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Dalhousie Law Journal

# The Dalhousie Law Journal

## Editorial Committee




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undertaken by the Province of Ontario with the assistance of professional planners, architects, economists, sociologists, and persons engaged in municipal affairs, as well as lawyers."

This advice it seems was followed in Manitoba for the drafting for the *City of Winnipeg Act.* That legislation recognises not only the deficiencies of zoning but the difficulties in moving to development control. It recognizes that in dealing with the problems in the administration of zoning by-laws, development control legislation alone (without the safeguards which the British experience has shown are needed and which the American Law Institute suggested were desirable) is not enough.

Perhaps because Alberta almost stumbled into development control by accident[120] and because Nova Scotia is not a highly urbanized jurisdiction, those two provinces do not deal with the less obvious components of a meaningful reform in land use planning legislation. They do not appraoch the standards of the Manitoba legislation nor do they seem to recognize an important balancing factor which the Ontario Law Reform Commission mentions – the need to find the "acceptable middle ground between the legitimate right of the private developer and the broader concerns of the public benefit through the process of government." *The City of Winnipeg Act* subtly balances these interests and contains provisions that at least in part deal with important issues of planning and procedure raised in England and the United States. The Alberta and Nova Scotia legislation, although creating a more flexible planning implementation process as advocated elsewhere fails to recognize that zoning reform is not enough – planning and procedure for the protection of public and private interest is also important.

120. See Laux *supra* note 109 at 6-9 on the introduction of development control into Alberta.

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