

DEFINITIONS FROM BLACK'S LAW

A plain language landowner reference to the legal words used in Crown Law and constructive taking research

THE SHORT ANSWER: Black's helps explain the legal words. Canadian statutes and Canadian court decisions determine the law. The dictionary does not prove that Severn, SSEA or Simcoe acted unlawfully.

Purpose and main conclusion

This reference translates the main terms into ordinary language and shows how each one may relate to the Greenlands overlay. The definitions are concise paraphrases of established legal usage, not verbatim quotations from *Black's Law Dictionary*. The controlling Canadian questions must still be answered from legislation, binding decisions and admissible evidence.

The authority ladder

1 Canadian legislation defines municipal powers and procedures. **2 Canadian court decisions** supply the governing tests. **3 Lordon's Crown Law** organizes persuasive Canadian principles. **4 Black's Law Dictionary** explains terminology but is not binding Canadian law. **5 The watershed evidence** must connect those rules to what happened to the parcel.

The essential definitions

Authority

Plain meaning: Legal permission to act.

Watershed question: Ask for the statute, by-law, resolution, agreement or delegation instrument that authorized each important decision.

Delegation

Plain meaning: A lawful transfer of a power or responsibility from the body that holds it to another person or body.

Watershed question: Technical advice is not necessarily delegation. The concern arises if SSEA, staff or a consultant could set a binding boundary or legal consequence without proper authority.

Ultra vires

Plain meaning: Latin for beyond the powers. An act is ultra vires when the actor had no legal power to do it.

Watershed question: It does not mean merely unfair, unwise or harmful. The exact legal limit and the act that crossed it must be proved.

Legislative power

Plain meaning: The power to make a rule that binds people generally or changes their legal rights.

Watershed question: Council may use technical work, but the legally authorized body must make the required legislative choice.

Administrative power

Plain meaning: The power to carry out, apply or manage a rule already lawfully made.

Watershed question: Staff may apply fixed criteria. The question is whether they only administered the rule or effectively created the operative standard.

Contracting power

Plain meaning: The power to hire or agree with another body to perform work or services.

Watershed question: A contract can purchase mapping or analysis. It does not automatically give the contractor municipal lawmaking power.

Definitions for the property and fairness questions

THE CENTRAL EVIDENCE QUESTION: Who had lawful authority to turn technical environmental information into a binding parcel restriction, and what instrument shows that authority was properly exercised?

Property

Plain meaning: The legally recognized rights connected with land, including possession, use, exclusion and transfer. Property is more than the paper title alone.

Watershed question: Remaining registered owner does not end the inquiry. The evidence must show what lawful, practical uses and market rights remained.

Taking

Plain meaning: Government acquisition or effective appropriation of private property for public purposes.

Watershed question: American definitions provide background only. In Canada, the constructive taking test comes from Canadian cases.

Constructive taking

Plain meaning: A taking alleged without a formal transfer of title.

Watershed question: Under *Annapolis*, the claimant must prove both an advantage to the public authority and removal of all reasonable uses of the property.

Public authority advantage

Plain meaning: A benefit obtained by government through the challenged restrictions. It is not limited to formal ownership, but it must be proved on the facts.

Watershed question: Potential evidence includes control, public use, environmental program objectives, avoided acquisition and how the parcel serves a municipal plan. General regional benefit alone may be insufficient.

All reasonable uses

Plain meaning: The Canadian question is whether every reasonable use has been removed, not merely whether the owner's preferred development became difficult or unprofitable.

Watershed question: Obtain a written permitted-use position and test realistic alternatives against zoning, access, servicing, environmental constraints, cost and marketability.

Notice

Plain meaning: Information formally or practically sufficient to alert an affected person to a decision or proceeding.

Watershed question: Identify what notice the law required, what was actually issued, who received it and whether the parcel-level effect could reasonably be understood.

Procedural fairness

Plain meaning: A fair decision-making process appropriate to the context. It may require notice, a meaningful chance to respond, an impartial decision-maker and understandable reasons.

Watershed question: Fairness is separate from whether the final planning result was substantively lawful. The governing statutory process and actual record must be examined.

Compensation

Plain meaning: Money legally payable for a recognized taking, expropriation, statutory entitlement or other compensable wrong.

Watershed question: A large loss does not automatically create compensation. The legal route and the evidence of causation and amount must both be established.

Applying the words without overstating the case

Issue	What the terminology helps us ask	What must still be proved
Greenlands mapping	Was the map advice, administration or a binding legislative choice?	Creator, instructions, version history, adoption instrument and revision authority.
Reasonable uses	Did regulation leave any realistic lawful use?	Written use analysis, applications or refusals, planning evidence and site constraints.
Benefit or control	Did government gain control, public use or another identifiable advantage?	Plans, conduct, public use, avoided acquisition and a parcel-specific connection.
Notice and fairness	Was the owner fairly told and able to respond?	Notice law, mailing and publication records, minutes, submissions and reasons.
Market interference	Did the overlay affect saleability, financing or value?	AACI appraisal, paired sales, purchaser and lender evidence, listings and offers.
Taxation	Did assessment recognize proven restrictions and market effects?	MPAC method, tax bills, review record and comparable assessments.
Compensation	Is there a recognized legal route requiring payment?	Legal entitlement, liability facts, causation and reliable valuation.

Current classification of the watershed record

Established law: Contracting for technical services is not automatically delegation of legislative power. *Annapolis* supplies the Canadian constructive taking test.

Reasonable inference requiring proof: Technical mapping may have been advisory if Council lawfully adopted it. A separate authority issue may arise if another actor could set or change a binding parcel boundary or consequence.

Disputed allegations: The overlay allegedly covers nearly the entire parcel; parcel-specific notice was allegedly absent; staff reportedly said nothing could be done; and use, marketability and value were impaired while taxation continued.

Missing proof: Certified instruments, agreements, delegation records, GIS provenance, notice files, permitted-use decisions, public-advantage evidence and expert market and tax evidence.

Safe wording for future productions

Recommended: 'Black's explains the terminology. Lordon and the statutes identify the authority questions. Canadian courts determine the legal test, and the evidence must prove whether it is met.'

Avoid: 'Black's proves that the Greenlands overlay was an illegal taking.' A dictionary cannot prove facts or establish liability.

Working evidence checklist

- Identify the enabling legislation and the precise municipal power being exercised.
- Obtain every Severn, SSEA and Simcoe agreement, delegation by-law, resolution and approval connected with the mapping.
- Trace the Greenlands map from its creator and source data through every revision to formal municipal adoption.
- Recover the complete notice record: mailing lists, publications, circulation, meeting minutes, submissions and reasons.
- Secure a written parcel-specific statement of every use said to remain reasonably available.
- Document any public use, practical control, avoided acquisition or other parcel-linked municipal advantage.
- Obtain AACI, purchaser, lender, MPAC and tax evidence addressing causation, market interference and amount.
- Preserve evidence from Mandeville, Ippolito, Henderson, Cayley, Taylor, responsible clerks, planners and GIS custodians.

USE BLACK'S TO DEFINE THE WORDS. USE CANADIAN LAW TO STATE THE TEST. USE DOCUMENTS, WITNESSES AND EXPERT EVIDENCE TO PROVE THE FACTS.

Selected authorities and sources

1. Bryan A. Garner, ed., *Black's Law Dictionary*, 12th ed. (Thomson Reuters, 2024), relevant entries. Publisher information: legal.thomsonreuters.com/en/products/law-books/blacks-law-dictionary.
2. Paul Lordon, *Crown Law* (Butterworths Canada, 1990), ch. 1, ss. 4.4.4-4.4.6, printed pp. 23-24.
3. *Annapolis Group Inc. v. Halifax Regional Municipality*, 2022 SCC 36, especially paras. 44-45 and 64-75. scc-csc.lexum.com/scc-csc/scc-csc/en/item/19534/index.do.
4. *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, especially paras. 85-87 and 115-121.
5. *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817, paras. 21-28.
6. *Municipal Act, 2001*, S.O. 2001, c. 25, including s. 20 and ss. 23.1-23.5; *Planning Act*, R.S.O. 1990, c. P.13.

Research notice

This document is a plain-language research aid. It is not legal advice, does not state that disputed facts are proven and does not establish liability or an entitlement to compensation. Counsel should confirm the wording of current dictionary entries and all legal authorities before formal use.