

## Publisher's Note

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Rogers

# The Law of Canadian Municipal Corporations

Since 1959, *The Law of Canadian Municipal Corporations*, 2nd Edition, has been the definitive text on all aspects of the law governing municipalities in every province. No other work is quoted with approval so frequently in Canadian judicial decisions. More than 1,700 pages of in-depth commentary keeps you fully informed on this vast subject.

This release features updates to the case law and commentary in Chapters IV (Elections), VII (Officers and Servants), XIV (Revenues, Expenditures), XVI (Trade Regulations), XVII (Planning and Zoning), XXIII (Attacks on By-Laws), XXVII (Administration of Justice), XXX (Actions By and Against Municipal Corporations), XXXII (Provincial and Local Boards) and XXXIV (Provincial Municipal Boards).

## Highlights

### Case Law

- **Elections — Recounts** — In applying for a recount, concerns must be raised about the counting of valid ballots. In performing a recount, the judge may appoint people to assist and may order expenses in relation to the recount: *Smith and Finkbeiner v. The District of West Vancouver*, 2018 BCPC 326, 2018 CarswellBC 3377 (B.C. Prov. Ct.)

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- **Officers and Servants — Discipline** — Discipline must be appropriate to the misconduct. Where an official has been dismissed inappropriately and has suffered injury because of it, municipalities can not only expect to pay damages, but punitive damages as well. Where a municipality accepts through its actions and inactions that an official is in a position of a conflict of interest, as when a municipality allowed its chief building official to design buildings privately and even to inspect those buildings, it cannot then legitimately discipline the official for being in a conflict of interest: *Johnston v. The Corporation of the Municipality of Arran-Elderslie*, 2018 ONSC 7616, 2018 CarswellOnt 21602 (Ont. S.C.J.)
- **Revenues — Assessment Process — Market Value** — In Alberta, market value assessment must be prepared using mass appraisal, must include an estimate of the value of the fee simple estate in the property, and must deal with typical market conditions for properties similar to that property: *Pasutto's Hotels (1984) Ltd. v. Calgary (City)*, 2018 ABQB 1030, 2018 CarswellAlta 3169 (Alta. Q.B.)
- **Municipal Affairs — Inspectors** — In Newfoundland and Labrador, on receiving a report, the minister may direct the municipality to take appropriate action or may order the dismissal of an individual who has behaved inappropriately. A member of council who took it upon himself, without council authority, to direct the removal of a sewer line was removed from office and the court upheld the removal: *Power v. Newfoundland and Labrador (Municipal Affairs and Environment)*, 2018 NLSC 258, 2018 CarswellNfld 489 (N.L. S.C.)