

MUNICIPAL LAW

Western University Department of Political Science Local Government Program

Course Outline for Fall Term 2017

Instructor(s):

Ken Strong and Tara Oudekerk
Suite 1214, 130 Dufferin Avenue London, ON N6A 5R2
T (519) 672-3535 F (519) 672-3565
E-mail: strong@municipallawyers.ca and oudekerk@municipallawyers.ca

Office Hours: Before and After Class and By Appointment

Course Times: Friday 3 – 7 p.m., Saturdays 9 a.m. – 5 p.m.

Course Dates: September 29, 30, November 3, 4, and December 1, 2.

All classes will be held in room 4255 SSC (Social Science Centre)

Summary of Important Dates

Date	Event
29 September 2017	Class #1
30 September 2017	Class #2 Assignment #1 Distributed (10% Final Grade)
13 October 2017	Assignment #1 Due
3 November 2017	Class #3
4 November 2017	Class #4 Assignment #2 Distributed (30% Final Grade) Assignment #3 Distributed (40% Final Grade)
17 November 2017	Assignment #2 Due
1 December 2017	Class #5
2 December 2017	Class #6
8 December 2017	Assignment #3 Due

Course Objectives:

Legal considerations play an important role in many aspects of municipal government in the Province of Ontario. The focus of this course is on legal issues that tend to arise for municipal officers, administrators and employees in Ontario. This course is not designed to make you into a lawyer. It introduces legal concepts that arise often for administrators and gives you the tools you need to recognize legal problems and work through them with the municipal solicitor(s).

The educational aims of this course are:

<i>Course Outcomes</i>	<i>Description</i>
<i>Knowledge and Understanding</i>	Introductory level knowledge of legal principles that students are likely to encounter as municipal administrators
	Sufficient knowledge to allow students to form a mature understanding of the role of municipal law in local government.
<i>Intellectual Skills</i>	Increased ability to parse a problem into its constituent sub-problems.
	Enhanced ability to create defensible arguments on local government policy recommendations and decisions using core public law principles, and correspondingly to critique the arguments of others.
<i>Practical Skills</i>	Ability to read and digest legal material.
	Ability to discuss and write about legal issues, together with their practical and policy implications.
<i>Transferrable Skills</i>	Introduction to the IRAC model (Issue, Rule, Analysis and Conclusion) as a means to assist problem solving.
	Introduction to the principles of statutory interpretation.
	Ability to master, organize, and use novel and complex information.
	Ability to communicate orally and in writing.

Expectations for Class

Self-study of the course material is expected to be completed before class, and forms the core of the knowledge building experience. We cannot emphasize strongly enough that students need to complete the assigned readings prior to each class so they are prepared to contribute to class discussions and group work.

Understanding is enhanced through class lectures, discussions, exercises and group work. The course is designed to invite discussion and thought not only of municipal law principles but also their economic, social, and real world effects. Students are asked to differentiate between issues and tackle them one at a time. Class exercises and discussions are conducive to developing arguments and gaining support or opposition from their peers. Students are expected to develop the ability to discuss and write about the legislation, cases and secondary materials they are exposed to in this course.

The use of electronic aids such as laptops, cell phones and tablets will not be necessary for this course. We discourage any use of these devices during class time for anything other than reference to legislation, class materials and note taking.

Course Materials:

No text books are required for this course. The reading materials are posted on OWL. If you are unable to receive them in this manner, kindly let one of the instructors know and they can be emailed to you in WORD format. The core legislation we will be referencing is the *Municipal Act, 2001* and the *Planning Act*. These are available online at: <http://www.ontario.ca/laws>. We will also be referencing other legislation, policies and plans throughout the course and provide references in the materials posted on OWL to assist students with finding these resources when required.

Course Requirements and Evaluation

General Assessment

In general terms, the use and display of critical, analytical, and synthetic skills in class discussions, class exercises, class participation, and assignments are the hallmarks of successful students, and are rewarded accordingly in student evaluation.

The components of student evaluations are summarized in the following chart:

Component	Value	Due Date
Class Participation	20%	Throughout
Assignment 1	10%	October 13, 2017 at 5:00 p.m.
Assignment 2	30%	November 17, 2017 at 5:00 p.m.
Assignment 3	40%	December 8, 2017

All Assignments shall be double spaced, in sentences and paragraph format (no point form) and in at least 11 point font, submitted by email at or before the due date and time to oudekerk@municipallawyers.ca and strong@municipallawyers.ca.

Assignments submitted after the due date without prior approval from the instructors will be subject to a late penalty of 2% per day, weekends included. In general, the late penalty may be waived only due to medical or family emergencies.

No plagiarism or unoriginal work will be tolerated.

These components are more thoroughly described below.

Class Participation (20%)

Quality of student comments is more important than quantity. We will be looking for students to demonstrate their knowledge of the reading materials and lecture materials during class, as well as their ability to synthesize and critically discuss these materials. We encourage an interactive environment and provide opportunities for participation through class discussion, group work and informal question periods. We encourage a positive, inclusive, and supportive learning environment. We discourage negative comments and attitudes. We expect all students to participate in group and class discussions. We will be taking attendance and your attendance will have a significant impact on your participation mark.

Schedule of Topics and Readings

Date	Topic	Required Reading
29 September 2017	Introductions	Course Outline
29 September 2017	Introduction to Law <ul style="list-style-type: none"> • Structure of the Law • Overview of Areas of Law • Relationship between administrators, Councils, and solicitors 	Materials Pages 2-10
	Statutory Interpretation	
	Legal Problem Solving	
30 September 2017	Structure and Types of Powers of Municipal Governments <ul style="list-style-type: none"> • Constitutional Position of Municipalities and Implications • Municipalities as Bodies Corporate • Exercise of Powers • Municipal Organization, Delegation, and Roles 	Materials, Pages 11-26, 43-48, 68-73
	Municipal Powers <ul style="list-style-type: none"> • General Municipal Powers • Specific Municipal Powers 	Materials, Pages 27-42, 48-68
3 November 2017	Council Meetings <ul style="list-style-type: none"> • Meetings • Accountability and Transparency • Conflict of 	Materials, Pages 72-74, 127-129 A Guide to Municipal Accountability, Transparency, and Confidentiality in Ontario, April 2016 http://www.mah.gov.on.ca/AssetFactory.aspx?did=15023

	Interest	<p>AMO Comments on Bill 68: https://www.amo.on.ca/AMO-Content/Policy-Updates/2017/Bill68ModernizingOntariosMunicipalLegislationAct20</p> <p><i>Municipal Act, 2001</i>, Part V.1</p> <p><i>Conflict of Interest Act</i></p>
	<p>Law Making, Regulation, and Enforcement</p> <ul style="list-style-type: none"> • Manifestation of Municipal Decisions 	Materials, Pages 74-84
4 November 2017	<p>Law Making, Regulation, and Enforcement (continued)</p> <ul style="list-style-type: none"> • Challenging (or Defending Municipal Decisions) • Enforcing Municipal Decisions 	Materials, Pages 84-126
	<p>Rule of Law Principles</p> <ul style="list-style-type: none"> • Introduction to the Rule of Law • Rule of Law in the Context of Local Government 	Materials, Pages 11 and 12
	<p>Introduction to Land Use Planning</p> <ul style="list-style-type: none"> • History of planning • Purpose of planning • Planning tools 	<p>The Municipal Councillor's Guide 2014, pages 77-106</p> <p>http://www.mah.gov.on.ca/AssetFactory.aspx?did=4965</p> <p>Ontario's Proposed Changes to the Land Use Planning Appeal System: https://news.ontario.ca/mma/en/2017/05/ontarios-proposed-changes-to-the-land-use-planning-appeal-system.html</p>
1 December 2017	<p>Land Use Planning</p> <ul style="list-style-type: none"> • Heritage • Applications and Appeals • Case Study 	

2 December 2017	Economic Development <ul style="list-style-type: none"> • Tools • Obstructions • Community Improvement Plans 	Materials, Pages 64-65 Community Improvement Planning Handbook 2008 http://www.mah.gov.on.ca/Page1297.aspx
	Special Topics in Municipal Law	
	Current Events	