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To Appeal or Not to Appeal

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published 06/12/2025

Maple Leaf Construction Ltd. v. Rural Municipality of Rockwood and South Interlake Planning District

Key lessons for Manitoba municipalities on whether to appeal a decision of the Municipal Board to provincial courts

The recent ruling by the Court of King's Bench in *Maple Leaf Construction Ltd. v. Rural Municipality of Rockwood and South Interlake Planning District (Maple Leaf Construction Ltd. v. Rockwood*) warrants attention from municipalities across Manitoba.

In this case, the Court quashed a 2023 decision by the Municipal Board, which upheld the Municipality of Rockwood's decision to reject Maple Leaf Construction's application to rezone a parcel of land within the municipality. This rejection meant Maple Leaf Construction could not proceed with its plans to build a quarry. In response, Maple Leaf Construction appealed the Municipal Board's decision to the Court of King's Bench, seeking an order to overturn that decision.

Ultimately, the Court ruled in favour of Maple Leaf Construction Ltd., quashing the Municipal Board's decision. This ruling provides several notable takeaways for municipalities and planning districts to keep in mind when deciding whether to appeal a Municipal Board decision to the Court of King's Bench for judicial review.

The Standard of Review

The Municipal Board, as an administrative decision-making body, is required not only to make reasonable decisions but also to show that its decisions are reasonable. A decision is deemed reasonable if it is transparent, intelligible and justified when read as a whole.

Therefore, the Municipal Board must explain how and why a decision is made. If this requirement is not met, there may be grounds to seek a judicial review of the decision. Parties are encouraged to consult with legal counsel at this stage.

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Issues Before the Board

If a decision made by the Municipal Board overlooks or fails to meaningfully account for one or more of the central issues and concerns raised by the parties, that decision may not be considered reasonable, which may be grounds to appeal.

Concerns from Community Members

When residents of a municipality raise concerns in zoning cases, those concerns must have a basis in evidence when brought before the Municipal Board. It is important to note that if the matter requires expert opinion, a layperson's view alone is insufficient.

In the case of *Maple Leaf Construction Ltd. v. Rockwood,* the Court emphasized this point, stating that it is an error in law for a decision-maker to prioritize the evidence of a layperson over that of an expert. Therefore, it is advisable that parties appearing before the Municipal Board, in favour or in opposition, consult with legal counsel on the evidence needed. If in making a decision, the Municipal Board favours the evidence of a layperson over that of an expert, that may serve as a basis to appeal the decision.

In light of its decision, the Court remanded this matter to the Municipal Board for further consideration. Even so, *Maple Leaf Construction Ltd. v. Rockwood* offers valuable takeaways for municipalities weighing the decision to appeal a Municipal Board ruling. Raising these questions with legal counsel at this stage can provide essential clarity and strategic direction.

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