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CANADIAN LAW OF PLANNING AND ZONING

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Written by leading authorities in municipal law in Canada, the fully revised second edition of *Canadian Law of Planning and Zoning* remains the only Canadian text comprehensively covering all aspects of the municipal regulation of land use, including key cases and selected planning and related legislation from across Canada.

This release features updates to the case law and commentary available in these chapters: 3 (The Plan), 4 (Zoning and Land Use), 5 (Subdivision and Development), 6 (Heritage), 7 (Building Construction), 8 (Challenges to Planning Decisions, Reviews and Appeals). 9 (Enforcement) and 10 (Energy) and Appendix A (Planning Legislation).

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Highlights

Case Law

- **Variances—Municipal Planning Strategy—Context—**Where side step variances are not mentioned in the municipal planning strategy and where they fit the planning context, they will be granted.The focus in determining whether or not a variance is appropriate is not on the intent of the municipal planning strategy as it typically contains contradictory intentions but rather the focus is on the wording and policy in the strategy: *Halifax (Regional Municipality) v. Hazelview Investments Inc.*, 2026 CarswellNS 220, 2026 NSCA 27 (N.S. C.A.).
- **Development Agreement—Rejection—Planning Principles—** Council may reject a development agreement even when recommended by planning staff. but it must have reasons related to good planning and if it does not its decision will be overturned: *Bear Lake Wind Ltd., Re* 2026 CarswellNS 416, 2026 NSRAB 76 (N.S.R.A.B.).
- **Enforcement—Orders—Collateral Purposes—**municipalities ought not to use orders respecting unsafe conditions for collateral purposes such as enforcing issues related to building permits: *Catana v. Township of Blandford-Blenheim*, 2026 CarswellOnt 8549, 2026 ONSC 2911 (Ont.S.C.J.).
- **Appeals—Extension—Abuse of Process—**Where a request for extension in order to perfect an appeal has not been adequately explained and is part of a pattern of delay and unreasonable behaviour, it has been rejected: *Adjala-Tosorontio (Township) v. Saunders*, 2025 CarswellOnt 21647, 2025 ONCA 906 (Ont.C.A.).