

**Western University**  
**Department of Political Science**  
**Municipal Law**  
**PA 9911a Fall 2019**

**Instructor:** David Taylor- 519-352-8401 ext. 3808; [davet@chatham-kent.ca](mailto:davet@chatham-kent.ca)

**Office Hours:** After class and by appointment

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

**Course Dates:** Sept. 27, 28, Nov. 1, 2, 29, 30, 2019

**Room:** 4255 SSC (Social Science Centre)

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### **Course Objectives**

This course provides an overview of legal issues and legislation applicable to local governments in Ontario. The intention is not to train students to be lawyers, but rather to look at broad legal concepts and principles that will regularly appear in the day-to-day administration of local governments. Recognizing that all public administrators will likely deal with legal issues, require legal advice or otherwise interact with legal counsel during their career, this course will focus on practical knowledge and skills in the legal field. The course should assist students in better understanding legal analysis and provide some insight into the role that legal matters play within local government.

### **Course Organization**

The course will consist of a combination of lectures, course discussions, student presentations and the submission of written papers.

### **Readings and Materials**

All reading materials will be posted on OWL. Students are expected to read these materials in advance of the class in which the respective subjects will be covered. There will also be references to various pieces of legislation which can be found at <https://www.canlii.org/en/> by typing the name of the legislation into the search engine. The first class will include a demonstration of using CanLii.

## Requirements

1. **Class Participation (25%):** You must attend all classes, keep up with the readings and participate during discussions. If you are unable to attend a class, you should advise the instructor in advance.
2. **Class Presentation and short written summary (10%):** Students will select a portion of a piece of legislation applicable to local government from a sign-up list on the first day of class. Students will prepare a short written submission (approximately 500 words) and make a short presentation (2 minutes maximum), summarizing the legislation. The presentations will occur in the second weekend of class and the written submissions are due in a hard copy at the beginning of the class on Friday Nov. 1, 2019.
3. **Legal Issue Identification (20%):** Students will review a report to council and write a paper (approximately 1000 words) identifying the legal issues raised in the report and providing recommendations to the Chief Administration Officer as to areas where detailed legal advice should be sought from the Municipality's legal counsel. The assignment is due Friday November 22, 2019 and must be submitted as a word document through OWL.
4. **Final Written Assignment (45%):** The final written assignment will take the form of a Report to Council summarizing a legal issue covered in this course. Students are expected to use sources beyond those provided as readings for the course and produce a detailed summary of the legal issue. Students must submit their proposed subject to the instructor by in a hard copy by the beginning of the Nov 1, 2019 class. The final assignment will be approximately 1500 words in length, is due by December 13, 2019, and must be submitted as a word document through OWL.

More detailed instructions on the assignments in this course will be provided on OWL.

**Note on academic offences and plagiarism:** Scholastic offences are taken seriously, and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, at: [http://www.uwo.ca/univsec/pdf/academic\\_policies/appeals/scholastic\\_discipline\\_grad.pdf](http://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_grad.pdf)

**Note for students with disabilities:** Please contact poliscie@uwo.ca if you require any information in plain text format, or if any other accommodation can make the course material and/or physical space accessible to you.

## Class Schedule and Readings

<b>Weekend 1</b>	<b>Subject</b>	<b>Readings</b>
<b>Friday Sept. 27</b>	Introduction and Background to Law	<p>Read:</p> <p><a href="https://www.justice.gc.ca/eng/csj-sjc/just/03.html">https://www.justice.gc.ca/eng/csj-sjc/just/03.html</a></p> <p><a href="https://www.ontario.ca/page/duty-consult-aboriginal-peoples-ontario">https://www.ontario.ca/page/duty-consult-aboriginal-peoples-ontario</a></p> <p><a href="https://nelliganlaw.ca/e/pdf/Procedural_Fairness_in_Ontario.pdf">https://nelliganlaw.ca/e/pdf/Procedural Fairness in Ontario.pdf</a></p> <p>Readings on the introduction and background to law are available on OWL.</p>
<b>Saturday Sept. 28</b>	<p>Municipal Powers- General and Specific</p> <p>Developing, enforcing and challenging Municipal By-laws</p> <p>Planning Law</p>	<p>Read:</p> <p>Sections 7 and 8 of the Ontario Municipal Councillor's Guide, found at: <a href="https://www.ontario.ca/document/ontario-municipal-councillors-guide-2018/7-councillors-lawmakers">https://www.ontario.ca/document/ontario-municipal-councillors-guide-2018/7-councillors-lawmakers</a></p> <p>Readings on general municipal powers are available on OWL.</p> <p>Readings on bylaws are available on OWL.</p> <p>Read:</p> <p><a href="https://www.ontario.ca/document/citizens-guide-land-use-planning">https://www.ontario.ca/document/citizens-guide-land-use-planning</a></p> <p>Readings on planning law are available on OWL.</p>
<b>Friday Nov. 1</b>	Council Legal Matters	<p>Readings on council legal matters are available on OWL.</p> <p>Review:</p> <p>Sections 1 to 5.2 of the <i>Municipal Conflict of Interest Act</i> (found at: <a href="https://www.canlii.org/en/on/laws/stat/rso-1990-c-m50/latest/rso-1990-c-m50.html?resultIndex=1">https://www.canlii.org/en/on/laws/stat/rso-1990-c-m50/latest/rso-1990-c-m50.html?resultIndex=1</a>)</p> <p>Sections to 223.1 to 223.24 and sections 238 to 239.2 of the <i>Municipal Act, 2001</i> (found at:</p>

		<p><a href="https://www.canlii.org/en/on/laws/stat/so-2001-c-25/latest/so-2001-c-25.html?resultIndex=1#sec223.1">https://www.canlii.org/en/on/laws/stat/so-2001-c-25/latest/so-2001-c-25.html?resultIndex=1#sec223.1</a>)</p> <p>Review the City of London Council Procedure By-law found at: <a href="https://www.london.ca/city-hall/by-laws/Documents/councilproA45.pdf">https://www.london.ca/city-hall/by-laws/Documents/councilproA45.pdf</a></p>
<b>Saturday Nov. 2</b>	<p>Contract Law</p> <p>Real Estate and Expropriations</p> <p>Municipal Procurement (Purchasing)</p>	<p>Review the Template Purchase of Services Contract uploaded to OWL.</p> <p>Read pages 4-11 of: <a href="http://ojen.ca/wp-content/uploads/In-Brief_Contract-Law_Revised.pdf">http://ojen.ca/wp-content/uploads/In-Brief_Contract-Law_Revised.pdf</a></p> <p>Review the City of London Sale and Other Disposition of Land Policy at: <a href="https://www.london.ca/city-hall/by-laws/Documents/scheduleA.pdf">https://www.london.ca/city-hall/by-laws/Documents/scheduleA.pdf</a></p> <p>Read: <a href="https://blg.com/en/News-And-Publications/Documents/Publication_4009_1033.pdf">https://blg.com/en/News-And-Publications/Documents/Publication_4009_1033.pdf</a></p> <p>Readings on municipal procurement matters are available on OWL.</p> <p>Review the City of London Procurement of Goods and Services Policy: <a href="https://www.london.ca/city-hall/by-laws/Documents/scheduleC.pdf">https://www.london.ca/city-hall/by-laws/Documents/scheduleC.pdf</a></p>
<b>Friday Nov. 29</b>	<p>Labour and Employment Law</p> <p>Health and Safety Law</p>	<p>Readings on labour and employment matters are available on OWL.</p> <p>Read: “The Internal Responsibility System”, “Administration”, “Duties of Employers and Other Persons” and “Workplace Violence and Workplace Harassment” of the Guide to the Occupational Health and Safety Act at: <a href="https://www.ontario.ca/document/guide-occupational-health-and-safety-act">https://www.ontario.ca/document/guide-occupational-health-and-safety-act</a></p>
<b>Saturday Nov. 30</b>	<p>Freedom of Information and Privacy Law</p> <p>I.T. Law</p>	<p>Read: <a href="https://www.ontario.ca/document/freedom-information-and-protection-privacy-manual">https://www.ontario.ca/document/freedom-information-and-protection-privacy-manual</a> paying particular attention to chapters 4 and 7- “Access Fundamentals” and “Privacy Fundamentals”</p> <p>No readings are required for I.T. Law.</p>

	Municipal Liability	<p>Readings on municipal liability are available on OWL.</p> <p>Students should also review:</p> <p>Sections 44, 45, 448, 449 and 450 of the <i>Municipal Act, 2001</i> found at: <a href="https://www.canlii.org/en/on/laws/stat/so-2001-c-25/latest/so-2001-c-25.html?resultIndex=1">https://www.canlii.org/en/on/laws/stat/so-2001-c-25/latest/so-2001-c-25.html?resultIndex=1</a></p> <p>and</p> <p>Ontario Regulation 239/02- Minimum Maintenance Standards for Municipal Highways, found at: <a href="https://www.canlii.org/en/on/laws/regu/o-reg-239-02/latest/o-reg-239-02.html">https://www.canlii.org/en/on/laws/regu/o-reg-239-02/latest/o-reg-239-02.html</a></p>
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