Course Outline
SURP 815
Legal and Governmental Processes

Semester: Winter 2015
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
- 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
**Disability Accommodation**

Students requiring disability accommodation must provide the course supervisor with official documentation from the Health, Counseling and Disability Services at Queens 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](http://www.queensu.ca/hcds/ds/accommodations.html).

**Tentative Schedule of Lecture Topics** (subject to change – additional readings, may be added during semester)

<table>
<thead>
<tr>
<th>Date</th>
<th>Topic(s)</th>
<th>Required Laws and/or Policies</th>
<th>Reading(s)</th>
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</thead>
<tbody>
<tr>
<td>Jan. 26</td>
<td>Subdivision Control; Development Control; and Land Severance</td>
<td><em>Planning Act s. 50</em></td>
<td>None</td>
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<tr>
<td>Date</td>
<td>Topic(s)</td>
<td>Reading(s)</td>
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<tr>
<td>Mar. 23</td>
<td>Municipal Liability and Other Issues</td>
<td>Horst, Roger (2006) Municipal Liability: The Tort of Nuisance: Floods, Fires, Spills, Sewer Backups and Bad Vibrations This paper was presented as part of the &quot;Emerging Issues in Municipal Law&quot; seminar, June 23, 2006.</td>
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<tr>
<td>Mar. 30</td>
<td>Course Review and Wrap-Up</td>
<td></td>
<td></td>
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<tr>
<td>TBA</td>
<td>Final Examination</td>
<td>Format and Content to be discussed.</td>
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**Assignments**

Legal Case Review Dates to be assigned 45%

Final exam TBA 40%

Informed, constructive participation All sessions 15%

**Legal Case Review**

Students are to critically review a recent decision made within the provincial or federal court system and published in the Municipal Planning Law Reports (MPLR), Administrative Law Reports (Ad Law R) or the Canadian Environmental Law Reports (CELR). The case law reports are found in the reference section of the Lederman Law Library at Queen’s University – refer to the following URLs

MPLR: [https://qcat.library.queensu.ca/vwebv/holdingsInfo?bibId=1615875](https://qcat.library.queensu.ca/vwebv/holdingsInfo?bibId=1615875)

Ad Law R: [https://qcat.library.queensu.ca/vwebv/holdingsInfo?bibId=3452228](https://qcat.library.queensu.ca/vwebv/holdingsInfo?bibId=3452228)

CELR: [https://qcat.library.queensu.ca/vwebv/holdingsInfo?bibId=1777656](https://qcat.library.queensu.ca/vwebv/holdingsInfo?bibId=1777656)

Students will receive instruction on how to search for legal cases during class.

The legal case must be selected based on the following criteria:

- Case must be of interest to professional planners. Students are to use their own discretion as to what defines a case of interest to planners.
- Case must be approved by the instructor no later than February 9.
- Students are to bring a hard copy of their selected case to class on February 23.
- Students are not allowed to review a decision made by an administrative tribunal (e.g., Ontario Municipal Board. Alberta’s Municipal Government Board)
- The case should be a substantive case preferably dealing with constitutional law (e.g., Charter) questions and/or land use planning legislation or a municipal (local government) act.
Research

- Students can undertake additional research regarding the case, but students are not allowed to contact any person or persons directly or indirectly involved with the selected case.
- Students should review other cases cited within the decision of the selected case.
- Students should find other reports or publications on the topic of their selected case.
- Students are required to find 3 or 4 peer reviewed academic journal articles, as published in established planning journals, which are related to the selected case. Students must use the journal articles to provide insights into their analysis of the selected case.

Group Discussion

- Students will be given time during class to discuss their case with a small group of students. (This will count toward the course participation grade as noted below)

Write-up

The following is a suggested format of the legal case review:

1. Descriptive overview/summary of the case (i.e. facts, main actors, arguments, legal issues).
2. Selected critical analysis.
3. Links to other cases and scholarly articles, book and/or reports.
4. Lessons for planners and influence of this case on planning practice.
5. Maximum of 4,000 words (or about ten pages @ 1.5 line spacing, 11 font Arial, 1 inch margins)

Due: March 16, 2015 at 8:30am in class. Hardcopy submissions only E-mail submissions will not be accepted. SURP late penalty will be strictly enforced. Students are required to attach a photocopy of the case reports to their case review report.

FINAL EXAMINATION

A two or three-hour written examination will be held during the examination period of the Winter 2015 semester. Exam questions are based on the course material (lectures and readings). Further details regarding the exam will be discussed during the course review class (see above table). The final exam is worth a total of 40% of the final grade.

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 student’s 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.
- Participation is worth a total of 15% of the final course grade.