

CROWN LAW AND MODERN MUNICIPAL AUTHORITY

Complete Research Package

Plain-Language Analysis and Evidence-Controlled Authority Brief

**READ THE EXPLANATION FIRST. USE THE EVIDENCE BRIEF TO
VERIFY EVERY PROPOSITION.**

Prepared for John Tait and WatershedDebacle.ca

Prof. Lex's Corner | October 6, 2026

Purpose

This combined package places the concise research guide before the detailed authority brief. It is designed for landowners, independent researchers, professional reviewers and municipal recipients who need both a readable overview and a source-controlled record.

How to Use This Package

The package is arranged in two parts. Each part retains its own title page and page numbering so it can still be identified and circulated independently.

PART	PURPOSE	BEST USE
PART ONE Prof. Lex Further Analysis	A four-page plain-language guide explaining which Crown Law propositions remain useful, how current authorities apply, and what evidence must be collected.	Read first. Use for meetings, analyst orientation and group assignments.
PART TWO Comparative Authority Brief	The eight-page evidence-controlled brief containing publication provenance, exact Crown Law passages, modern case comparisons, municipal questions and source references.	Use to verify the guide, test public statements and support targeted record requests.

THE HISTORICAL BOOK FRAMES THE QUESTIONS. CURRENT LAW AND PROVEN PARCEL EVIDENCE DETERMINE THE ANSWERS.

Recommended reading sequence

1. Read Part One from beginning to end.
2. Use Part Two to locate the exact historical passage and its modern legal comparison.
3. Keep confirmed facts, legal interpretation, inference and unanswered questions separate.
4. Before public release, test every material statement against the cited record.

CROWN LAW AND MODERN MUNICIPAL AUTHORITY

Further Analysis Guide for Landowners and Independent Researchers

Prof. Lex's Corner | John Tait | WatershedDebacle.ca | October 6, 2026

CORE CONCLUSION: CROWN LAW HELPS FRAME THE QUESTIONS. CURRENT LAW AND PARCEL EVIDENCE DECIDE THE RESULT.

Purpose

This guide explains which parts of Paul Lordon's Crown Law remain useful to the WatershedDebacle enquiry, how those propositions connect to current Canadian authorities, and what evidence researchers must obtain before reaching a conclusion.

The book is a government-connected legal reference, not legislation, a judgment or an official Department of Justice opinion. Its value is disciplined issue identification: authority, compensation, implementation, notice and access to records.

The working method

CONFIRMED FACT	A document, judgment or official record directly establishes the point.
LEGAL INTERPRETATION	A reasoned application of current authority. It is not itself evidence.
INFERENCE	A possible conclusion that must be tested against additional records and contrary evidence.
OPEN QUESTION	The existing record does not answer it. The next step is a targeted record or parcel analysis.

THE BOOK DOES NOT PROVE THE CASE. IT TELLS US WHERE TO LOOK AND WHAT MUST BE PROVED.

Historical propositions that remain useful

Book p. 10, s. 2.2: Crown powers are defined and limited by the Constitution.	Require the municipality to identify the exact statute, by-law, plan provision and decision-maker supporting each restriction.	Municipal powers come from Ontario legislation. The passage does not itself invalidate a municipal decision.
Book p. 376, s. 5.3.2: proprietary rights amounting to expropriation are presumed compensable unless legislation clearly provides otherwise.	Frames the compensation enquiry and remains consistent with Manitoba Fisheries.	A modern constructive-taking claim must satisfy the current Supreme Court test.
Book p. 387, s. 6.1.5: policy or planning is distinguished from operational implementation.	Separate regional policy from parcel mapping, data entry, verification, correction and response to known errors.	Modern public-authority negligence law controls. The label 'operational' is not enough by itself.
Book p. 396, ss. 6.3.1-6.3.2: failure to warn may matter in some circumstances, but there is no general duty to advise everyone of changes in law.	Investigate statutory notice, adopted procedures, undertakings, reliance and proof of actual delivery.	The passage does not establish an automatic duty to notify every owner individually.
Book p. 514, s. 1.1: confidentiality or official status did not automatically establish privilege.	Ask for the precise legal basis supporting each withheld record and whether non-exempt portions can be severed.	Ontario municipal access is governed today by MFIPPA and current privilege law.

THE RESPONSIBLE USE OF CROWN LAW IS COMPARISON - NOT DECLARATION.

Three legal routes that must remain separate

Constructive taking	Manitoba Fisheries; CPR v. Vancouver; Annapolis Group v. Halifax	A governmental beneficial interest or advantage flowing from the property, plus removal of all reasonable uses. Parcel evidence is essential.
Unlawful municipal authority or process	Hummel Properties v. Niagara-on-the-Lake, 2022 ONCA 737	The actual statutory power, statutory purpose, procedure followed, notice given and decision record. Hummel is not a constructive-taking ruling.
Operational damage or neglect	National Steel Car v. Hamilton, 2024 ONSC 4120, substantially upheld in 2025 ONCA 765	Duty, standard of care, breach, causation and proven damage arising from operational conduct. It is not a planning-restriction precedent.

DO NOT MIX THE ROUTES. EACH HAS DIFFERENT ELEMENTS, DEFENCES AND REQUIRED EVIDENCE.

The constructive-taking evidence sequence

1 Governmental advantage	Identify the public benefit said to flow from the parcel: conservation, public enjoyment, connected natural systems, flood protection, recreation or another measurable advantage.
2 Remaining uses	List every legally and practically reasonable use after the restriction. Test access, servicing, approvals, required studies, cost and economic feasibility.
3 Before-and-after record	Obtain historic zoning, official plans, mapping, permits, studies, correspondence, market evidence and decision dates.
4 Parcel valuation	Use qualified appraisal evidence. Market loss alone does not prove both legal elements, but it can help demonstrate practical effects.
5 Decision and notice trail	Identify who approved the restriction, what Council received, who was notified, the method and date, and proof of delivery.

Independent research assignments

A Source history	Verify the book's commissioning, authorship, tender, publication, disclaimer and scan continuity.	One-page provenance chart with exact source pages.
B Municipal authority	Trace each disputed control from statute to plan, by-law, map, staff action and Council decision.	Authority chain identifying missing links.
C Parcel effects	Test representative parcels for remaining lawful and practical uses.	Parcel matrix supported by planning and physical evidence.
D Notice and records	Reconstruct notice, consultation, correction and disclosure procedures.	Chronology showing what was sent, to whom and with what proof.
E Valuation and tax	Compare before-and-after market evidence, highest and best use, assessment and taxes.	Professional valuation questions and a reproducible sampling method.

Questions worth putting to officials

1. What exact legal authority supported each restriction and each stage of implementation?
2. What public advantage was expected from the affected private parcels?
3. What reasonable uses remained, and where is the parcel-specific analysis?
4. Who measured private cost, market effect and compensation exposure?
5. Who was notified, by what method, on what date, and where is the proof?
6. What records were before Council, and what important records were not proactively disclosed?

THE STRONGEST PUBLIC STATEMENT IS THE ONE THE RECORD CAN PROVE.

Principal sources

- Paul Lordon, Crown Law (Butterworths Canada Ltd., 1990), especially pp. 10, 376, 387, 396 and 514.
- Manitoba Fisheries Ltd. v. The Queen, [1979] 1 S.C.R. 101.
- Canadian Pacific Railway Co. v. Vancouver (City), 2006 SCC 5.
- Annapolis Group Inc. v. Halifax Regional Municipality, 2022 SCC 36.
- Hummel Properties Inc. v. Niagara-on-the-Lake (Town), 2022 ONCA 737.
- National Steel Car Limited v. Hamilton (City), 2024 ONSC 4120 and 2025 ONCA 765.

Prepared for public education and independent research. This guide is not legal advice or a pleading.

CROWN LAW

AUTHORITY, PUBLIC BENEFIT AND PRIVATE LANDOWNER BURDEN

A two-column evidentiary comparison for municipal outreach

**THEY ADVERTISED THE PUBLIC BENEFITS - BUT WHO MEASURED THE
PRIVATE COST?**

Prepared September 4, 2026 | Updated October 6, 2026

John Tait | WatershedDebacle.ca

Purpose and evidence controls

This working brief compares selected passages from Crown Law with current Canadian authorities and applies them as questions for Simcoe County and the Township of Severn. It is an investigative and public-education document, not legal advice or a pleading.

The Taits were drawn into this investigation because too many important questions were met with answers that simply made no sense—or were left unanswered altogether.

Crown Law is a 1990 federal-focused reference work. Simcoe County and Severn are municipal corporations, not automatically Crown agents. Historical propositions must therefore be checked against current constitutional, municipal, planning, administrative and tort law.

Evidence labels: CONFIRMED SOURCE identifies what the cited material actually says; CURRENT LAW identifies a modern authority; QUESTION identifies an issue requiring records or evidence; UNVERIFIED identifies material that must not be published as fact.

A GOVERNMENT-CONNECTED LEGAL REFERENCE CAN GUIDE THE QUESTIONS. ONLY CURRENT LAW AND PROVEN FACTS CAN ANSWER THEM.

1. What Crown Law is - and is not

CONFIRMED PUBLICATION RECORD	WHAT THIS MEANS
Paul Lordon, Crown Law (Butterworths Canada Ltd., 1990), ISBN 0-409-89386-2. The copyright page states that it was published in cooperation with the federal Department of Justice and the Canadian Government Publishing Centre. The preface says the work originated in a Department of Justice project examining Crown immunities and privileges. Initial materials were supplied to departmental lawyers; Butterworths later won a tender to publish the work for broader access. The preface expressly says the book does not represent an official Department of Justice view. Its conclusions belong to the authors and editors.	WHAT THIS MEANS - Describe it accurately as a Department of Justice-originated legal research work published commercially for practitioners and the public. - Do not call it legislation, a judgment, an official Justice Department opinion, or proof of present law. - The preface supports government connection and public accessibility; it does not presently support an allegation that publication was deliberately hidden.

WHO COMMISSIONED, USED, PUBLISHED AND DISTRIBUTED THIS WORK - AND WHAT EVIDENCE SUPPORTS ANY CLAIM THAT ACCESS WAS LATER RESTRICTED?

2. Lawful authority and institutional responsibility

CROWN LAW - CHAPTER 1, PP. 10-11	QUESTIONS FOR SIMCOE AND SEVERN
Exact excerpt: “The powers and privileges of the Crown are defined and limited by the constitution.” (Book p. 10, s. 2.2; supplied main scan 1, PDF p. 6.) Section 2.3 adds that Crown authority is defined by statute, common law and convention. This remains a sound general proposition, but municipal authority must be traced to Ontario legislation and valid planning instruments. Section 2.5 states that statutory or prerogative authority cannot justify activity outside the legislative authority of the government concerned. Municipal application requires separate analysis because municipalities exercise delegated statutory powers.	QUESTIONS FOR SIMCOE AND SEVERN • What exact statute, regulation, official-plan provision or by-law authorized each disputed restriction? • Which institution created the mapping, and which institution made it legally operative? • Were advisory environmental recommendations converted into parcel-level restrictions? • Who approved that conversion, under what authority, and where is the decision recorded? • Was each power used for the purpose for which the Legislature granted it?

WHAT LAW AUTHORIZED THE RESTRICTION, WHO EXERCISED THAT POWER, AND WHERE IS THE RECORD OF THE DECISION?

3. Deprivation of property and compensation

CROWN LAW - CHAPTER 9, P. 376	CURRENT COMPARISON AND QUESTIONS
Exact excerpt: “If the exercise of legislative power takes away the proprietary rights of the subject in a manner such as to amount to an expropriation of his assets, he will not be denied compensation unless this is the clear intent of the statute.” (Book p. 376, s. 5.3.2; supplied Crown Law 3 scan, PDF p. 43.) Authority status: the compensation presumption remains foundational, but whether regulation amounts to a constructive taking is governed by the current Supreme Court test. The cited authorities include <i>Manitoba Fisheries Ltd. v. The Queen</i>, [1979] 1 S.C.R. 101. This is a historical legal summary, not a finding that the Greenlands system took any particular parcel.	CURRENT COMPARISON AND QUESTIONS • What proprietary rights and practical uses existed before and after the disputed controls? • Where is any statutory language clearly excluding compensation? • Did the County or Township undertake a parcel-specific deprivation analysis? • Did either institution obtain appraisal or highest-and-best-use evidence? • If no compensation analysis exists, who decided it was unnecessary?

**IF GOVERNMENT OBTAINED THE PUBLIC BENEFIT BY SERIOUSLY
IMPAIRING PRIVATE USE, WHO EXAMINED WHETHER COMPENSATION
WAS REQUIRED?**

4. The modern constructive-taking test

SUPREME COURT OF CANADA - ANNAPOLIS (2022)	PARCEL EVIDENCE REQUIRED
Annapolis confirms a two-part test: an acquisition of a beneficial interest in the property or an advantage flowing from it, and removal of all reasonable uses of the property. Government intention is not a separate element, although evidence of intended use may be relevant. The analysis is factual and effects-based. The Court clarified <i>Canadian Pacific Railway Co. v. Vancouver (City)</i>, 2006 SCC 5: an actual transfer of title is unnecessary, but public benefit or reduced market value alone still does not prove constructive taking. Annapolis permitted the claim to proceed to trial; it did not decide that a taking had occurred.	PARCEL EVIDENCE REQUIRED - Identify the specific advantage said to flow to government or the public authority. - Measure every legally and practically reasonable remaining use. - Compare permitted use, approvals, study costs, access, servicing and realistic economic feasibility. - Use representative parcels only with a defensible methodology; preserve parcel-specific differences. - Separate market loss evidence from proof of the two legal elements.

**WHAT ADVANTAGE FLOWED TO GOVERNMENT, AND WHAT
REASONABLE USES ACTUALLY REMAINED ON EACH AFFECTED
PROPERTY?**

5. Their public-benefit sales job

GOVERNMENT DOCUMENTS AS EVIDENCE	THE MISSING SIDE OF THE ACCOUNT
County and municipal planning materials should be collected for their own descriptions of the Greenlands system: water protection, connected natural systems, recreation, tourism, healthy communities and quality of life. Those statements may help prove purpose,	THE MISSING SIDE OF THE ACCOUNT - Which private parcels were expected to supply the promoted regional benefits? - What restrictions were necessary to deliver those benefits? - Were private costs, lost uses and market effects

GOVERNMENT DOCUMENTS AS EVIDENCE	THE MISSING SIDE OF THE ACCOUNT
knowledge, anticipated regional advantage and the intended beneficiaries. They do not alone prove that all reasonable uses of a private parcel were removed.	measured? • Were affected owners notified before or after the mapping became operative? • Where are the appraisals, compensation studies and distributional-impact assessments?

THEY DOCUMENTED THE BEAUTIFUL PUBLIC BENEFITS. WHERE DID THEY DOCUMENT WHO PAID FOR THEM?

6. Policy, implementation and planning functions

CROWN LAW - CHAPTER 9, P. 387	FACTS THAT MUST BE SEPARATED
Exact excerpt: “The operational function of government has also been distinguished from the planning function.” The passage adds that liability generally does not arise from policy or planning functions except where exercised unreasonably or dishonestly. (Book p. 387, s. 6.1.5; supplied Crown Law 3 scan, PDF p. 48.) The book also recognizes substantial protection for genuine legislative and policy decisions made in good faith. Authority status: the policy/operational distinction remains relevant, but modern Supreme Court public-authority negligence law controls and requires a full duty-of-care analysis.	FACTS THAT MUST BE SEPARATED • Was adoption of a regional natural-heritage policy the policy decision? • Was drawing a boundary across an individual parcel operational implementation? • Who entered, verified and maintained parcel mapping? • What correction or appeal process existed for inaccurate or overbroad mapping? • What happened after officials received contradictory parcel-specific evidence?

WHEN DID PROTECTED POLICY END AND PARCEL-SPECIFIC IMPLEMENTATION BEGIN?

7. Notice: a strong question, not an automatic tort

CROWN LAW - CHAPTER 9, PP. 396-397	THE BETTER INVESTIGATION
Exact excerpt: “Failure to warn or notify has in some circumstances been sufficient to constitute a breach of duty.” (Book p. 396, s. 6.3.1; supplied	THE BETTER INVESTIGATION • Did legislation, an adopted procedure, a

CROWN LAW - CHAPTER 9, PP. 396-397	THE BETTER INVESTIGATION
Crown Law 3 scan, PDF p. 53.) The next subsection states: “There is no duty to advise of changes in laws or legal circumstances, nor to enact regulations.” (Book p. 396, s. 6.3.2; supplied Crown Law 3 scan, PDF p. 53.) The book therefore does not prove an automatic negligence duty to individually notify every affected owner.	hearing process or a specific undertaking require notice? • Did officials know owners were relying on incomplete property information? • Were taxes, permits or official representations administered without disclosing a known material restriction? • Was a foreseeable class of owners placed in a relationship of proximity and reliance? • What notice did the institution actually give, and how was delivery verified?

WHO WAS NOTIFIED, BY WHAT METHOD, ON WHAT DATE - AND WHERE IS THE PROOF?

8. Access to information and proactive disclosure

CROWN LAW P. 514; MFIPPA; ONTARIO IPC	QUESTIONS ABOUT THE RECORDS SYSTEM
Exact excerpt: “Privilege is not available as a matter of course for any document considered to be confidential or official.” (Book p. 514, s. 1.1; supplied Crown Law 5 scan, PDF p. 2.) Authority status: this is historical federal common-law discussion. It does not displace Ontario’s current municipal access statute or its exemptions. For Ontario municipalities, current MFIPPA provisions govern access, exemptions, severance and appeals. Ontario IPC guidance urges institutions to move beyond reactive FOI through routine disclosure and active dissemination.	QUESTIONS ABOUT THE RECORDS SYSTEM • What exact exemption supports each withheld portion? • Was each record assessed individually, and were non-exempt portions severed? • Were factual, mapping and technical records separated from legal advice? • Why was an affected citizen required to locate and connect documents the responsible departments should already have reviewed? • What proactive-disclosure practice would prevent thousands of owners from repeating the same request?

FOI SHOULD BE THE PUBLIC'S LEGAL BACKSTOP - NOT A SUBSTITUTE FOR OFFICIALS READING, CONNECTING AND EXPLAINING THEIR OWN IMPORTANT RECORDS.

9. Ontario municipal decisions: useful, but limited

HUMMEL PROPERTIES - 2022 ONCA 737	NATIONAL STEEL CAR AND BLACK
Confirmed result: the Ontario Court of Appeal held that Niagara-on-the-Lake's interim control by-laws were illegal because they exceeded the authority granted by s. 38 of the Planning Act and contravened the statutory three-year prohibition. It set aside the lower court's treatment of the enactment process and returned the civil claims for fresh pleadings and trial. Current significance: Hummel supports careful examination of statutory purpose, authority, good faith and municipal process. It is not a constructive-taking judgment and does not prove damages in another municipality. A September 24, 2025 Town statement records a \$1 million settlement; settlement is not a judicial damages ruling.	NATIONAL STEEL CAR AND BLACK - National Steel Car Limited v. City of Hamilton, 2024 ONSC 4120 concerns operational flooding liability in nuisance, negligence and Rylands v. Fletcher. The result was substantially upheld in National Steel Car Limited v. Hamilton (City), 2025 ONCA 765. It is useful when physical infrastructure or implementation caused proven damage; it is not a constructive-taking precedent. - Publicly located Black v. Niagara-on-the-Lake material is a pleading, not a reported merits judgment. Allegations in a statement of claim must not be presented as court findings. - Ontario examples must be tied to the right legal route: unlawful by-law/process, operational tort, or constructive taking. One does not establish the elements of another.

WHICH LEGAL ROUTE FITS THE PROVEN FACTS - AND WHAT EVIDENCE ESTABLISHES EACH REQUIRED ELEMENT?

10. Consolidated questions for municipal recipients

1. What public advantages were expected from using private properties within the Greenlands and watershed system?
2. Which parcels were expected to provide those advantages, and what uses were correspondingly restricted?
3. Who measured the private cost, loss of use and market effect?
4. Where is the parcel-specific evidence establishing what reasonable uses remained?
5. What legal authority supported each restriction and each stage of implementation?
6. Who was notified, when, how, and where is the proof of delivery?
7. What records were supplied to Council before the relevant decisions?
8. Why were important records not routinely disclosed to the affected owners?
9. What compensation, correction, acquisition or exit pathway was considered?
10. Who remains responsible for answering these questions through the 2026 governance transition?

PUBLIC BENEFITS WERE PROMOTED. PRIVATE BURDENS MUST NOW BE IDENTIFIED, MEASURED AND ANSWERED.

Recipient-facing communication rule

Everything needed to follow this issue is available at WatershedDebacle.ca. The accountability question is simple: Who was notified? That is the record we ask candidates and officials to provide.

General responses and continuing updates will be provided through confirmed website subscriptions. Subscription confirms a verified communication channel and interest in receiving information; it does not indicate agreement. Formal correspondence from municipalities, public officials, legal representatives, insurers, courts, tribunals and freedom-of-information offices will continue to be preserved and reviewed regardless of subscription status.

Repetitive, anonymous, abusive or circular correspondence may be retained without further response. Nothing in this communication procedure waives any right, deadline, objection or legal position.

Sources reviewed

- Paul Lordon, Crown Law (Butterworths Canada Ltd., 1990), publication pages and preface; Chapter 1, pp. 10-11; Chapter 9, pp. 375-397; Chapter 10, pp. 413-435; Chapter 13, pp. 513-515.
- Annapolis Group Inc. v. Halifax Regional Municipality, 2022 SCC 36.
- Canadian Pacific Railway Co. v. Vancouver (City), 2006 SCC 5.
- Manitoba Fisheries Ltd. v. The Queen, [1979] 1 S.C.R. 101.
- Wells v. Newfoundland, [1999] 3 S.C.R. 199.
- Hummel Properties Inc. v. Niagara-on-the-Lake (Town), 2022 ONCA 737; Town of Niagara-on-the-Lake, settlement statement, September 24, 2025.
- National Steel Car Limited v. City of Hamilton, 2024 ONSC 4120.
- National Steel Car Limited v. Hamilton (City), 2025 ONCA 765.
- Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56.
- Municipal Act, 2001, S.O. 2001, c. 25.
- Information and Privacy Commissioner of Ontario, Opening the Window to Government: How e-RD/AD Promotes Transparency, Accountability and Good Governance.

Research note: the five numbered main-book scans run continuously through printed pp. 1-605; the separate source/publication scan supplies the copyright page, preface, contents and tables. Together they appear to cover the full substantive book. Any additional file can still be checked for duplicates, supplements or missing front/back matter without changing this evidence-control structure.