

COURSE OUTLINE		
TERM: Fall 2021	COURSE NO: PADM 203	
INSTRUCTOR:	COURSE TITLE: Municipal Law in BC	
OFFICE: LOCAL: E-MAIL: @capilanou.ca	SECTION NO(S):	CREDITS: 3.0
OFFICE HOURS:		
COURSE WEBSITE:		

Capilano University acknowledges with respect the Lil'wat, Musqueam, Squamish, Sechelt, and Tsleil-Waututh people on whose territories our campuses are located.

COURSE FORMAT

Six days delivered over a 15-week semester for a total of 60 hours, which includes 15 hours of on-line (eLearn) and other activities. This course may also be offered in online, mixed-mode and/or in a condensed format.

COURSE PREREQUISITES/CO-REQUISITES

None

CALENDAR DESCRIPTION

This course focuses on legal principles pertaining to municipal government and regional governments, with particular emphasis placed on its status, functions, and legal powers and constraints. It will also introduce the principles of administrative law, how legislation is created, and the powers and duties of administrative agencies. Topics covered will include municipal liability, municipal planning law, municipal council and staff legal issues, legislative drafting, basic principles of administrative and constitutional law, and principles of administrative law.

COURSE NOTE

This course is taught over three weekends.

REQUIRED TEXTS AND/OR RESOURCES

Vaughan, M. and Zwarn, L (2016), Municipal Law in British Columbia. Capilano University, Vancouver.

Provincial Statutes – students will only require portions of the following statutes

Community Charter, S.B.C. 2003, c. 26

Local Government Act, R.S.B.C. 2015, c. 1

Interpretation Act, R.S.B.C. 1996, c. 238

(Get them from www.bclaws.ca)

Note: Additional readings and resources will be provided by the course instructor on the eLearn site or in class. Course material, announcements, and communications before and after in-person classes will be on the course eLearn website.

COURSE STUDENT LEARNING OUTCOMES

On successful completion of this course, students will be able to do the following:

1. Discuss the merits of the Canadian legal system and its structure.
2. Explain the ways in which the Community Charter and Local Government Act impact local governments.
3. Use case law reports and statutes as means of determining the applicable law.
4. Draft bylaws and other legal documents which are legislatively sound and fulfill municipal objectives.
5. Explain the context in which subordinate legislation functions and the ways in which it may be challenged.
6. Describe basic legal powers, duties and constraints placed upon local governments.
7. Identify and describe the different areas of law such as contracts, torts, and planning as they impact local governments.
8. Summarize Outline the principles of administrative law, in particular about the principles of natural justice vis-à-vis municipal decisions and the remedies available to the parties.
9. Demonstrate a collaborative approach to problem solving and analysis in classroom activities.
10. Review and explain the role of the courts in applying and interpreting the law.

COURSE CONTENT

Topics listed below cover the main areas of study. See course syllabus and Moodle for schedule updates.

Day	Topic	Readings/Activities
1	Introduction to the Law A. History of the law B. Difference between common law and civil law C. Explanation of legal principles and terms	Vaughan and Zwarn, Ch. 1
1	Legal Research and Writing A. Sources of Law B. Statutory process C. Reading a case	Vaughan and Zwarn, Ch. 2
1	Constitution A. History, evolution, and principles B. Components of the constitution C. Division of Powers D. Charter of Rights and Freedoms	Vaughan and Zwarn, Ch. 3
2	Municipal Organizations and Authority A. Provincial statutes B. Creation, types, and characteristics of local governments	Vaughan and Zwarn, Ch. 4

	<ul style="list-style-type: none"> C. Governance and powers D. Delegation of authority E. Legal pitfalls – inside influence, gifts, insider information, contract disclosure, confidentiality F. Penalties 	
2	<ul style="list-style-type: none"> Legislative process and bylaws A. Process to adopt bylaws B. Restrictions for bylaws C. Structure of a bylaw D. Drafting of bylaws E. Statutory interpretation of bylaws F. Challenges to bylaws 	Vaughan and Zwarn, Ch. 5
3	<ul style="list-style-type: none"> Regulatory Powers A. Types of regulatory powers B. Business licensing C. Bylaw enforcement in general D. Bylaw enforcement tools 	Vaughan and Zwarn, Ch. 6
3	<ul style="list-style-type: none"> Contracts A. Formation B. Contents of contracts C. Contesting contracts and remedies D. Local government concern 	Vaughan and Zwarn, Ch. 7
4	<ul style="list-style-type: none"> Torts A. Intentional B. Negligence C. Nuisance D. Libel and slander E. Notice and limitations 	Vaughan and Zwarn, Ch. 8
4	<ul style="list-style-type: none"> Real Property and Planning Law A. Real Property – common law and Land Title Act B. Torrens system C. Planning powers – official community plans, subdivision control, zoning bylaws, building bylaws D. Land dealings- dispositions and near dispositions, expropriation 	Vaughan and Zwarn, Ch. 9
5	<ul style="list-style-type: none"> Administrative Law A. Delegation of authority B. Challenging jurisdiction and decisions C. Abuse of discretion 	Vaughan and Zwarn, Ch. 10

	D. Scope of judicial review E. Rules of natural justice and procedural fairness	
5	Employment Law and Labour Law A. Applicable statutes B. Types of employees – officers, employees, contractors C. Employment contract D. Discipline and dismissal E. Duty to accommodate F. Collective agreements G. Arbitration process	Vaughan and Zwarn, Ch. 11
6	Municipal Finance and the Law A. Authority B. Taxes, fees and charges, revenue by other means C. Expenditures D. Assistance E. Borrowing and liabilities	Vaughan and Zwarn, Ch. 12
6	Current Legal Topics	Materials to be distributed

EVALUATION PROFILE

	Assessment (Assignment details posted on eLearn)	% of Final Grade	Individual/ Group
1	Legal writing and bylaw drafting exercise	30	I
2	Presentation on legal issues	30	I
3	Comparative analysis project or multiple quizzes	20	G/I
4	Analysis of a legal case	10	I
5	Participation – In class and on-line (see below)	10	I
	Total	100%	

ASSIGNMENTS

For detailed description of assignments, please refer to the course syllabus and eLearn site.

Written Assignments: This course will include a combine of written assignments (such as case briefs and short essays) and/or longer assignments including research report or a bylaw.

Presentation: This course includes presentation components. Detailed instructions will be provided in class and on eLearn.

Participation: This course requires students to contribute to group discussions and to participate in group exercise in class and/or on line. Participation marks are not awarded for attendance only.

GRADING PROFILE

A+ = 90-100	B+ = 77-79	C+ = 67-69	D = 50-59
A = 85-89	B = 73-76	C = 63-66	F = 0-49
A- = 80-84	B- = 70-72	C- = 60-62	

Incomplete Grades

Grades of Incomplete "I" are assigned only in exceptional circumstances when a student requests extra time to complete their coursework. Such agreements are made only at the request of the student, who is responsible to determine from the instructor the outstanding requirements of the course.

Late Assignments

Assignments are due at the beginning of the class on the due date listed. If you anticipate handing in an assignment late, please consult with your instructor beforehand.

Missed Exams/Quizzes/Labs etc.

Make-up exams, quizzes and/or tests are given at the discretion of the instructor. They are generally given only in medical emergencies or severe personal crises. Some missed labs or other activities may not be able to be accommodated. Please consult with your instructor.

Attendance

Students are expected to attend all classes and associated activities.

English Usage

Students are expected to proofread all written work for any grammatical, spelling and stylistic errors. Instructors may deduct marks for incorrect grammar and spelling in written assignments.

Electronic Devices

Students may use electronic devices during class for note-taking only.

On-line Communication Outside of the classroom, instructors will communicate with students using either their official Capilano University email or eLearn; please check both regularly. Official communication between Capilano University and students is delivered to students' Capilano University email addresses only.

UNIVERSITY OPERATIONAL DETAILS

Tools for Success

Many services are available to support student success for Capilano University students. A central navigation point for all services can be found at: <https://www.capilanou.ca/student-life/>

Capilano University Security: download the [CapU Mobile Safety App](#)

Policy Statement (S2009-06)

Capilano University has policies on Academic Appeals (including appeal of final grade), Student Conduct, Academic Integrity, Academic Probation and other educational issues. These and other policies are available on the University website.

Academic Integrity (S2017-05)

Any instance of academic dishonesty or breach of the standards of academic integrity is serious and students will be held accountable for their actions, whether acting alone or in a group. See policy and procedures S2017-05 Academic Integrity for more information: <https://www.capilanou.ca/about-capu/governance/policies/>

Violations of academic integrity, including dishonesty in assignments, examinations, or other academic performances, are prohibited and will be handled in accordance with the Student Academic Integrity Procedures.

Academic dishonesty is any act that breaches one or more of the principles of academic integrity. Acts of academic dishonesty may include but are not limited to the following types:

Cheating: Using or providing unauthorized aids, assistance or materials while preparing or completing assessments, or when completing practical work (in clinical, practicum, or lab settings), including but not limited to the following:

- Copying or attempting to copy the work of another during an assessment;
- Communicating work to another student during an examination;
- Using unauthorized aids, notes, or electronic devices or means during an examination;
- Unauthorized possession of an assessment or answer key; and/or,
- Submitting of a substantially similar assessment by two or more students, except in the case where such submission is specifically authorized by the instructor.

Fraud: Creation or use of falsified documents.

Misuse or misrepresentation of sources: Presenting source material in such a way as to distort its original purpose or implication(s); misattributing words, ideas, etc. to someone other than the original source; misrepresenting or manipulating research findings or data; and/or suppressing aspects of findings or data in order to present conclusions in a light other than the research, taken as a whole, would support.

Plagiarism: Presenting or submitting, as one's own work, the research, words, ideas, artistic imagery, arguments, calculations, illustrations, or diagrams of another person or persons without explicit or accurate citation or credit.

Self-Plagiarism: Submitting one's own work for credit in more than one course without the permission of the instructors, or re-submitting work, in whole or in part, for which credit has already been granted without permission of the instructors.

Prohibited Conduct: The following are examples of other conduct specifically prohibited:

- Taking unauthorized possession of the work of another student (for example, intercepting and removing such work from a photocopier or printer, or collecting the graded work of another student from a stack of papers);
- Falsifying one's own and/or other students' attendance in a course;
- Impersonating or allowing the impersonation of an individual;
- Modifying a graded assessment then submitting it for re-grading; or,
- Assisting or attempting to assist another person to commit any breach of academic integrity.

Sexual Violence and Misconduct

All Members of the University Community have the right to work, teach and study in an environment that is free from all forms of sexual violence and misconduct. Policy B401 defines sexual assault as follows:

Sexual assault is any form of sexual contact that occurs without ongoing and freely given consent, including the threat of sexual contact without consent. Sexual assault can be committed by a stranger, someone known to the survivor or an intimate partner.

Safety and security at the University are a priority and any form of sexual violence and misconduct will not be tolerated or condoned. The University expects all Students and Members of the University Community to abide by all laws and University policies, including B.401 Sexual Violence and Misconduct Policy and B.401.1 Sexual Violence and Misconduct Procedure (found on Policy page <https://www.capilanou.ca/about-capu/governance/policies/>).

Emergencies: Students are expected to familiarise themselves with the emergency policies where appropriate and the emergency procedures posted on the wall of the classroom.

DEPARTMENT OR PROGRAM OPERATIONAL DETAILS

See Course Syllabus