

Western University
Department of Political Science
Municipal Law
PA 9911b Winter 2022

Instructor: David Taylor- 519-352-8401 ext. 3808; davet@chatham-kent.ca

Office Hours: After class and by appointment

Course Times: Friday 3 – 7 p.m., Saturdays 9 a.m. – 4 p.m.

Course Dates: January 7, 8, 28 and 29, March 4 and 5

Format: In class learning with additional activities through OWL

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 resolve legal issues, 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, readings, group work, 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. 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 (30%):** You must attend all classes, keep up with the readings and participate during discussions and group work. If you are unable to attend a class, you must advise the instructor in advance. Each student will be assigned specific readings for which they are a “discussants”. While all students are expected to take part in all discussions, when a student is assigned as a discussant, they are required to provide contributions to the class discussion on that subject, and will be called upon by the instructor and asked: What interested you about the readings? How do the subjects covered in those readings apply to local governments? And, Was there anything in the readings that was not clear to you?
2. **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 **FEBRUARY 6, 2022** and must be submitted as a word document through OWL.
3. **Final Written Assignment (50%):** The final written assignment is an opportunity for each student to research and write about subjects that are particularly interesting to them in the field of law. The 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 do independent research in order to use sources beyond those provided as readings for the course, and produce a detailed summary of the legal issue.
 - a. A one paragraph submission that describes the two topics, and connections between those topics, that each student proposes to write about is due before the beginning of the class on **MARCH 4, 2022** and must be submitted as a word document through OWL.
 - b. The final assignment will be 1500-2000 words in length, is due **MARCH 27, 2022 by 11:59 p.m.** 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 in class.

Statement on Academic Offences

Scholastic offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, at the following Web site: http://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_grad.pdf

All required papers may be subject to submission for textual similarity review to the commercial plagiarism-detection software under license to the University for the detection of plagiarism. All papers submitted for such checking will be included as source documents in the reference database for the purpose of detecting plagiarism of papers subsequently submitted to the system. Use of the service is subject to the licensing agreement, currently between The University of Western Ontario and Turnitin.com (<http://www.turnitin.com>).

Health/Wellness Services

Students who are in emotional/mental distress should refer to Mental Health@Western <http://www.uwo.ca/uwocom/mentalhealth/> for a complete list of options about how to obtain help.

Accessible Education Western (AEW)

Western is committed to achieving barrier-free accessibility for all its members, including graduate students. As part of this commitment, Western provides a variety of services devoted to promoting, advocating, and accommodating persons with disabilities in their respective graduate program.

Graduate students with disabilities (for example, chronic illnesses, mental health conditions, mobility impairments) are strongly encouraged to register with Accessible Education Western (AEW), a confidential service designed to support graduate and undergraduate students through their academic program. With the appropriate documentation, the student will work with both AEW and their graduate programs (normally their Graduate Chair and/or Course instructor) to ensure that appropriate academic accommodations to program requirements are arranged. These accommodations include individual counselling, alternative formatted literature, accessible campus transportation, learning strategy instruction, writing exams and assistive technology instruction.

Enrollment Restrictions: Enrollment in this course is restricted to graduate students in the Local Government Program's Master of Public Administration stream, as well as any student that has obtained special permission to enroll in this course from the course instructor as well as the Graduate Chair (or equivalent) from the student's home program.

Class Schedule, Readings and Lectures

Students are expected to have completed the following Readings (either in the hyperlinks provided, or posted to OWL where referenced) in advance of the class in which each Subject will be discussed.

Weekend 1	Subject	Readings
Friday	Background to Law Administrative Law and Procedural Fairness	https://www.justice.gc.ca/eng/csj-sjc/just/03.html https://nelliganlaw.ca/e/pdf/Procedural_Fairness_in_Ontario.pdf Readings on the background to law are available on OWL.
Saturday	Municipal Powers- General and Specific	Sections 7 and 8 of the Ontario Municipal Councillor's Guide, found at: https://www.ontario.ca/document/ontario-municipal-councillors-guide-2018/7-councillors-lawmakers Readings on general municipal powers are available on OWL.
	Council Legal Matters	Review: Sections 1 to 5.2 of the <i>Municipal Conflict of Interest Act</i> (found at: https://www.canlii.org/en/on/laws/stat/rso-1990-c-m50/latest/rso-1990-c-m50.html?resultIndex=1) Sections to 223.1 to 223.24 and sections 238 to 239.2 of the <i>Municipal Act, 2001</i> (found at: https://www.canlii.org/en/on/laws/stat/so-2001-c-25/latest/so-2001-c-25.html?resultIndex=1#sec223.1) Review the City of London Council Procedure By-law found at: https://london.ca/by-laws/council-procedure-law-50
	Developing, enforcing and challenging Municipal By-laws	Readings on bylaws are available on OWL.

Weekend 2		
Friday	Contract Law	Review the Template Purchase of Services Contract uploaded to OWL. Read pages 4-11 of: http://ojen.ca/wp-content/uploads/In-Brief_Contract-Law_Revised.pdf
	Municipal Procurement (Purchasing)	Readings on municipal procurement matters are available on OWL. Review the City of London Procurement of Goods and Services Policy: https://london.ca/council-policies/procurement-goods-services-policy
Saturday	Planning Law	https://www.ontario.ca/document/citizens-guide-land-use-planning Readings on planning law are available on OWL.
	Real Estate and Expropriations	Review the City of London Sale and Other Disposition of Land Policy at: https://london.ca/council-policies/sale-other-disposition-land-policy Read: https://www.omh.ca/articles/expropriation-understanding-the-process-and-your-rights-as-a-property-owner.html
	Duty to Consult	https://www.ontario.ca/page/duty-consult-aboriginal-peoples-ontario
Weekend 3		
Friday	Labour and Employment Law	Readings on labour and employment matters are available on OWL.

	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: https://www.ontario.ca/document/guide-occupational-health-and-safety-act</p>
Saturday	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: https://www.canlii.org/en/on/laws/stat/so-2001-c-25/latest/so-2001-c-25.html?resultIndex=1</p> <p>and</p> <p>Ontario Regulation 239/02- Minimum Maintenance Standards for Municipal Highways, found at: https://www.canlii.org/en/on/laws/regu/o-reg-239-02/latest/o-reg-239-02.html</p>
	Freedom of Information and Privacy Law	<p>Read:</p> <p>https://www.ontario.ca/document/freedom-information-and-protection-privacy-manual paying particular attention to chapters 4 and 7- “Access Fundamentals” and “Privacy Fundamentals”</p>