THE SPANISH TERRITORIAL STRUCTURE: SPAIN THE STATE OF THE AUTONOMIES AND LOCAL ENTITIES

CANADA AND THE UNITED STATES IN CONTRAST

April 22, 2023

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Canadian Municipalities

- The Constitution does not recognize municipalities -- only the federal government and provinces/territories have constitutional status
- Courts have given a “broad and purposive” interpretation to municipal powers when challenged by third parties
- Taxing powers are interpreted strictly



Ten Provinces and Three Territories

- Municipalities are created by provincial legislation and a Province can change municipal governance structures and areas of responsibility at will
- Municipalities are corporations created by provincial statute
- Quebec is a French civil law province and rest operate based on English common law
- Empowering cities is often raised by municipalities, but provinces are reluctant to do so



Attempts to Challenge Provincial exercise of power

- Toronto unsuccessfully challenged the Province of Ontario when it cut the size of its Council in half in the middle of a local election (2021)
- Toronto unsuccessfully challenged the Province of Ontario when it amalgamated six cities and a county to create a new City of Toronto (1998)
- Hamilton challenged the Province of Ontario changing its urban growth boundaries
- Environmental groups challenged use of Minister’s Zoning Orders



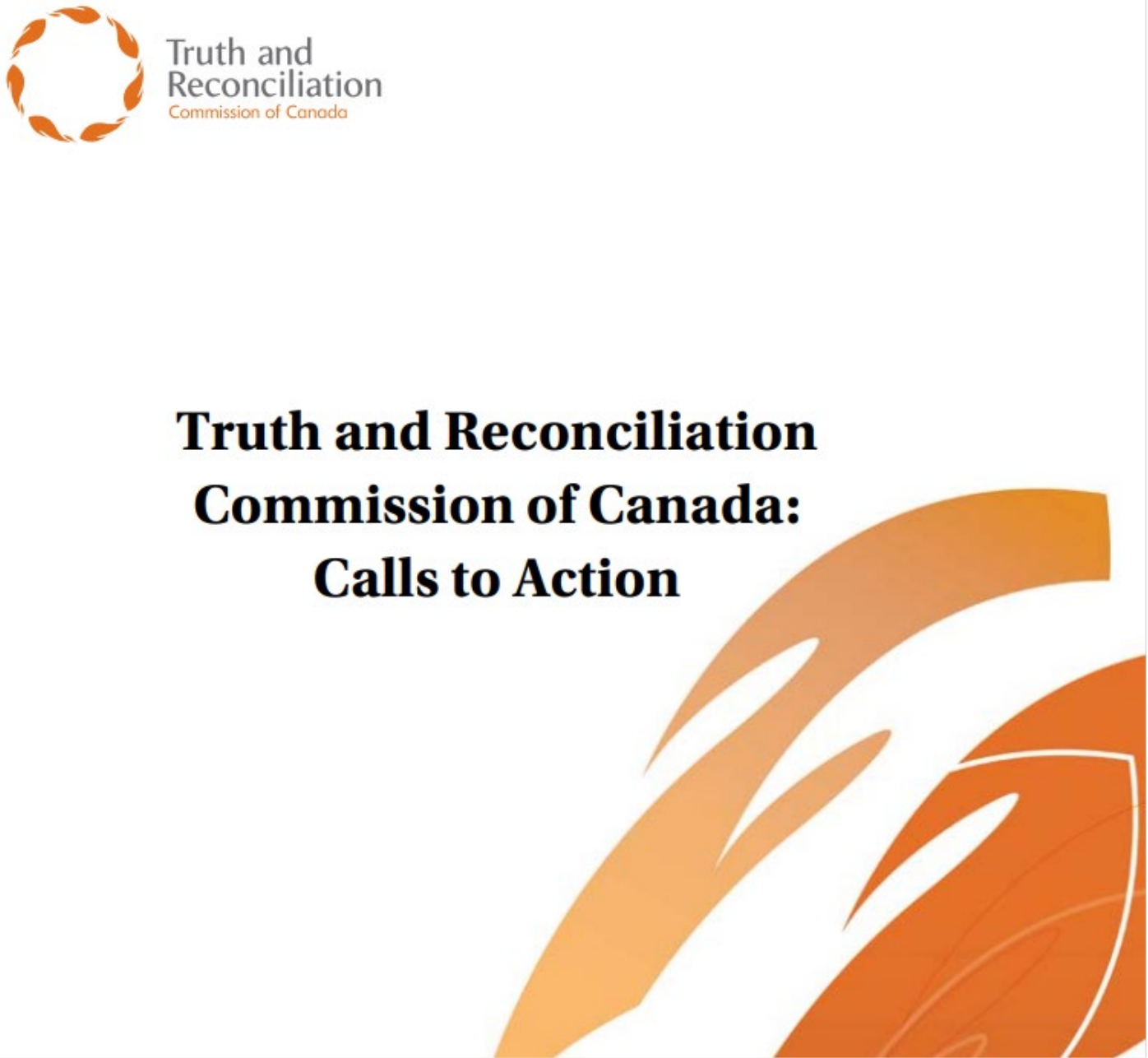
Revenue Sources

- Property tax
- Development charges
- User fees and charges: building permit fees, land development application fees, legal agreement fees,
- Federal and provincial grants – tied to specific objectives



Public Consultation vs Duty to Consult

- Changing zoning requires public consultation and public meetings
- Duty to Consult is new to municipalities and requires consultation with aboriginal nations who were the original landowners
- Truth and Reconciliation reports and municipal role in meeting obligations
- Land acknowledgement requirement – Council agendas
- Consultation on land development matters
- Aboriginal advisory committees
- Urban reserves



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Mary Ellen Bench serves as Counsel in Dentons' Real Estate group, where she advises a broad range of public and private sector clients on governance, municipal law, development, infrastructure and related matters.

Throughout her career, clients and colleagues, alike, have relied on Mary Ellen's exceptional skillset and professional excellence to lead numerous infrastructure and development projects, provide significant input on governance matters and municipal legislative reform, and advise on many municipal corporate, development and finance matters.

With more than 30 years' experience in municipal public service, Mary Ellen held various leadership roles in the legal department at the City of Toronto, as well as City Solicitor for the City of Mississauga. In those roles, she was often engaged on project teams outside of the traditional legal role, because of her practical approach that uniquely achieved solutions to challenging problems that respect and garner the support of all parties, a quality for which she is known throughout the business and legal communities.

In 2006, the Law Society of Ontario recognized Mary Ellen as a Certified Specialist in Municipal Law in respect of local governance matters, and land use planning and development, areas in which she exemplifies the highest standards of the profession. The Rotman School of Management also certified Mary Ellen as an In-House Counsel Specialist, reinforcing her capabilities as a strategic business partner, both internally and with her clients.

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Thank you

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