, **17:84**
 - Alberta, **17:84**
 - British Columbia, **17:84**
 - common law remedies, **17:84**
 - declaration, **17:84**
 - injunction, **17:84**
 - mandamus, **17:84**
 - judicial review, **17:84**
 - Manitoba, **17:84**
 - New Brunswick, **17:84**
 - Newfoundland and Labrador, **17:84**
 - Northwest Territories, **17:84**
 - Nova Scotia, **17:84**
 - Ontario, **17:84**
 - Prince Edward Island, **17:84**
 - Quebec, **17:84**
 - Saskatchewan, **17:84**
 - Yukon, **17:84**
- right of entry, **17:83**
 - Alberta, **17:83**
 - British Columbia, **17:83**
 - Manitoba, **17:83**
 - New Brunswick, **17:83**
 - Newfoundland and Labrador, **17:83**
 - Nova Scotia, **17:83**
 - Ontario, **17:83**
 - Prince Edward Island, **17:83**
 - Quebec, **17:83**
 - Saskatchewan, **17:83**
- Non-conforming uses, **17:49 to 17:68**
 - authorized buildings, effect on, **17:63**
 - change of use and safety, **17:65**
 - extension, enlargement and change of use, **17:64**
 - heritage designation, **17:67**
 - introduction, **17:49**
 - loss of statutory protection, **17:66**
 - natural heritage protection, **17:68**
 - New Brunswick, **17:68**
 - Nova Scotia, **17:68**
 - Ontario, **17:68**
 - Prince Edward Island, **17:68**
 - Quebec, **17:68**

PLANNING AND ZONING—Cont'd

- Non-conforming uses, **17:49 to 17:68**
 - Cont'd
 - natural heritage protection, **17:68**
 - Cont'd
 - Yukon, **17:68**
 - statutory protection of existing uses, **17:50**
 - Alberta, **17:59**
 - British Columbia, **17:60**
 - Manitoba, **17:57**
 - New Brunswick, **17:54**
 - Newfoundland and Labrador, **17:51**
 - non-conforming use, meaning, **17:50**
 - Northwest Territories, **17:61**
 - Nova Scotia, **17:53**
 - Ontario, **17:56**
 - Prince Edward Island, **17:52**
 - Quebec, **17:55**
 - Saskatchewan, **17:58**
 - Yukon, **17:61**
 - use, what constituting, **17:62**
- Planning generally, **17:2 to 17:4**
 - judicial construction, **17:3**
 - statutory framework, **17:2**
 - terms in statutes and by-laws, **17:4**
 - “abut,” **17:4**
 - “accessory,” **17:4**
 - “accessory building,” **17:4**
 - “addition,” **17:4**
 - “agricultural pursuit,” **17:4**
 - “agricultural use,” **17:4**
 - “apartment house,” **17:4**
 - “associated use,” **17:4**
 - “basement,” **17:4**
 - “boarding house,” **17:4**
 - “building,” **17:4**
 - “building height,” **17:4**
 - “church,” **17:4**
 - “commercial,” **17:4**
 - “commercial vehicle,” **17:4**
 - “community centre,” **17:4**
 - “construction,” **17:4**
 - “convenience store,” **17:4**
 - “department store,” **17:4**
 - “detached dwelling house,” **17:4**
 - “development,” **17:4**
 - “duplex,” **17:4**
 - “dwelling,” **17:4**
 - “entertainment facility,” **17:4**

PLANNING AND ZONING—Cont'd

Planning generally, **17:2 to 17:4—Cont'd**
 terms in statutes and by-laws, **17:4**

—Cont'd

- “erection,” **17:4**
- “family,” **17:4**
- “fronting,” **17:4**
- “golf course,” **17:4**
- “gross floor area,” **17:4**
- “group home,” **17:4**
- “home occupation,” **17:4**
- “hotel,” **17:4**
- “location,” **17:4**
- “lodging house,” **17:4**
- “lot,” **17:4**
- “mobile home,” **17:4**
- “non-conforming use,” **17:4**
- “office,” **17:4**
- “owner,” **17:4**
- “plan,” **17:4**
- “private club,” **17:4**
- “private residence,” **17:4**
- “professional persons,” **17:4**
- “public use,” **17:4**
- “rear lot line,” **17:4**
- “redevelopment,” **17:4**
- “restaurant,” **17:4**
- “retail store,” **17:4**
- “rezoning,” **17:4**
- “roomer,” **17:4**
- “school,” **17:4**
- “sensitive land,” **17:4**
- “services,” **17:4**
- “shop,” **17:4**
- “shopping centre,” **17:4**
- “storage,” **17:4**
- “store,” **17:4**
- “structure,” **17:4**
- “tavern,” **17:4**
- “theatre,” **17:4**
- “tourist home,” **17:4**
- “use,” **17:4**
- “vehicle,” **17:4**

Zoning or land use by-laws, **17:10 to 17:28**

- accessory uses, **17:24**
- amendments and repeals of zoning bylaws, **17:27**
- generally, **17:27**
- application for amendment, **17:27**

PLANNING AND ZONING—Cont'd

Zoning or land use by-laws, **17:10 to 17:28—Cont'd**

- amendments and repeals of zoning bylaws, **17:27—Cont'd**
- generally, **17:27—Cont'd**
- limits on right to amend, **17:27**
- procedure, **17:28**
- challenges to zoning and land use by-laws, **17:13**
- Charter challenges, **17:22**
- Crown immunities, **17:14**
- delegates power without authority, **17:17**
- grounds, **17:13**
- interpretation, **17:18**
- legislative authority, lack of, **17:15**
- procedural fairness, lack of, **17:19**
- prohibition under the guise of regulation, **17:20**
- adult entertainment establishments, **17:20**
- agricultural operations, **17:20**
- quarries, **17:20**
- enactment, **17:12**
- interested agencies, rights of and obligations to, **17:12**
- notice requirements, **17:12**
- public meetings, **17:12**
- legislative authority, **17:10**
- Alberta, **17:10**
- British Columbia, **17:10**
- Manitoba, **17:10**
- New Brunswick, **17:10**
- Newfoundland and Labrador, **17:10**
- Northwest Territories, **17:10**
- Nova Scotia, **17:10**
- Nunavut, **17:10**
- Ontario, **17:10**
- Prince Edward Island, **17:10**
- Quebec, **17:10**
- Saskatchewan, **17:10**
- Yukon, **17:10**
- purpose of zoning, **17:11**
- variances, **17:23**
- appeals, **17:23**
- board of variance, authority of, **17:23**
- minor variance, **17:23**
- procedural fairness, **17:23**

PLEBISCITES

See also MISCELLANEOUS MATTERS

Clarity of question, **22:15**

Community opinion, **22:15**

Contemplated municipal action, matters of, **22:15**

Irregular plebiscites, **22:15**

Method to be adopted, **22:15**

“Municipal question,” **22:15**

POLICING

See ADMINISTRATION OF JUSTICE,
POLICING AND INQUIRIES

**POWERS AND DUTIES OF
MUNICIPAL CORPORATION**

See also EXERCISE OF MUNICIPAL
POWERS

Powers, **8:1 to 8:41**

acquiescence and estoppel, **8:41**

authority, scope and extent of, **8:26 to 8:31**

generally, **8:26**

agencies, semi-autonomous, **8:26**

emergency powers, **8:26**

general powers, **8:26**

implied or incidental, **8:26**

local boards and bodies, **8:26**

local nature, whether, **8:26**

municipal, **8:26**

proprietary, **8:26**

special powers, **8:26**

statutory origin, **8:26**

implied powers, **8:27**

inherent powers, **8:28**

omnibus clauses, **8:30**

good government clauses, **8:30**

health, safety and well-being of
inhabitants, **8:30**

limitations, **8:30**

natural person powers, **8:30**

scope of authority, **8:30**

police powers, **8:31**

ultra vires, doctrine of, **8:29**

application, **8:29**

“beyond the powers,” **8:29**

“breach of trust,” **8:29**

charter corporations, **8:29**

common law corporations, **8:29**

“illegal,” **8:29**

natural person powers, **8:29**

**POWERS AND DUTIES OF
MUNICIPAL CORPORATION**

—Cont’d

Powers, **8:1 to 8:41**—Cont’d

authority, scope and extent of, **8:26 to 8:31**—Cont’d

ultra vires, doctrine of, **8:29**—Cont’d

spheres of jurisdiction, **8:29**

statutory corporations, **8:29**

delegation of powers, **8:37 to 8:39**

generally, **8:37**

administrative functions, **8:37**

British Columbia, **8:37**

delegates non potest delegare
maxim, **8:37**

express legislative authority, **8:37**

Ontario, **8:37**

boards and officials, to, **8:38**

others, to, **8:39**

jurisdiction, extent of, **8:32 to 8:36**

Crown, **8:33**

extra-territorial jurisdiction, **8:36**

local authorities, **8:34**

persons and corporations, **8:32**

territorial limitations, **8:35**

nature, **8:19 to 8:25**

generally, **8:19**

courts, jurisdiction, **8:19**

discretionary or mandatory pow-
ers, **8:19**

dual capacity, **8:19**

municipal or proprietary nature,
8:19

public, legislative,
governmental, **8:19**

extra-municipal powers, **8:19**

judicial or quasi-judicial functions,
8:19

public nature, **8:19**

supremacy of within ambit of its
jurisdiction, **8:19**

trustee, whether, **8:19**

alienation or restriction of powers,
8:24

succeeding council, no interfer-
ence with, **8:24**

amend and repeal, right to, **8:23**

discretionary or mandatory, **8:20**

discretionary, **8:20**

mandamus, **8:20**

mandatory, **8:20**

**POWERS AND DUTIES OF
MUNICIPAL CORPORATION
—Cont'd**

- Powers, **8:1 to 8:41**—Cont'd
 - nature, **8:19 to 8:25**—Cont'd
 - municipalities operating together, **8:25**
 - plenary character, **8:21**
 - user, **8:22**
 - convenient or necessary, exercise as, **8:22**
 - functus officio, **8:22**
 - single exercise of power, **8:22**
 - provincial legislation, paramountcy of, **8:17**
 - by-laws subject to general provincial legislation, **8:17**
 - concurrent jurisdiction, **8:17**
 - legislative intention, **8:17**
 - sources, **8:1 to 8:18**
 - generally, **8:1**
 - Constitution, supremacy of, **8:1**
 - Charter, **8:1**
 - natural person powers, **8:1**
 - purposes and objects of corporation, consideration in exercise, **8:1**
 - validity of exercise of power, **8:1**
 - express, **8:1**
 - implied or incidental, **8:1**
 - indispensible, **8:1**
 - federal authority, **8:2**
 - aboriginal peoples and municipalities, **8:3**
 - aeronautics and aerodromes, **8:2**
 - airports, **8:2**
 - concurrent jurisdiction, **8:2**
 - delegation to municipal bodies, **8:2**
 - environmental protection, **8:4**
 - financial burdens, imposition of, **8:2**
 - harbours, **8:2**
 - navigation and shipping, **8:2**
 - railways, **8:2**
 - ultra vires, whether municipality acting, **8:2**
 - Interpretation Act, conferred by, **8:16**
 - incidents of corporate capacity, **8:16**

**POWERS AND DUTIES OF
MUNICIPAL CORPORATION
—Cont'd**

- Powers, **8:1 to 8:41**—Cont'd
 - sources, **8:1 to 8:18**—Cont'd
 - penalties, **8:12**
 - Criminal Code, enumeration in, **8:12**
 - police power and civil rights, **8:11**
 - by-laws not to punish acts already criminal under federal law, **8:11**
 - Charter, compliance with, **8:11**
 - criminal law, encroachments on, **8:11**
 - general welfare, provincial jurisdiction, **8:11**
 - provincial authority, extent of, **8:6 to 8:14**
 - generally, **8:6**
 - constitutional basis, **8:6**
 - deferral of authority to municipalities, **8:6**
 - Indian reserves, **8:6**
 - “municipal institutions,” meaning, **8:6**
 - pith and substance, **8:6**
 - courts and boards, **8:14**
 - boards, commissions, agencies, **8:14**
 - administrative functions, **8:14**
 - quasi-judicial functions, **8:14**
 - courts, investigations or actions, **8:14**
 - Ontario Municipal Board, **8:14**
 - early closing and Sunday observance, **8:9**
 - Constitution Act, **8:9**
 - freedom of religion, **8:9**
 - police power, **8:9**
 - scope of power, **8:9**
 - licensing and business, **8:8**
 - application to persons within or without territory, **8:8**
 - Constitution Act, s. 92(9), **8:8**
 - encroachments on federal jurisdiction, **8:8**
 - licensing fee, **8:8**
 - licensing powers, classes of, **8:8**
 - licensing fee, **8:8**

**POWERS AND DUTIES OF
MUNICIPAL CORPORATION
—Cont'd**

- Powers, **8:1 to 8:41**—Cont'd
 - sources, **8:1 to 8:18**—Cont'd
 - provincial authority, extent of, **8:6 to 8:14**—Cont'd
 - licensing and business, **8:8**
 - Cont'd
 - regulation and control, **8:8**
 - public health, **8:7**
 - regulation of business, **8:10**
 - taxation, **8:13**
 - statutory grant, conferred by, **8:15**
 - exception, common law corporation, **8:15**
 - treaties, federal, provincial and First Nations, **8:18**
 - Transfer of powers, **8:40**

PROPERTY, CORPORATE

- Generally, **26:1 to 26:5**
 - acquire, lack of power to, **26:3**
 - acquisition, mode of, **26:4**
 - condition, power to hold on, **26:2**
 - dispose, lack of power to, **26:3**
 - disposition, mode of, **26:4**
 - hold land, power to, **26:1**
 - “land” defined, **26:5**
 - trust, power to hold in, **26:2**
- Acquisition, **26:6 to 26:11**
 - documents, registration of, **26:11**
 - judicial control, extent of, **26:10**
 - land outside municipal limits, **26:8**
 - payment, provision for, **26:9**
 - power, extent of, **26:6**
 - purpose of acquisition, **26:7**
- Buildings, right to erect, **26:12**
- Compensation, right to, **26:24 to 26:27**
 - generally, **26:24**
 - arbitration, **26:24**
 - statutory right, **26:24**
 - persons entitled, **26:25**
 - property or rights to be compensated, **26:26**
 - right to interest, **26:27**
- Disposal of municipal property, **26:35 to 26:41**
 - alienation, power of, generally, **26:35**
 - condition of property, **26:41**

PROPERTY, CORPORATE—Cont'd

- Disposal of municipal property, **26:35 to 26:41**—Cont'd
 - information and records pertaining to property disposition, **26:40**
 - judicial review, **26:38**
 - leasing of municipal real property, **26:36**
 - prescriptive rights, **26:39**
 - price, **26:37**
 - sale, mode of, **26:37**
- Expropriation, **26:13 to 26:23.50**
 - generally, **26:13**
 - authority, **26:13**
 - competing powers, **26:13**
 - strict construction, **26:13**
 - abandonment of proceedings, **26:23**
 - appeals beyond approval, **26:17**
 - by-law, necessity of, **26:19**
 - inquiry and approval, **26:16**
 - interest expropriated, **26:20**
 - notice of intention, **26:15**
 - offer and negotiation, statutory, **26:18**
 - possession, **26:21**
 - procedure, **26:14**
 - suspension of expropriation, **26:23.50**
 - title, **26:21**
- Use and change of use, **26:28 to 26:34**
 - generally, **26:28**
 - specific purposes, lands taken for, **26:28**
 - conditions, lands held subject to, **26:30**
 - public use of municipal lands and buildings, **26:32**
 - remedies for breach of trust or condition, **26:31**
 - trusts, lands held subject to, **26:29**

PROVINCIAL MUNICIPAL BOARDS

- See also **BOARDS AND COMMISSIONS**
- Generally, **36:1**
- Administration, **36:3**
- Appeals from orders, **36:25 to 36:28**
 - generally, **36:25**
 - statutory right, **36:25**
 - questions of fact, **36:22**
 - questions of law, **36:23**
 - stated case, **36:24**

PROVINCIAL MUNICIPAL BOARDS

—Cont'd

- By-laws, approval of, **36:16 to 36:20**
 - generally, **36:16**
 - discretion, **36:16**
 - conditional, **36:18**
 - limited as to time and to part, **36:17**
 - money by-laws, **36:19**
 - zoning by-laws, **36:20**
- Composition, **36:4**
- Jurisdiction and powers, **36:10 to 36:15**
 - generally, **36:10**
 - questions of fact, **36:10**
 - questions of law, **36:10**
 - statutory authority, **36:10**
 - assessment, **36:14**
 - boundary alteration, **36:11**
 - municipal incorporation, **36:11**
 - public utilities, **36:12**
 - public utility rates, **36:15**
 - railways, **36:12**
 - telephone systems, **36:13**
- Orders, **36:21 to 36:24**
 - generally, **36:21**
 - copies of orders, **36:21**
 - notice of decision, **36:21**
 - presumption of validity, **36:21**
 - publishing, effect of, **36:21**
 - reasons, **36:21**
 - amendment, **36:23**
 - enforcement, **36:24**
 - review, **36:23**
 - time of operation, **36:22**
- Practice and procedure, **36:5 to 36:9**
 - generally, **36:5**
 - control, **36:5**
 - evidence, **36:5**
 - notice of application, **36:5**
 - procedural fairness, **36:5**
 - public hearings, **36:5**
 - power of individual member, **36:6**
 - quorum, **36:7**
- Status, **36:2**

PUBLIC HEALTH

- Generally, **23:1**
 - boards of health, **23:1**
 - closures of unfit premises, **23:1**
 - communicable diseases, **23:1**
 - inspectors, **23:1**

PUBLIC HEALTH—Cont'd

- Generally, **23:1—Cont'd**
 - isolation hospitals, **23:1**
 - medical officers, **23:1**
 - objective of public health statutes, **23:1**
 - “public health,” scope of, **23:1**
- Environment, energy and health, **23:5**
- Medical service facilities, **23:3**
- Smoke prevention, **23:2**

PUBLIC SAFETY AND FIRE PROTECTION

- General, **29:1**
- Historical Beginnings, **29:1**
- Legislative Framework, **29:1**
- Provincial Role, **29:2**
 - Fire Commissioner see Fire Marshal
 - Fire Marshal, **29:2**
 - Appointment, **29:2**
 - Powers, **29:2**
 - Role, **29:2**
 - Functions, **29:2**

PUBLIC UTILITIES

- See **FRANCHISES AND PUBLIC UTILITIES**

RATEPAYERS' ACTIONS

- See also **ACTIONS BY AND AGAINST MUNICIPAL CORPORATIONS**
- Generally, **32:29**
- Classes of actions, **32:31**
 - illegal contracts, restraining or avoiding, **32:31**
 - illegal expenditures, restraining, **32:31**
 - illegal payouts, recovery of, **32:31**
- Parties, **32:30**

REVENUES, EXPENDITURES AND FISCAL MANAGEMENT

- See also **SCHOOLS**
- Generally, **14:1**
 - estimates, **14:1**
 - expenditures, types of, **14:1**
 - debt charges, **14:1**
 - discretionary expenditures, **14:1**
 - local boards and commissions, money to, **14:1**
 - obligatory expenditures, **14:1**
 - oversight, **14:1**

REVENUES, EXPENDITURES AND FISCAL MANAGEMENT—Cont'd

- Generally, **14:1**—Cont'd
 revenues, sources of, **14:1**
 earnings from municipal undertaking and enterprises, **14:1**
 grants and subsidies from senior government, **14:1**
 miscellaneous revenue, **14:1**
 taxes, **14:1**
 taxes, requirements for raising, **14:1**
- Accounts, **14:44**
 accounts, separate, **14:44**
 custody, **14:44**
 disbursements, **14:44**
 signing cheques, **14:44**
- Audits, municipal, **14:45**
 municipal auditor, **14:45**
- Estimates and budgets, **14:27**
 annual budget, settling, **14:27**
 boards of control, **14:27**
 British Columbia, **14:27**
 estimates and rates, **14:27**
 Ontario, **14:27**
 procedure, **14:27**
 reserves fund, **14:27**
 supplementary estimates, **14:27**
 surplus, **14:27**
- Expenditures, **14:28 to 14:43**
 generally, **14:28**
 discretionary expenditures, **14:28**
 extraordinary expenditures, **14:28**
 obligatory expenditures, **14:28**
 ordinary expenditures, **14:28**
 trust relationship, **14:28**
 types of expenditures, **14:28**
 council, by outgoing, **14:32**
 illegally paid out funds, recovery of, **14:43**
 illegal payments, injunction to restrain, **14:42**
 mode of exercise, **14:29**
 special statutory authority, **14:31**
 statutory authority, **14:30**
 statutory restrictions, **14:33**
 ultra vires expenditures, **14:34**
 generally, **14:34**
 “municipal purposes,” **14:34**
 council representatives, payments to, **14:37**

REVENUES, EXPENDITURES AND FISCAL MANAGEMENT—Cont'd

- Expenditures, **14:28 to 14:43**—Cont'd
 ultra vires expenditures, **14:34**—Cont'd
 court costs, **14:39**
 extra-territorial expenditures, **14:35**
 grants to organizations and individuals, **14:36**
 miscellaneous, **14:41**
 tax expenses, **14:40**
 travelling and entertainment expenses, **14:38**
- Investigations, **14:52**
- Rating by-laws, **14:2 to 14:26**
 assessment, process, **14:4**
 collection, manner of, **14:12**
 due date for rates, **14:11**
 enactment, manner of, **14:9**
 failure to levy rates, **14:17**
 illegal rates, injunctions against, **14:18**
 levy or rate, power to, **14:3**
 local improvement rates, **14:20**
 other revenue sources, **14:24**
 rate limit, **14:6**
 rate minimum, **14:7**
 remedies for unfair rates or taxation, **14:19**
 retrospective rates, **14:10**
 school rates, **14:21**
 scope and object, **14:2**
 supplementary rates, **14:8**
 unfair rates or taxation, remedies for, **14:19**
 user fees, **14:25**
- Receivership, **14:53**
- Reserve funds, **14:51**
- Sinking fund, **14:46 to 14:50**
 generally, **14:46**
 deficiencies, **14:46**
 limits, **14:46**
 management of, **14:46**
 deficits and surpluses, **14:48**
 diversions, **14:50**
 investments, **14:49**
 rates, **14:47**
- SCHOOLS**
 Public schools, **35:47 to 35:52**
 attacking formation and alteration, **35:51**

INDEX

SCHOOLS—Cont'd

- Public schools, **35:47 to 35:52**—Cont'd
 - boundaries and alterations, **35:48**
 - generally, **35:48**
 - assets and liabilities, adjustment of, **35:50**
 - by-laws, **35:49**
 - formation of regions, divisions, districts, **35:47**
 - municipal annexation, effect of, **35:52**
 - regions, divisions, districts, formation of, **35:47**
- Pupils, **35:62 to 35:69**
 - compulsory attendance, **35:63**
 - conduct, **35:64**
 - protection, **35:65**
 - records, **35:69**
 - residence, **35:67**
 - right to attend, **35:62**
 - transportation, **35:68**
- Secondary schools, **35:57 to 35:61**
 - generally, **35:57**
 - boards of education, **35:61**
 - revenues, **35:59**
 - shared costs, **35:60**
 - trustees, **35:58**
- Separate schools, **35:53 to 35:56**
 - constitutional guarantees, **35:53**
 - formation, **35:54**
 - right to attend, **35:56**
 - trustees, **35:55**
- Teachers, **35:70 to 35:87**
 - appointment, **35:73**
 - generally, **35:73**
 - authorization, **35:74**
 - contracts, **35:75**
 - principals, **35:76**
 - authority, **35:80**
 - corporal punishment, **35:81**
 - duties, **35:82**
 - expulsion and suspension of pupils, **35:80**
 - principals, duties of, **35:77**
 - professional regulations and obligations, **35:71**
 - qualifications, **35:70**
 - remuneration and benefits, **35:78**
 - generally, **35:78**
 - arbitration, **35:79**

SCHOOLS—Cont'd

- Teachers, **35:70 to 35:87**—Cont'd
 - termination of employment, **35:84**
 - generally, **35:84**
 - appeals, **35:84**
 - arbitration of disputes, **35:84**
 - board exercising judicial or quasi-judicial function, **35:84**
 - compulsory retirement policy, **35:84**
 - dismissal for cause, **35:84**
 - dismissal vs. termination, **35:84**
 - grounds for dismissal, **35:84**
 - rules of natural justice, **35:32**
 - show cause why contract ought not to be terminated, **35:32**
 - boards of reference, **35:86**
 - notice, sufficiency of, **35:85**
 - wrongful dismissal, **35:87**
- Trustees and boards generally, **35:2 to 35:46**
 - actions by and against, **35:42 to 35:46**
 - generally, **35:42**
 - injuries to pupils, **35:44 to 35:46**
 - generally, **35:44**
 - sports and games, **35:46**
 - unsafe premises and equipment, **35:45**
 - parties, **35:43**
- election, **35:2 to 35:8**
 - election, **35:3, 35:4**
 - generally, **35:3**
 - boundaries, **35:3**
 - eligibility to vote, **35:3**
 - controverted elections, **35:4**
 - qualification, **35:2**
 - vacancies, **35:8**
- liability, **35:38 to 35:41**
 - generally, **35:38**
 - agents, acts of, **35:41**
 - personal liability, **35:40**
- powers and duties, **35:9 to 35:17**
 - generally, **35:9**
 - delegation, **35:9**
 - statutory authority, **35:9**
 - accommodation, **35:11, 35:12**
 - closing, **35:12**
 - duty to provide, **35:11**
 - contracts and agreements, **35:13**

SCHOOLS—Cont'd

- Trustees and boards generally, **35:2 to 35:46**—Cont'd
 - powers and duties, **35:9 to 35:17**
 - Cont'd
 - educational programming, **35:11, 35:12**
 - closing, **35:12**
 - duty to provide, **35:11**
 - French language instruction, **35:17**
 - meetings, **35:10**
 - officers, appointment of, **35:14**
 - religious and patriotic exercises and religion instruction, **35:16**
 - school accommodation, and educational programming, **35:11, 35:12**
 - closing, **35:12**
 - duty to provide, **35:11**
 - relationship to municipality, **35:1**
 - removal, **35:5 to 35:7**
 - declaring seat vacant, **35:5**
 - disqualification from office, **35:6**
 - unseat, application to, **35:7**
 - revenue and expenditures, **35:18 to 35:31**
 - auditors, **35:30**
 - borrowing, **35:23 to 35:25**
 - generally, **35:23**
 - debentures, obligation of council to issue, **35:25**
 - permanent improvements: debentures, **35:24**
 - expenditures, **35:29**
 - fees, **35:27**
 - investments, **35:28**
 - legislative grants, **35:26**
 - rates, **35:22**
 - requisitions, **35:18 to 35:21**
 - generally, **35:18**
 - estimates, **35:19**
 - non-compliance by council, **35:21**
 - sufficiency, **35:20**
 - school premises, **35:32 to 35:37**
 - acquisition of site, **35:33**
 - buildings, **35:34**
 - choice of site, **35:32**
 - disposal, **35:35**
 - vacancies, **35:8**

SEWERS AND SEWAGE SYSTEMS

See LOCAL AND OTHER PUBLIC IMPROVEMENTS

SINKING FUND

See also REVENUES, EXPENDITURES AND FISCAL MANAGEMENT

SUNDAY OBSERVANCE

See EARLY CLOSING BY-LAWS

TRADE REGULATION AND LICENSING BY-LAWS

See also POWERS AND DUTIES OF MUNICIPAL CORPORATION

- Early closing by-laws, **16:22 to 16:27**
 - classification of shops, **16:26**
 - council's initiative, by-laws passed on, **16:24**
 - enactment, petitions for, **16:25**
 - exceptions and exemptions, **16:23**
 - nature and extent of authority, **16:22**
 - Charter, **16:22**
 - "closed," meaning of, **16:22**
 - object of, **16:22**
 - statutory authority, **16:22**
 - strict compliance with stature requirements, **16:22**
 - Sunday observance, **16:22**
 - times of closing, **16:22**
 - principal trade, **16:27**
- Licensing powers and by-laws, **16:10 to 16:21**
 - cancellation or suspension, **16:21**
 - delegation of power, **16:21**
 - judicial function, **16:21**
 - natural justice, **16:21**
 - statutory authority, **16:21**
 - no inference of power to revoke, **16:21**
 - delegation of authority, **16:15**
 - fees, **16:19**
 - generally, **16:19**
 - alteration of, **16:19**
 - enforcement of, **16:19**
 - recovery of, **16:19**
 - statutory authority, **16:19**
 - taxes distinguished, **16:19**
 - limitation on amount, **16:20**

TRADE REGULATION AND**LICENSING BY-LAWS—Cont'd**

- Licensing powers and by-laws, **16:10 to 16:21—Cont'd**
 - granting or refusing, right to, **16:16**
 - generally, **16:16**
 - administrative action and judicial action, **16:16**
 - grounds of refusal or revocation, **16:17**
 - judicial review of refusal, **16:18**
 - nature and extent, **16:10**
 - generally, **16:10**
 - license as property right, **16:10**
 - “licensing power,” **16:10**
 - limitation to trades, occupations, businesses, **16:10**
 - “taxing,” **16:10**
 - conditions attached to license, **16:14**
 - number of licences, limit on, **16:13**
 - prohibitions without licence, **16:11**
 - qualifications of applicant, **16:12**
 - particular callings or trades, **16:28 to 16:56**
 - amusement places, **16:28**
 - auctioneers, **16:30**
 - bakers, **16:31**
 - bill distributors, **16:32**
 - billiard tables, **16:33**
 - bowling alleys, **16:34**
 - businesses and professions generally, **16:35**
 - butchers and slaughter houses, **16:36**
 - cabs, buses and drivers, **16:37**
 - fuel dealers and fuel storage, **16:39**
 - garages and service stations, **16:40**
 - group homes, **16:52**
 - hawkers and pedlars, **16:42**
 - hotels, **16:49**
 - junk, second-hand shops and salvage yards, **16:44**
 - milk vendors, **16:46**
 - parking garages and parking lots, **16:41**
 - pawnbrokers, **16:45**
 - racing, motor vehicle, **16:54**
 - residential rental units, **16:56**
 - restaurants, **16:47**
 - sign painters, **16:32**
 - solid waste management facilities, **16:55**

TRADE REGULATION AND**LICENSING BY-LAWS—Cont'd**

- Licensing powers and by-laws, **16:10 to 16:21—Cont'd**
 - particular callings or trades, **16:28 to 16:56—Cont'd**
 - tourist and trailer camps, **16:48**
 - trailers, **16:53**
 - transient traders, **16:50**
 - trucks and commercial vehicles, **16:51**
- Regulatory and licensing powers generally, **16:1 to 16:9**
 - judicial construction, **16:3**
 - manner of exercise, **16:6**
 - generally, **16:6**
 - equality of operation, **16:8**
 - good faith, **16:7**
 - monopoly, prohibition against, **16:5**
 - nature and extent, **16:1**
 - municipal police power, **16:1**
 - right to prohibit, **16:4**
 - partial prohibitions, **16:4**
 - regulation vs. prohibition, **16:4**
 - specific delegation of power, **16:4**
 - source and scope, **16:2**
 - expression unius est exclusion alterius, **16:2**
 - licence fees, **16:2**
 - omnibus clauses, **16:2**
 - police power, **16:2**
 - territorial limitation, **16:2**
 - trade and commerce, limitation in regulating, **16:2**
 - to whom applicable, **16:9**

WATERCOURSES

See **DRAINAGE AND WATERCOURSES**

WRONGS, MUNICIPAL

- General liability, **33:1 to 33:8**
 - generally, **33:1**
 - misfeasance, **33:3**
 - no by-law or resolution, defence of, **33:6**
 - nonfeasance, **33:3**
 - non-liability, rule of, **33:4**
 - statutory liability, **33:2**
 - ultra vires defence, **33:5**
 - who able to sue, **33:7**

WRONGS, MUNICIPAL—Cont'd

- Negligence, **33:37 to 33:54**
 - nature and extent of liability, **33:37**
 - negligence in protection of public, **33:38 to 33:53**
 - by-laws, failure to enforce or enact, **33:52**
 - electrical and lighting system, defective, **33:39**
 - environmental hazards on municipal property, **33:49**
 - fire protection, inadequate, **33:41**
 - gas system, defective, **33:38**
 - hazards, failure to disclose information about, **33:54**
 - inspections, inadequate or inappropriate, **33:44**
 - non-repair of municipal property, **33:47**
 - non-repair of municipal servicing, **33:48**
 - parks and recreation grounds, **33:51**
 - police power, abuse of, **33:43**
 - police protection, inadequate, **33:42**
 - policies, failure to enforce, **33:53**
- Nuisance, **33:13 to 33:36**
 - generally, **33:13 to 33:17**
 - acquiescence, **33:15**
 - easement, **33:15**
 - permitting or adopting nuisance, **33:16**
 - prescription, **33:15**
 - statutory limitation of liability, **33:17**
 - statutory power, nuisance in exercise of, **33:14**
 - what constituting, **33:13**
 - forms of municipal property nuisances, **33:18 to 33:31**
 - contamination of water supply, **33:20**
 - flooding, **33:25 to 33:30**
 - bridge or culvert, due to, **33:25**
 - drain or road ditch, due to, **33:26**
 - highway construction or nonrepair, due to, **33:27**
 - sewers overcharged or defective, **33:28**
 - watercourses, improvement or diversion of, **33:30**
 - water mains and water systems, **33:29**

WRONGS, MUNICIPAL—Cont'd

- Nuisance, **33:13 to 33:36—Cont'd**
 - forms of municipal property nuisances, **33:18 to 33:31—Cont'd**
 - garbage dumps, **33:22**
 - hospitals and other institutions, **33:23**
 - maintained on municipal property, **33:24**
 - noise and vibration, **33:18**
 - pollution of land, air and water by sewage, **33:21**
 - public conveniences, **33:19**
 - sewage pollution, **33:21**
 - water supply, contamination of, **33:20**
 - remedies, **33:32 to 33:36**
 - abatement by local boards of health, **33:36**
 - damages, **33:34**
 - indictment, **33:35**
 - injunction to restrain, **33:33**
 - who able to bring action, **33:32**
- Statutory authority, **33:9 to 33:12**
 - generally, **33:9**
 - implied immunity, **33:9**
 - negligence in choice of means, **33:12**
 - negligent exercise, **33:11**
 - proper exercise of power, **33:10**
- Third persons, wrongful acts of, **33:55 to 33:61**
 - boards and commissions, **33:58**
 - council members, **33:59**
 - independent contractors, **33:60**
 - officers and servants, **33:55**
 - statutory officers, **33:57**
 - unauthorized wrongful acts of others, **33:61**
- Torts, liability for, **33:63 to 33:69**
 - defamation, **33:64**
 - false imprisonment, **33:63**
 - illegal distress, **33:66**
 - interference, **33:67**
 - misrepresentation, **33:65**
 - trespass, **33:67**

ZONING BY-LAWS

See PLANNING AND ZONING