# Interpreting Municipal Legislative Powers – Expanding the Scope Once Again

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# Interpreting Municipal Legislative Powers – Expanding the Scope Once Again

## A Comment on *Croplife Canada v. Toronto (City)*

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### 1. Introduction

The Ontario Court of Appeal's decision in *Croplife Canada v. Toronto (City)*[1] upholding the City of Toronto's pesticide by-law enacted under s. 130 of the *Municipal Act, 2001*[2] is astonishing and yet it is not surprising. That the Ontario Court of Appeal would follow the Supreme Court of Canada's decision in *114957 Canada Ltée (Spraytech, Société d'arrosage) v. Hudson (Town)*[3] regarding the validity of a pesticide by-law enacted under a general municipal welfare power was not unexpected but the determination of how and why specific municipal powers in Part III of the *Municipal Act, 2001* are to be interpreted is remarkable given the legislative history of Ontario's health, safety and well being power in s. 130.

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1 (2005), 10 M.P.L.R. (4th) 1, [2005] O.J. No. 1968 (C.A.) [*Croplife*].

2 S.O. 2001, c. 25.

3 (2001), 19 M.P.L.R. (3d) 1, [2001] 2 S.C.R. 241 [*Spraytech*].

The judgment in *Croplife* is the first significant appellate level decision in Ontario to examine the scope of municipal by-law making powers under Part III of the new *Municipal Act, 2001*. The decision is also the first to articulate that the broad interpretive approach is not limited to Part II of the statute but that it extends to all municipal by-law making powers in the *Municipal Act, 2001*, unless there is an express indication to the contrary. This interpretive approach now extends to general municipal welfare powers that the Supreme Court of Canada itself recommended be cautiously applied[4] and that have traditionally been narrowly construed notwithstanding their seemingly "omnibus" ambit.

## 2. Factual Background

The by-law in *Croplife* concerned the regulation of pesticide use within the City of Toronto. Seeking to respond to concerns about the health risks associated with pesticide use, on May 23, 2003 the City of Toronto enacted By-Law No. 456-2003 pursuant to the so-called general welfare provision contained in s. 130 of the *Municipal Act, 2001*. As noted in the judgment, the statute contains no specific power to make by-laws regarding the use of pesticides within a municipality. Section 130 provides as follows:

> **Health, safety, well-being**
>
> **130.** A municipality may regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety and well-being of the inhabitants of the municipality.

4 Per L'Heureux-Dube J. in *Spraytech* (2004), 19 M.P.L.R. (3d) 1 (S.C.C.) at 20:

> While enabling provisions that allow municipalities to regulate for the "general welfare" within their territory authorize the enactment of by-laws genuinely aimed at furthering goals such as public health and safety, it is important to keep in mind that such open-ended provisions do not confer an unlimited power. Rather, courts faced with an impugned by-law enacted under an "omnibus" provision such as s. 410 *C.T.A.* must be vigilant in scrutinizing the true purpose of the by-law.

The City's by-law essentially restricted pesticide use ("No person shall apply or cause or permit the application of pesticides within the boundaries of the City") and provided that any person who contravened the by-law was guilty of an offence.

The appellant, Croplife Canada, is a trade association that includes pesticide producers. In 2003 it brought an application to quash the City's by-law on the basis that it was *ultra vires* the City's authority.

## 3. The Judgments

### a. Ontario Superior Court of Justice

At the Ontario Superior Court of Justice, the appellant argued that the City was "improperly attempting to use the limited residual jurisdiction in section 130 to engage in matters of environmental regulation, which are properly reserved to senior levels of government."[5] The appellant also contended that by introducing the language "… or any other Act" to s. 130,[6] the Legislature had intended that municipalities only enact matters that were not provided for by provincial or federal enactments on the same subject. It argued that, given that matters of environmental regulation were already addressed by both provincial and federal legislation, the by-law was *ultra vires* the City's authority.[7] Justice Somers found that the federal act did not regulate the use of pesticides, but addressed matters

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5 *Croplife Corp. v. Toronto (City)* (2003), 44 M.P.L.R. (3d) 244 (Ont. S.C.J.) at 249.

6 Section 102 of the *Municipal Act*, R.S.O. 1990, c. M.45, the predecessor to s. 130, provided:

> Every council may pass such by-laws and make such regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for by this Act and for governing the conduct of its members as may be deemed expedient and are not contrary to law and for governing the proceedings of the council, the conduct of its members and the calling of meetings.

7 The federal *Pest Control Products Act*, R.S. 1985, c. P.10 and the provincial *Pesticides Act*, R.S.O. 1990, c. P.11.

related to the importing, exporting, manufacturing, selling, registration, packaging and labelling of products and that the provincial legislation did not specifically address the regulation of pesticide use, but dealt with the storage of pesticides and the licensing of the commercial applicators and exterminators using them. Therefore, there was no actual conflict between the by-law and the provisions of the superior legislation.[8]

Justice Somers rejected the appellant's submissions that the by-law represented environmental regulation and found that the by-law fell within the scope of s. 130 of the *Municipal Act, 2001*:

> I do not agree with counsel's submission that this By-Law is a matter of environmental regulation. A close consideration of its wording makes it clear that it is aimed primarily at matters of health, safety and well being of the city's inhabitants.[9]

The motion judge did not elaborate on the proper interpretive approach to be applied to s. 130 or to any of the powers (general or specific) in the *Municipal Act, 2001*.

### b. Ontario Court of Appeal

The Ontario Court of Appeal, in a decision written by Justice Feldman (Goudge and Lang JJ.A. concurring), unanimously agreed with the lower court decision that the City had authority to pass a by-law to regulate pesticides under s. 130 of the *Municipal Act, 2001*. Justice Feldman reasoned that the municipal purpose of the by-law fell within the authority granted by s. 130 and that, given a broad interpretation, it was aimed primarily at matters of health, safety and well-being of the inhabitants of the City. Furthermore, although other superior legislation dealt with pesticides, the by-law did not frustrate the purpose of those other acts, nor

8 See *Multiple Access Ltd. v. McCutcheon*, [1982] 2 S.C.R. 161.

9 *Supra* note 5, 44 M.P.L.R. (3d) 244 at 250.

was it impossible for someone to comply with all three acts simultaneously. Justice Feldman's conclusion was that the by-law was validly enacted under s. 130 and was not rendered inoperative by the conflicts test in s. 14 of the Act.

With respect to the proper interpretation of s. 130 the appellant had two seemingly strong arguments that s. 130 of the Act was to be narrowly and restrictively interpreted. First, the appellant contended that the motion judge "effectively elevated the general welfare power … to a sphere of jurisdiction, contrary to the purport of the new Act."[10] Second, the appellant argued that by adding the words "or any other Act" into s. 130, the new provision was distinguishable from its predecessor s. 102, as the Legislature had changed the meaning of the provision and had effectively prohibited the enactment of by-laws on matters the "pith and substance" of which are already the subject of superior legislation.

With respect to the proper interpretive approach, Feldman J.A. concluded that "absent an express direction to the contrary in the *Municipal Act, 2001,* which is not there, the jurisprudence of the Supreme Court is clear that municipal powers, including general welfare powers, are to be interpreted broadly and generously within their context and statutory limits, to achieve the legitimate interests of the municipality and its inhabitants."[11] Key to Justice Feldman's determination is that the broad interpretive provision contained in subsection 9(1) of the *Municipal Act, 2001* applied beyond the spheres of jurisdiction in Part II. Subsection 9(1) provides as follows:

> **Interpretation**
>
> **9** (1) Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities,

10 *Supra* note 1 at para 31.

11 *Supra* note 1 at para 37.

(a) to enable them to govern their affairs as they consider appropriate; and
(b) to enhance their ability to respond to municipal issues.

Key to Justice Feldman's determination is that there is no language in subsection 9(1) that suggests that a broad interpretive approach is limited only to the spheres of jurisdiction in Part II. Justice Feldman held that in view of the Supreme Court of Canada's clear adoption of an approach that accords deference to municipal governments, it would take clear legislative language to return to Dillon's Rule when interpreting municipal powers in the *Municipal Act, 2001* that were not contained in Part II.[12] Most importantly, she reasoned that a narrow interpretive approach would be counter to the goal of the new statute.

## 4. Analysis

### a. Jurisprudence Interpreting Municipal Legislation

Until relatively recently, the judiciary had generally tended to interpret the scope of a municipality's exercise of by-law making authority narrowly, given that powers granted to municipalities had traditionally been prescriptively delegated. Beginning with the dissenting reasons of McLachlin J. (as she then was) in *Shell Canada Products Limited v. Vancouver (City)*,[13] the Supreme Court of Canada commenced a consistent articulation and application of a broad and flexible approach to the interpretation of municipal authority. This line of decisions included the Supreme Court of Canada's judgment in 2004 in *United Taxi*

12 Historically, the courts have interpreted municipal powers to enact by-laws restrictively, following what is termed "Dillon's Rule", which provides:

> It is a general and undisputed proposition of law that a municipal corporation possesses and can exercise the following powers and no others: first, those granted in express words; second, those necessarily or fairly implied in or incident to the powers expressly granted; third those essential to the declared objects and purposes of the corporation, not simply convenient, but indispensable.

13 (1994), 20 M.P.L.R. (2d) 1, [1994] 1 S.C.R. 231 [*Shell*].

*Drivers' Fellowship of Southern Alberta v. Calgary (City)*,[14] where a unanimous, nine-member panel ruled that municipal legislative powers conferred by general grants of power under Alberta's *Municipal Government Act*,[15] were to be broadly interpreted and applied.

In the mid-1990's, the courts began a dramatic shift away from Dillon's Rule and toward favouring a generous, deferential standard of review towards a benevolent or a broad and purposive approach to the consideration of municipal powers. As noted above, McLachlin J.'s forceful dissent in *Shell* stated that "courts should be reluctant to interfere with the decisions of municipal councils. Judicial intervention is warranted only where a municipality's exercise of its power is clearly *ultra vires*, or where council has run afoul of one of the other accepted limits on municipal power."[16] This approach to the interpretation of municipal powers has been adopted and approved by the Supreme Court of Canada in numerous subsequent judgments, such as *Spraytech, United Taxi* and *Nanaimo (City) v. Rascal Trucking Ltd.*[17]

### b. Municipal Legislative Powers

Along with the new approach to municipal authority taken by the courts there were changes being made to the form and substance of municipal legislation. Beginning with Alberta's *Municipal Government Act, 1994*, the provinces began to move away from the prescriptive "laundry-list" approach of regulating powers of municipal governments and towards more general and flexible municipal powers. The *Municipal Government Act, 1994* granted municipalities natural person persons and broad general powers under enumerated heads of authority. Other jurisdictions, including Manitoba, Saskatchewan, British Columbia, the

14 (2004), 46 M.P.L.R. (3d) 1, [2004] 1 S.C.R. 485 [*United Taxi*].

15 S.A. 1994, c. M-26.1 [now R.S.A. 2000, c. M-26].

16 *Supra* note 13 at 34.

17 (2000), 9 M.P.L.R. (3d) 1, [2000] 1 S.C.R. 342.

Yukon Territory, as well as Ontario, have followed the model established by the Alberta legislation.

Ontario's *Municipal Act, 2001* comprised the first overhaul of the province's municipal legislation in over 150 years (essentially since the enactment of the original *Baldwin Act* in 1849). The former Minister of Municipal Affairs and Housing pronounced that the aim of the new statute was to give municipalities (as significantly quoted [twice] in *Croplife*) "the tools they need to tackle the challenges of governing in the 21st Century."[18]

To achieve its lofty ambitions, the *Municipal Act, 2001* incorporated general grants of power in Part II (in the form of the natural person powers in s. 8 and the spheres of jurisdiction in s. 11). The *Municipal Act, 2001*, however, complimented the general municipal powers with the specific municipal powers in Part III, which included many of the former express and prescriptive powers found in the old Municipal Act, including the general welfare power in s. 130.

It is notable that in 1998 the Ontario government released a consultation document entitled *A Proposed New Municipal Act*, which included explanatory notes and draft legislation. Interestingly, the draft legislation contained 13 spheres of jurisdiction, including a sphere relating to "health, safety, protection and well-being of people and the protection of property." However, when the Ontario Legislature introduced Bill 111 for first reading on October 18, 2001, three of the proposed spheres (including the health, safety and well-being sphere) had been relegated into the Specific Municipal Powers as s. 130 in Part III.[19] Prior to the introduction of Bill 111, the provincial government stated that such matters "are of significant provincial as well as local interest and, as such,

18 *Supra* note 1 at paras. 6 and 34. Ontario, Legislative Assembly, *Official Report of Debates (Hanrd)*, 53 (18 October 2001) at 1350 (Hon. Chris Hodgson).

19 The two other proposed spheres were the "natural environment" and nuisance, noise, odour, vibration, illumination and dust."

these matters would continue to be prescribed as in the current *Municipal Act* rather than covered by spheres."[20] The Province noted its concern was that the spheres would lead to excessive municipal regulation and interfere with provincial initiatives.[21] This very deliberate "scaling down" of the general welfare power into Part III indicated that the Province was seeking to narrow the scope of the power:

> removal of authority … from a broad sphere to a specific sphere in s. 130 means that the scope of the power has been limited and also that it must be interpreted in accordance with the traditional prescriptive approach to specific municipal powers.[22]

The *Spraytech* decision, which addressed the analogous general welfare provision in the Quebec statute and interpreted it broadly, predated the introduction of Bill 111 by almost 4 months. It is obvious that the legislative drafters clearly removed the general welfare provision as a sphere of jurisdiction in order to avoid a result such as *Spraytech*.[23]

### c. A Broad Interpretation of Specific Municipal Powers

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20 *New Directions: A New Municipal Act for Ontario* (Ministry of Municipal Affairs and Housing, August 2001). The proposed "general welfare" power is expressly described as a "generalized prescribed power."

21 See Mascarin and Williams, *Ontario Municipal Act and Commentary* (2005 ed.) at 17.

22 John Mascarin, "The Music of the Spheres" in *Making Over The Body Politic: A Practical Guide To The Municipal Act 2001* (Ontario Bar Association: November 22, 2002) at 14. See also Rust-D'Eye and Bar-Moshe, *The Ontario Municipal Act: A User's Manual* (Carswell: 2004) at 23: where the authors note that section 9 "applies only to the natural person powers conferred by s. 8 and the spheres of jurisdiction set out in s. 11, and does not apply to matters covered by specific powers or other parts of the Act."

23 See George H. Rust-D'Eye, "Some Hot New Municipal Cases and a Couple of Cool Ones" in *What's New In Municipal and Planning Law (or, Is There Anything that's Not New?)* (Ontario Bar Association: June 14, 2005) at 7:

> For those who tracked the development of the *Municipal Act, 2001*, and who paid attention to the statements of Provincial officials (not the elected ones), there is reason to believe that the Province did not in fact intend to support municipal pesticide regulation… .

See also John Willms, "Strategies for Managing the Changing Environmental Powers and Duties of a Municipality" in *Ontario's New Municipal Act* (The Canadian Institute: June 10-11, 2002), at 10:

> Some commentators have suggested that the revised wording in the new *Act* of the general health and well-being section would not support the kind of by-law that the SCC supported in the *Spraytech* pesticide decision. It is rumoured that personnel from the Ministry of Municipal Affairs intended to remove the power municipalities have to regulate pesticides.

The Ontario Court of Appeal's extension of the statutorily-directly broad interpretation in subsection 9(1) to specific grants of authority (and especially the general welfare power) in Part III of the *Municipal Act, 2001* is surprising. The legislative drafters consciously moved the general welfare provision at issue in *Croplife*, from being its own sphere of jurisdiction in Part II of the Act, to Part III as a specific grant of power under s. 130. This drafting move was viewed as an attempt to narrow the scope of the power in order that s. 130 be interpreted in accordance with the traditional prescriptive approach to specific municipal powers. Moreover, the legislative scheme of the *Municipal Act, 2001* differs from that of other jurisdictions that have enacted municipal legislation containing general grants of municipal powers. Subsection 9(1) of the *Municipal Act, 2001* directs a broad interpretation only with respect to sections 8 and 11 inorder to confer broad authority on municipalities for two specific (but admittedly wide-ranging purposes).

Section 9 makes no mention whatsoever of how the Specific Municipal Powers in Part III of the statute are to be interpreted. The legislative drafters could easily have drafted section 9 to refer to "the powers to pass by-laws under this Act" or "the powers to pass by-laws under Parts II and III of this Act" instead of singling out only sections 8 and 11 for a broad interpretive approach.

The jurisprudence already clearly provides that, in general, municipal legislative powers are to be broadly construed. Therefore, in order to accord section 9 its proper meaning, the provision must mean exactly what it says – it applies only to sections 8 and 11 and directs an expansive interpretation of those provisions broadly to confer broad authority on municipalities to: (i) enable them to govern their affairs appropriately; and (ii) to enhance their ability to respond to municipal issues. This is different in nature than the "modern interpretive rules" that the courts have otherwise clearly adopted to interpret municipal legislative powers.

This aspect of the Ontario legislation differs from the legislative scheme set out in all other jurisdictions (except the Yukon Territory) where the general interpretative provision to broadly construe municipal powers to pass by-laws either applies to the entire statute or to a specific part or division of the statute where the general welfare power is found (see Appendix).

One would have thought that the specific wording of subsection 9(1) would have been interpreted as not applying to Part III especially when coupled with the legislative history of s. 130 being relegated to a specific municipal power in Part III. The clear implication is that s. 130 was to be interpreted, if not necessarily narrowly, at least not as broadly as a sphere power.[24]

What is interesting is that the Ontario Court of Appeal did not have to bend over backward to reach the conclusion it did. That the Supreme Court of Canada has consistently espoused a generous or a broad and purposive approach to the interpretation of municipal powers is undisputed. That the shift in discerning municipal legislative powers and authorities has swayed significantly towards greater deference to municipal decision-making is undeniable. The Supreme Court of Canada upheld the Town of Hudson's pesticide by-law under an analogous general welfare provision in Quebec's *Cities and Towns Act*.[25] Therefore, taken all together, when s. 130 is interpreted in a broad and purposive manner with due deference given to the City council's decision and in the absence of any clear demonstration that the power was beyond the City's authority, it is clear (as Somers J. determined) that the by-law was "aimed primarily at matters of the health, safety and well being of the city's inhabitants."

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24 The author's view is clearly in the minority (see for example, George H. Rust-D'Eye, *supra*, at 7 "municipalities [should] appreciate the wisdom and insight of the Court of Appeal in its support of substance over form, and in applying the spirit and principle intended by the Supreme Court of Canada in landmark decisions in the *United Taxi* and *Spraytech* cases."; and M. Virginia MacLean in "Croplife v. Toronto (City)" in 6 *Municipal Liability Risk Management* (July 2005), No. 5 at "the decision contains a careful review of the provisions of the Act from an historical perspective and any analysis of the evolution of the law on the interpretation of municipal powers. This decision will be very difficult to overturn. Simply put, the Ontario Court of Appeal 'got it right'.")

25 R.S.Q., c. C-19.

Therefore once the Court of Appeal concluded that "not specifically provided for by this Act or any other Act" only meant that a matter could be regulated by by-law under section 130 so long as there was no other specifically related by-law making power elsewhere in the *Municipal Act, 2001* or in any other legislation, all it had to do was apply the conflicts provision set out in section 14 to determine that the City's pesticide by-law was valid.

## 5. Conclusion

What is ultimately problematic about the decision in *Croplife* is that it inescapably appears to stand for the principle that, in the absence of an express direction to the contrary, the broad interpretive approach directed by subsection 9(1) of the *Municipal Act, 2001* applies not only to the natural person and spheres of jurisdiction powers in Part II but also to the specific municipal powers contained in Part III as well as to the balance of the Act. This is something that was not intended by the legislative drafters given the clear and unequivocal language of subsection 9(1). Justice Feldman notes that "[t]he fact that s. 130 remains a specific power in Part III of the new Act does not exempt it from the modern interpretive rules" and this is absolutely correct but it should not lead to the conclusion that subsection 9(1) should be extended and applied to all the powers conferred under the remainder of the *Municipal Act, 2001*.

It will be very interesting to see if the decision or any aspect of it is reviewed by the Supreme Court of Canada if leave to appeal by Croplife Canada is sought.[26] If the judgment stands, municipalities in Ontario will have attained an even broader and more deferential approach to the interpretation of municipal powers

[26] Croplife Canada has indicated its intention to seek leave to appeal the Ontario Court of Appeal's decision to the Supreme Court of Canada but as of the date of writing of this paper, an application has not yet been filed.

in the *Municipal Act, 2001* than even “the modern interpretive rules” have thus far provided.

# Appendix

| STATUTE | GENERAL INTERPRETIVE PROVISION | GENERAL WELFARE PROVISION |
|---|---|---|
| **Alberta**<br><br>*Municipal Government Act*, R.S.A. 2000, c. M-26 | **Guides to interpreting power to pass bylaws**<br><br>**9** The power to pass bylaws under this Division is stated in general terms to<br><br>(a) give broad authority to councils and to respect their right to govern municipalities in whatever way the councils consider appropriate, within the jurisdiction given to them under this or any other enactment, and<br><br>(b) enhance the ability of councils to respond to present and future issues in their municipalities. | **General jurisdiction to pass bylaws**<br><br>**7** A council may pass bylaws for municipal purposes respecting the following matters:<br><br>(a) the safety, health and welfare of people and the protection of people and property; |
| **British Columbia**<br><br>*Community Charter,* S.B.C. 2003, c. 26 | **Broad Interpretation**<br><br>**4** (1) The powers conferred on municipalities and their councils by or under this Act or the *Local Government Act* must be interpreted broadly in accordance with the purposes of those Acts and in accordance with municipal purposes. | **Fundamental Powers**<br><br>**8** (3) A council may, by bylaw, regulate, prohibit and impose requirements in relation to the following:<br>…<br><br>(g) the health, safety or protection of persons or property in relation to matters referred to in section 63 *[protection of persons and property];*<br><br>(h) the protection and enhancement of the well-being of its community in relation to the matters referred to in section 64 *[nuisances, disturbances and other objectionable situations];*<br><br>(i) public health; |

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| **Manitoba**<br><br>*Municipal Act*, C.C.S.M. c. M225 | **Guide to interpreting power to pass by-laws**<br><br>**231** The power given to a council under this Division to pass by-laws is stated in general terms<br><br>(a) to give broad authority to the council and to respect its right to govern the municipality in whatever way the council considers appropriate, within the jurisdiction given to it under this and other Acts; and<br><br>(b) to enhance the ability of the council to respond to present and future issues in the municipality. | **Spheres of Jurisdiction**<br><br>**232**. (1) A council may pass by-laws for municipal purposes respecting the following matters:<br><br>(a) the safety, health, protection and well-being of people, and the safety and protection of property; |
| **New Brunswick**<br>*Municipalities Act*, R.S.N.B. 1973, c. M-22 | *No provision* | *No provision* |
| **Nfld & Labrador**<br>*Municipalities Act, 1999,* S.N.L. 1999, c. M-24 | *No provision* | *No provision* |
| **Northwest Territories**<br><br>*Cities, Towns and Villages Act*, S.N.W.T. 2003, c. 22, s. 2 | **General bylaw powers**<br><br>**4.** (1) The general legislative powers of a municipal corporation to make bylaws are to be interpreted as giving broad authority to council to govern the municipality in whatever way council considers appropriate, within the jurisdiction given to a municipal corporation under this or any other enactment, and to address issues not contemplated at the time this Act is enacted.<br><br>**Power under other Acts**<br><br>(2) The power to make a specific bylaw under any other enactment is to be interpreted as giving supplementary authority to council to govern in accordance with the general legislative powers of a municipal corporation under this Act. | **General legislative powers**<br><br>**70.** (1) In addition to any power to make bylaws in any other enactment, council may make bylaws for municipal purposes respecting<br><br>(a) the safety, health and welfare of people and the protection of people and property; |

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| **Nova Scotia**<br><br>*Municipal Government Act*, S.N.S. 1998, c. 18 | **Purpose of this Act**<br><br>**2**. The purpose of this Act is to<br><br>(a) give broad authority to councils, including broad authority to pass by-laws, and to respect their right to govern municipalities in whatever ways the councils consider appropriate within the jurisdiction given to them; | **Power to make by-laws**<br><br>**172** (1) A council may make by-laws, for municipal purposes, respecting<br><br>(a) the health, well being, safety and protection of persons; |
| **Ontario**<br><br>*Municipal Act, 2001*, S.O. 2001, c. 25 | **Interpretation**<br><br>**9.** (1) Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities,<br><br>(a) to enable them to govern their affairs as they consider appropriate; and<br><br>(b) to enhance their ability to respond to municipal issues. | **Health, safety, well-being**<br><br>**130.** A municipality may regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety and well-being of the inhabitants of the municipality. |
| **Prince Edward Island**<br><br>*Municipalities Act,* R.S.P.E.I. 1988, c. M-13 | *No provision* | **General Power**<br><br>**57.** A council may make bylaws that are considered expedient and are not contrary to this or any other Act or regulations for the peace, order and good government of the municipality, the provision of municipal services and any other matter within the jurisdiction of the municipality. |
| **Quebec**<br><br>*Cities and Towns Act*, R.S.Q. c. C-19 | *No provision* | **General power to pass by-laws**<br><br>**410.** The council may make by-laws:<br><br>Peace, order;<br><br>(1) To secure peace, order, good government, health and general welfare in the territory of the municipality, provided such by-laws are not contrary to the laws of Canada, or of Québec, nor inconsistent with any special provision of this Act or of the charter; |

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| **Saskatchewan**<br><br>*Cities Act*, S.S. 2002, c. C-11.1 | **Guide to interpreting power to enact bylaws**<br><br>**6** The power of a city to pass bylaws is to be interpreted broadly for the purposes of:<br><br>(a) providing a broad authority to its council and respecting the council's right to govern the city in whatever manner the council considers appropriate, within the jurisdiction provided to the council by law; and<br><br>(b) enhancing the council's ability to respond to present and future issues in the city. | **Jurisdiction to enact bylaws**<br><br>**8** (1) A city has a general power to pass any bylaws for city purposes that it considers expedient in relation to the following matters respecting the city:<br><br>(a) the peace, order and good government of the city;<br><br>(b) the safety, health and welfare of people and the protection of people and property; |
| **Yukon Territory**<br><br>*Municipal Act*, R.S.Y. 2002, c. 154 | **Guide to interpreting power to pass bylaws**<br><br>**263** The power given to a council under Division 2 to pass bylaws is stated in general terms<br><br>(a) to give broad authority to a council and to respect its right to govern a municipality as council considers appropriate, within the jurisdiction given to it under this and other Acts; and<br><br>(b) to enable a council to respond to present and future issues in the municipality. | **General jurisdiction to pass bylaws**<br><br>**265** A council may pass bylaws for municipal purposes respecting the following matters<br><br>(a) the safety, health, and welfare of people and the protection of persons and property, including fire protection, fireworks, other explosives, firearms, weapons or devices, ambulance services, emergency services and other emergencies; |