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### ANNOTATED BRITISH COLUMBIA LOCAL GOVERNMENT ACT AND COMMUNITY CHARTER

Peter Johnson  
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Under the editorial leadership of Peter Johnson, this work is a publisher's unofficial consolidation of the British Columbia *Local Government Act*, R.S.B.C. 2015, c. 1, the British Columbia *Community Charter*, S.B.C. 2003, c. 26, and selected regulations.

This release features updates to the case law and commentary in sections 8(1), 86, 94.2, 100, 111, 114, 117, and 179 of the *Community Charter*, and sections 489, 507, and 623 of the *Local Government Act*, and Schedule.

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## Highlights

- **SECTION 489 of the *Local Government Act* Cases Digests**—In *Port Coquitlam (City) v. Ground X Site Services Ltd.*, 2025 BCCA 204 (B.C. C.A.), the City sought an interlocutory injunction against a landowner and the owner’s tenant (a waste disposal company) as a result of the tenant’s violations of the City’s environmental protection bylaws, and the tenant’s contravention of section 489 of the *Local Government Act* (altering the lands without a development permit). The chambers judge granted the injunction against the tenant but declined to enjoin the owner/landlord. On appeal, the Court of Appeal affirmed that decision. The City had not set out in its application a factual and legal basis for enjoining the owner/landlord on the basis that it was a property owner. The Court stated that it was not necessary to determine whether a owner/landlord’s status as “owner” under section 489 of the *Local Government Act* provides a sufficient basis for an interlocutory statutory injunction.
- **SECTION 508 of the *Local Government Act* Cases Digests**—In *Ironclad Developments Inc. v. West Kelowna (City)*, 2025 BCCA 191 (B.C. C.A.), an appeal from the decision of the B.C. Supreme Court (2024 BCSC 1285), the Court of Appeal held that the municipality owed a duty of procedural fairness when exercising its statutory powers to require excess or extended services, and to impose a latecomer charge on the petitioner because the particular decision at issue was administrative in nature and directly affected the rights and interests of a specific party. The Court accepted that the municipality’s earlier adoption of a general policy to recover the cost of excess and extended services through latecomer agreements was legislative in character, however the decision in this case to impose a latecomer charge was administrative in nature because:
  - The decision was not general in nature but imposed liability on a single latecomer.
  - It was not a decision based on broad considerations of public policy, but on a factual assessment as to the reasonableness of the costs claimed by the developer who was required to construct the excess or extended services.
  - It was a decision made by an approving officer employed by the municipality, rather than by a politically accountable body such as the elected municipal Council.
  - The interests primarily affected were not numerous, diverse or diffuse.

The Court of Appeal also rejected the municipality's argument that the conferral of specific procedural rights on the owner under section 508 of the *Local Government Act*, but not on the latecomer, demonstrated a clear legislative intent that the duty of fairness did not apply in relation to the imposition of latecomer charges. It did not follow from the conferral of a specific procedural right for the owner/developer's benefit that latecomers are to be denied a fair process.