



SCHOOL OF URBAN AND
REGIONAL PLANNING

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COURSE OUTLINE

COURSE	SURP 815 Legal and Governmental Processes
SEMESTER	Winter 2019
INSTRUCTORS	Dr. John Meligrana
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OVERVIEW OF THE COURSE

This core course will examine the legal, governmental and administrative contexts within which urban and regional planning processes function. It will strive to provide a comprehensive overview of pertinent legal concepts, and to use this as a platform on which we will discuss relevant issues that planners encounter in practice. Particular attention will be paid to contemporary planning challenges arising from these issues. The Canadian context, particularly the situation here in Ontario, will be emphasized. Written assignments and class discussions will enable students to focus on topics of particular interest.

FORMAT OF THE COURSE

The three-hour weekly sessions will generally each consist of two components: a lecture approximately 90 minutes in duration followed by a similar period of time during which students will engage in group discussions and debates.

REQUIRED READINGS

- *Canadian Charter of Rights and Freedoms*. Available at: <http://laws.justice.gc.ca/en/charter/>
- *Planning Act*, R.S.O. 1990, Chapter P.13. Available at: http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90p13_e.htm
- *Municipal Act*, S.O. 2001, Chapter 25. Available at: http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_01m25_e.htm
- Assigned weekly readings as indicated in the table below (readings available through either the Instructor or Queen's Library)

IMPORTANT NOTES ON READINGS

Students are expected to have completed the assigned readings prior to each lecture, and to come prepared to contribute to the discussion.

OFFICE HOURS

Open door policy

TENTATIVE SCHEDULE OF LECTURE TOPICS (subject to change – additional readings may be added during semester) – Any changes will be made to the ONq schedule and NOT this syllabus.

Date	Topic(s)	<i>Required Laws and/or Policies</i>	<i>Reading(s)</i> <i>Required Articles/Reports</i>
Jan. 7	Introduction to the Course; Planning and the Law	<i>Canadian Charter of Rights and Freedoms</i> <i>City of Winnipeg Panhandling By-Law</i>	Nicholas Blomley (2012) 2011 “Plenary Lecture—Colored Rabbits, Dangerous Trees, and Public Sitting: Sidewalks, Police, and the City” <i>Urban Geography</i> October 2012, Volume33(Issue7) pp. 917-935 Raewyn Brewer (2005), <i>Deconstructing the Panhandling Norms: Federated Anti-Poverty Groups of B.C. V. Vancouver (City) and Western Print Media</i> , 2005 10 Appeal: Review of Current Law and Law Reform 25, 2005 CanLIIDocs 96, < http://www.canlii.org/t/2bz8 >
Jan. 14	Introduction to Legal Issues in Planning; <i>Constitution Act</i> ; <i>Canadian Charter of Rights and Freedoms</i>	<i>Canadian Charter of Rights and Freedoms</i> . Available at: http://laws.justice.gc.ca/en/charter/	None
Jan. 23** Wednesday at 11:30am	Guest Speaker Professor Bruce Pardy Judicial Review of Municipal Authority	None	B. Pardy (2015) <i>Ecolawgic: The Logic of Ecosystems and the Rule of Law</i> , (Fifth Forum Press) available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2663505 Chapter 4: “The Exercise of Municipal Authority and Judicial Review” in Makuch, Stanley M., Neil Craik and Signe B. Leisk. 2004. <i>Canadian Municipal and Planning Law, Second Edition</i> . Toronto: Thomson Carswell.
Jan. 28	Subdivision Control; Development Control; and Land Severance	<i>Planning Act</i> s. 50	None
Feb. 4	Land Use Regulation and Control	<i>Planning Act</i> s. 34	Ed Morgan (2012) “The sword in the zone: Fantasies of land-use planning law” <i>University of Toronto Law Journal</i> , Volume 62, Number 2, Spring 2012, pp. 163-199
Feb. 11	Statutory Plans	<i>Provincial Policy Statement</i> ; <i>Planning Act Part III (Official Plans)</i>	<i>Land Use Planning in Ontario</i> (January 2011) Environmental Commissioner of Ontario

Date	Topic(s)		Reading(s)
Feb. 25	Organization and Operation of Municipal Governments	<i>Municipal Act, Part VI</i> (Practices and Procedures)	Slack E. (2004) <i>Models of Government Structure at the Local Level</i> . IIGR Working Paper Queen's University
Mar. 4	Public Participation in Municipal Government	<i>Municipal Elections Act</i> , S. 4 to 8 (inclusive)	Robert Shipley and Stephen Utz (2012) "Making it Count: A Review of the Value and Techniques for Public Consultation" <i>Journal of Planning Literature</i> 27(1) 22-42
Mar.11	History and Evolution of Local Government		Meligrana, John (2000) "Toward a process model of local government restructuring: Evidence from Canada" <i>Canadian Journal of Regional Science</i> Vol XXIII (3), pages 509-530.
Mar. 18	Municipal Government Reform and Reorganization	<i>Municipal Act, Part V</i> (Municipal Reorganization)	Slack E. (2004) <i>Models of Government Structure at the Local Level</i> . IIGR Working Paper Queen's University
Mar. 25	Municipal Liability and Other Issues	<i>Municipal Act Part XV</i> (Municipal Liability); <i>Municipal Act</i> S. 45 and 82	Horst, Roger (2006) <i>Municipal Liability: The Tort of Nuisance: Floods, Fires, Spills, Sewer Backups and Bad Vibrations</i> This paper was presented as part of the "Emerging Issues in Municipal Law" seminar, June 23, 2006.
April 1	Course Review and Wrap-Up	-----	
TBA	Final Examination	Format and Content to be discussed.	

GRADING

Assignment #1: Legal Case Review = 25% of final grade, DUE TBA

Assignment #2: Policy and Legal Case Analysis = 30% of final grade, DUE TBA

Participation: Students will be assessed as to their level and quality of participation primarily during the student group discussions. The emphasis will be on the quality of the students' contribution, which include thoughtful and critical appraisal of the material presented based on careful attention to the required readings. If you do not attend class then you will not be able to participate. 10% of final grade.

Final Examination: Students will be given two and half hours to complete a final examination. 35% of final grade

POLICIES AND EXPECTATIONS

TECHNOLOGIES IN THE CLASSROOM

As a requirement for the MPL degree, this course is fully enrolled, and the classroom is at full capacity. Thus, laptops are permitted in class for the sole purpose of access the relevant legislation. Use of laptops during a guest speaker presentation is not allowed. Additionally, you are expected to turn off and stow away cell phones while class is in session.

POLICIES ON ASSIGNMENT SUBMISSIONS, DEADLINES, AND EXTENSIONS

Late submissions will be penalized 3% per day off the assignment mark for up to one week past the due date, after which time late submissions will not be accepted unless an extension has been granted. If you require an extension, you must contact the relevant instructor for that module at least 24 hours in advance of the assignment deadline. The decision to grant an extension is at the module instructor's discretion and cannot be guaranteed. Student must follow and abide by the School of Graduate Studies's Policy on Short Term Accommodation as noted here <https://www.queensu.ca/sgs/accommodation-and-academic-consideration..>

ACADEMIC INTEGRITY

Students are responsible for familiarizing themselves with the Queen's University Senate *Policy on Academic Integrity* found at www.queensu.ca/secretariat/senate/policies/AcadInteg.html, for ensuring that their assignments conform to the principles of academic integrity. Departures from academic integrity include plagiarism, use of unauthorized materials, facilitation, forgery and falsification, and are antithetical to the development of an academic community at Queen's. Given the seriousness of these matters, actions which contravene the regulation on academic integrity carry sanctions that can range from a warning or the loss of grades on an assignment to the failure of a course to a requirement to withdraw from the university.

ACCOMMODATION: ACCESS and DISABILITY

Students requiring disability accommodation must provide the course director with official documentation from the Health, Counselling and Disability Services at Queen's ideally at the start of the semester so that accommodation arrangements can be made in an effective, sensitive, and timely manner. For more information on your rights and responsibilities regarding accommodation when proper documentation is obtained, please refer to: <http://www.queensu.ca/hcds/ds/accommodations.html>.

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