

## **Municipal Law (The Provincial-Municipal Relationship and Municipal Jurisdiction):**

### **Key Take-Aways and Considerations for CAOs**

**Presenter: Maria Sanderson**

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- Municipal institutions fall within the jurisdiction of provincial governments (Constitution of Canada Act 1867-1982).
- Municipalities do not have direct powers under the Constitution. They possess only those powers that provincial legislatures delegate to them. This means that they must act within the legislative constraints the province has imposed on them. If they do not, their decisions or bylaws may be set aside on judicial review.
- In 2017 the *Municipal Government Act* (Bill 58) replaced the *Municipalities Act, 1988*, *Charlottetown Area Municipalities Act, 1988*, *City of Summerside Act, 1988*.
- Municipalities are required to deliver the following services: administration (municipal office), fire protection, emergency measures planning (2021) and land use planning (2023).
- The *MGA* provides a legal framework and foundation for the establishment of municipalities. The *MGA Regulations* provide principles, standards and other requirements considered necessary for carrying out the purpose and provisions of the *MGA*.
- The purpose of the *MGA* is defined in sections 2 and 3 of the Act. Municipalities provide local services, facilities, safety and infrastructure to residents.
- The *MGA* confers both corporate powers and local government powers on municipalities.

- Municipal jurisdiction, or matters within which municipalities are authorized to act, is defined throughout the MGA. In particular, sections 14 and 85 define specific areas of jurisdiction for council.
- Unless otherwise provided in the MGA, an action or proceeding of a council is not valid unless it is authorized or adopted by a bylaw or resolution at a duly constituted public meeting of council.

***Other areas covered in the Municipal Law session include Bylaws, Shared Services, Municipal Liability and Insurance, and Conflict of Interest. Please see the PDF PowerPoint for a summary of these topics.***