

Publisher's Note

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Canadian Law of Planning and Zoning

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 legislation from across Canada.

This release features updates to the case law and commentary available in these chapters: 1 (Introduction), 4 (Zoning and Land Use), 5 (Subdivision and Development), 6 (Heritage Designation) 7 (Building Construction Regulation), 8 (Challenges to Planning Decisions, Reviews and Appeals), and 9 (Enforcement and Remedies)

Highlights

Case Law

- **Planners — Conduct — Disciplinary Process** — Where a conflict of interest is alleged and discipline to be applied in such cases, the planner is to be treated fairly and especially is to be given an opportunity to make his or her views known: *Doyle and Ontario (Ministry of Municipal Affairs and Housing), Re 2018 CarswellOnt 18120 (Ont.P.S.L.B.)*

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- **Zoning — Interpretation** — Courts will also interpret subcategories within zones in light of each other. The Court of Appeal found that use of external buildings and structures could be part of a home based business based on one of the categories of such businesses when contrasted with another (140.6a): *Fuhr v. Parkland (County)*, 2018 ABCA 442, 2018 CarswellAlta 3177 (Alta. C.A.)
- **Heritage Designation — Natural Heritage** — What constitutes a natural heritage is an important question and structures such as ponds which are human made or remnants of ponds dug by people are unlikely to be found to be part of the natural heritage: *Southside Group v London (City)*, 2018 CarswellOnt 22101 (Ont. L.P.A.T.)
- **Appeals — Questions of Law — Power to Make Decision** — Whether or not a Board can render a decision on a tie vote, that is without a majority is an appealable question of law as is if there wasn't a majority must the Board re-hear the matter: *Mohr v. Strathcona (County)*, 2018 ABCA 441, 2018 CarswellAlta 3150 (Alta. C.A.)