

**Western University**  
**Department of Political Science**  
**Municipal Law**  
**PA 9911b Winter 2021**

**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 5 – 7 p.m., Saturdays 10 a.m. – 2 p.m.

**Course Dates:** January 29, 30, February 26, 27, March 19, 20

**Virtual Course:** Details to be provided on OWL

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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 like 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 asynchronous and synchronous sessions, including pre-recorded lectures, synchronous lectures, group work, course discussions, student presentations and the submission of written papers.

**Readings and Materials**

All reading materials and pre-recorded lectures will be posted on OWL. Students are expected to read and watch 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. Be careful to review the correct piece of legislation from the correct province (some laws have similar names across time, or jurisdiction). 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 must advise the instructor in advance.
2. **Class Presentation and short written summary (10%):** Students will be assigned a piece of legislation applicable to local government. 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 must be submitted as a word document through OWL before the beginning of the class on Friday of the second weekend.
3. **Legal Issue Identification (20%):** Students will review a report to council provided by the instructor 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 before the beginning of the class on Friday of the third weekend 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 at least two legal issues covered in this course, and making connection between those issues. Students are expected to use sources beyond those provided as readings for the course and produce a detailed summary of the legal issue. The topics and connections that each student proposes to write about is due before the beginning of the class on Friday of the third weekend and must be submitted as a word document through OWL. The final assignment will be approximately 1500 words in length, is due 14 days after the final day of the course, and must be submitted as a word document through OWL.

More detailed instructions on the assignments in this course will be provided on OWL and through discussions on a synchronous session on Zoom.

**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](mailto: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, Readings and Asynchronous Lectures**

Asynchronous lectures on each Subject below will be posted on OWL for students to watch in advance of the class in which each Subject will be discussed. Synchronous sessions will quickly review the Subject again, but at a much higher level.

Students are expected to have completed the following Readings in advance of the class in which each Subject will be discussed.

<b>Weekend 1</b>	<b>Subject</b>	<b>Readings</b>
<b>Friday</b>	Background to Law  Administrative Law and Procedural Fairness	<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>  <a href="https://nelliganlaw.ca/e/pdf/Procedural_Fairness_in_Ontario.pdf">https://nelliganlaw.ca/e/pdf/Procedural_Fairness_in_Ontario.pdf</a>  Readings on the background to law are available on OWL.
	Duty to Consult	<a href="https://www.ontario.ca/page/duty-consult-aboriginal-peoples-ontario">https://www.ontario.ca/page/duty-consult-aboriginal-peoples-ontario</a>
<b>Saturday</b>	Municipal Powers- General and Specific	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>  Readings on general municipal powers are available on OWL.
	Developing, enforcing and challenging Municipal By-laws	Readings on bylaws are available on OWL.
	Planning Law	<a href="https://www.ontario.ca/document/citizens-guide-land-use-planning">https://www.ontario.ca/document/citizens-guide-land-use-planning</a>

		Readings on planning law are available on OWL.
<b>Weekend 2</b>		
<b>Friday</b>	Legislative Review	*Class Presentations
	Contract Law	Review the Template Purchase of Services Contract uploaded to OWL.  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>
<b>Saturday</b>	Council Legal Matters	Readings on council legal matters are available on OWL.  Review:  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> )  Sections to 223.1 to 223.24 and sections 238 to 239.2 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#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> )  Review the City of London Council Procedure By-law found at: <a href="https://london.ca/by-laws/council-procedure-law-50">https://london.ca/by-laws/council-procedure-law-50</a>
	Freedom of Information and Privacy Law	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”
	Municipal Liability	Readings on municipal liability are available on OWL.  Students should also review:  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>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>
<b>Weekend 3</b>		
<b>Friday</b>	Labour and Employment Law	<p>Readings on labour and employment matters are available on OWL.</p>
	Health and Safety Law	<p>“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</b>	Real Estate and Expropriations	<p>Review the City of London Sale and Other Disposition of Land Policy at: <a href="https://london.ca/council-policies/sale-other-disposition-land-policy">https://london.ca/council-policies/sale-other-disposition-land-policy</a></p> <p>Read: <a href="https://www.omh.ca/articles/expropriation-understanding-the-process-and-your-rights-as-a-property-owner.html">https://www.omh.ca/articles/expropriation-understanding-the-process-and-your-rights-as-a-property-owner.html</a></p>
	Municipal Procurement (Purchasing)	<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://london.ca/council-policies/procurement-goods-services-policy">https://london.ca/council-policies/procurement-goods-services-policy</a></p>