MUNICIPALITIES AND CANADIAN LAW — DEFINING THE AUTHORITY OF LOCAL GOVERNMENTS, Felix Hoehn (Saskatoon: Purich Publishing, 1996)

Felix Hoehn has authored a book, the stated purpose of which is to create a publication that is "accessible to an informed lay person or non-legal professional in the municipal or planning sphere" while also being of use "to lawyers seeking a general introduction to municipal and planning law."[1] Mr. Hoehn reviews legislation and court decisions from many Canadian jurisdictions outlining how they affect the authority of local governments. Mr. Hoehn's undertaking in attempting to cover such a large subject area in an introductory level text is indeed an ambitious one. Much of the law affecting municipal governments is provincial statute law and consequently enough diversity exists that a text on municipal law could be written for every Canadian jurisdiction. Mr. Hoehn has restricted his analysis to a brief overview of the various jurisdictions. It is simply not possible to provide in-depth legal analysis and critical comment in such an overview. Mr. Hoehn achieves his stated purpose of providing an overview and a general introduction to some of the more significant issues in planning law for non-lawyers and lawyers who do not practice in the area.

Mr. Hoehn is a practising lawyer who also teaches municipal law to students of urban planning[2] and this book evolved from his need to develop materials for his planning course at the University of Saskatchewan. As such this text is not a comprehensive review of municipal law from a legal perspective. The text emphasizes planning issues, while the organization and structure of municipalities, the election of local governments and issues relating to municipal finance, municipal contracting, taxation and other non-planning related areas of municipal law are wholly or largely neglected.

The author's overview approach is exemplified in chapter 1 of the text. One is always reluctant to judge a chapter by its title, but chapter 1 entitled "*Judicial Review of Municipal Authority*" does not meet the expectations it suggests. While this chapter certainly addresses some basic grounds of judicial review such as jurisdiction, unreasonableness, bad faith and discrimination, it fails to address legal principles involved in judicial review applications. While such a review of administrative law may not be this text's purpose, it would certainly be of assistance to the reader if there was a brief explanation of the basic concepts of judicial review. As well, review of the jurisprudence relating to the breadth of municipal jurisdiction is of limited value to Alberta's legal practitioners due to the major changes created by Alberta's new *Municipal Government Act*, as the author points out.

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1 Felix Hoehn, *Municipalities and Canadian Law — Defining the Authority of Local Governments* (Saskatoon: Purich Publishing, 1996) at xxvi.

2 In addition to teaching legal issues in urban studies and planning at the Department of Geography, University of Saskatchewan, Felix Hoehn practices law in Saskatoon, Saskatchewan with the firm of Henderson Campbell. He holds an honours degree in regional and urban development from the University of Saskatchewan and a law degree from the University of Toronto.

One of the strengths of Mr. Hoehn's book is that it is easy to read and understand and references recent landmark decisions within its scope. The writer sets out the historical and traditional summaries of municipal law and reviews recent statutory developments and identifies trends. The author also effectively uses case law throughout the book and provides some critical analysis and suggestions for further legislative reforms.

Mr. Hoehn's discussion of heritage protection legislation provides relatively extensive analysis including recommendations drawn from the American experience. This is useful as there is a dearth of materials in Canadian legal publishing on this topic. Writing a textbook offers the writer the opportunity of providing editorial comment which is helpful to readers in reaching a better understanding of the relevant issues, and while this chapter has significant analysis and editorial comment, such commentary is often missing throughout the balance of this book.

Mr. Hoehn's review of the Canadian *Charter of Rights and Freedoms* discusses the application of several sections of the *Charter* to municipal activities. While he does suggest that imaginative litigants and their counsel could bring new issues before the courts, he fails to draw the attention of the readers to relevant U.S. case law for inspiration from the many imaginative American *Bill of Rights* cases. Having said that, however, the author's conclusions respecting the steps that municipalities ought to take to ensure protection under s. 1 of the *Charter* is an important exhortation to which municipalities should pay attention.

As noted the purpose of this book is to provide a general discussion of a selected number of issues relating to municipal law. This goal is generally achieved, although a reader looking for broader subject matter or in-depth analysis will be disappointed. A brief mention of these other matters would have been helpful to readers, however, without detracting from the focus of this work. A chapter dedicated to other areas of municipal law mentioning and summarizing municipal issues such as elections, delegation, incorporation, intergovernmental affairs, by-law enforcement, as well as discussion of taxation, assessment, utilities, franchises and other general municipal areas would have been of assistance in highlighting to the reader the broad range of legal issues arising in municipal law.

In conclusion, Mr. Hoehn achieves his stated goal of publishing a book that will provide a useful reference for municipal administrators, planners and individuals dealing with municipal authorities on the issues he has addressed. However, the reader that is looking for detailed analysis, a comprehensive review of provincial law, and jurisprudence considering those laws would be well-advised to refer to sources whose intent is that level of analysis.

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