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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: 4 (Zoning and Land Use), 5 (Subdivision and Development), 6 (Legal Non-Conforming Use & Heritage Designation), 7 (Building Construction Regulation), 8 (Challenges to Planning Decisions, Reviews and Appeals).

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Highlights

Case Law

- **Zoning—Challenge—Bad Faith**—When a council enacts a zoning amendment by-law which has been inaccurately drafted and when this is not acknowledged to the person relying on the by-law nor is the by-law changed, the council will be seen as acting in bad faith: *Jean c. Municipalité de Saint-Stanislas-de-Kostka*, 2026 CarswellQue 672, 2026 QCCS 522, EYB 2026-587055, 67 M.P.L.R. (6th) 73 (C.S.Que.).
- **Heritage Designation—Removal—Appeal**—Challenging the removal of a designation by challenging the repeal of the removal by-law is possible. However, allegations of failing to follow proper procedure under legislation and failing to consider the actual heritage value of a property must be proven, not simply asserted, and where the appellant fails to actually demonstrate the problems alleged, the repeal by-law will stand: *Hillier v. Bluewater (Municipality)*, 2026 CarswellOnt 2165 (Ont. Land Tribunal).
- **Building Permit—Structure—Interpretation**—Assuming that a building is not a structure can prove problematic. When a motor trailer was built on and a wood shed was created, the resulting structure was no longer seen as a vehicle but was a structure for purposes of building regulations: *Geddert v. Fraser Valley (Regional District)*, 2026 CarswellBC 509, 2026 BCSC 268 (B.C. S.C.).
- **Appeal—Standing—Specified Person**—Ontario’s Planning Act makes “specified persons” eligible to appeal planning decisions and such persons have been seen to be those “whose activities create immediate and obvious land use compatibility issues and who are directly affected by the planning instrument in question, rather than those who merely have an interest in it or who could be affected at some time in the future”: *Cytec Canada Inc. v. The Corporation of the City of Niagara Falls*, 2026 CarswellOnt 3584, 2026 ONSC 1463, 70 C.E.L.R. (4th) 23 (Ont. Div. Ct.), additional reasons 2026 ONSC 1863, 2026 CarswellOnt 4540 (Ont. Div. Ct.).