



## Municipal Law Program (MLP) Unit 1 – Introduction to Municipal Law Outline

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- The first few pages of this package includes an overview of the new curriculum that was launched during the Winter 2016 term for both units of the Municipal Law Program (MLP).
- Starting on Page 6 is the introduction and learning outcomes for each of the seven lessons for MLP Unit 1.

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### **Overview of the Municipal Law Program (MLP)**

**MLP Unit one** provides a general context of the law and the legal framework governing Municipalities. It also introduces students to the infrastructure of Municipal organization and operation. Further, the lessons provide an overview of the Municipal Act of 2001 and address legal and philosophical issues of statutory interpretation. Other topics in the Unit deal with Municipal by-laws and how to define, draft, enforce and defend them. The Unit concludes with a discussion of how to manage Municipal records.

**MLP Unit two** examines tort law in the context of Municipal liability. In particular, it addresses issues related to liability in enforcement activities, public works activities, and recreational activities. The Unit also examines liability in matters dealing directly with Municipal politicians for things like negligence, unlawful interference with economic interests, libel and slander, breach of trust, abuse of office and the like. The discussion also includes various remedies under tort law, with an emphasis on the classification, measure and awarding of damages. Other topics in the Unit include limitation periods in law. The Unit concludes with a discussion of insurance, including their acquisition and the process of making of claims.

**MLP Unit three** focuses on contract law and their application to Municipalities. The lessons cover subjects such as the formation of contracts and their statutory framework. The discussion also addresses the various elements of a contract and the principles surrounding its termination. Other topics in the Unit include the analysis of a contract, various types of contracts, the capacity to contract, as well as the basic procedures of drafting of a contract.

**MLP Unit four** focuses on Municipal land-related law. It addresses core topics like landholding and landowners, ownership and other interests in land. It also examines issues related to descriptions, plans and surveys in Ontario. The Unit further provides a discussion of the Planning Act, including a detailed analysis of Provincial plans, Provincial policy statements and related official plans. Other significant and often highly controversial subjects within the Planning Act covered in the Unit are zoning and site plan control. The Unit also addresses issues of land division and the development permit system associated with the Planning Act. The remaining topics in the Unit include discussions about statutes creating a lien on land, Municipal tax collection, Municipal land dealings and the Building Code Act of 1992.

### **Course Delivery: Asynchronous Online Method (E-Learning)**

AMCTO is investigating online platforms for future delivery methods for our Education Programs. For this term, the two units of the MLP course will continue with all the unit materials being posted on a webpage and email communication with your marker for the submission of assignments. As Markers are assigned by their expertise, you may have a different Marker for each unit. The course has a set schedule of due dates for the submission of assignments. Students must complete and submit their assignments by 11:59pm according to the due dates set out in the schedule.

This method of course delivery allows students to develop skills of autonomous, reflective and self-paced learning.

### Evaluation of Learning/Grading

The evaluation of the assignment review exercises for the lessons in each unit consist of the following:

- Four Review Exercises per Unit (Open Book) (15% each)  
(to be returned to students with corrections and comments): **60%**
- End-of-Unit Exam (Open book) (40%):  
(to be returned to students with corrections and comments): **40%**

**All answers are to be in essay style format unless otherwise stated.**

The final grade for each unit will consist of a **combination** of marks received on Assignment Exercises and on the Final Examination. The weighting of marks is as follows:

Assignment 1	15 %
Assignment 2	15 %
Assignment 3	15 %
Assignment 4	15 %
Final Examination	40 %
<b>TOTAL</b>	<b>100%</b>

- **In order to successfully complete the unit, you must score a mark of at least 51% on the Unit's Final Examination and an overall average grade of 60% or higher for the entire unit.** Refer to the End-of-Unit Exam details on page 4 for the exam process.

The table below is provided for your convenience and comparison.

<b>Percentage</b>	<b>Descriptor</b>	<b>Equivalent Letter Grade</b>
96% - 100%	Excellent	A+
91% - 95%	Very Good	A
86% - 90%		A- minimum grade required for the Diploma program Honour Roll
81% - 85%	Good	B+
76% - 80%	Average	B
72% - 75%		B-
68% - 71%	Satisfactory	C+
64% - 67%	Below Average	C
60% - 63%	Minimal Pass	C- minimum required grade for credit
59% and below	Failure	F

**You will receive your exam grade and final mark via email from your marker. AMCTO will send official documentation via email no earlier than 8 weeks after writing the Course Exam.** You may need to submit your registration for your next unit before receiving your official documentation. Any concerns or issues regarding your results will be addressed separately and will not prevent you from continuing with your next unit.

### **Assignment Review Exercises**

Review exercises will be based on an open-book model. Students must complete and submit their exercises within the set window of dates and times specified by the assignment schedule. Review exercise will require students to analyze assigned hypothetical cases, laws or problems relating to municipal governance. These exercises provide students the opportunity to demonstrate their understanding of the legal provisions, concepts and principles discussed in the course reading package.

Review exercise questions expect the students to demonstrate knowledge of the course materials, offer personal views and/or to draw upon examples from their experience. The review exercises are not merely to summarize a particular legal document or case but to do so analytically, highlighting the key concepts, relating these concepts to the relevant lesson in the course textbook and applying your analysis to practical issues/problems in your municipality.

The Review Exercises based on an open-book model will help students:

1. Apply legal concepts and principles in the lesson to the current realities and problem of local government in Ontario
2. Develop analytical, interpretive and critical writing skills in addressing legal issues.
3. Cultivate skills in preparing legal briefs to address policy problems

### **End-of-Unit Exam**

This is a 24-hour “open-book” exam that will be scheduled at the end of the term. You will not need to secure a proctor for the unit exam, however, you will need to register for your exam to let AMCTO know the date that you will be writing. Registration for the exam will be emailed to you after the third assignment due date.

The choice of exam dates are located on the Assignment Schedule. The date you register for will be your exam date.

The aim of the exam questions are not merely to reproduce information in the course reading package. They have been designed to challenge students to analyze legal provisions and principles, synthesize information and think creatively about real-life situations and examples. AMCTO will email 6 exam questions to you by 8:00am on your scheduled exam date. From those 6 questions, you will choose only 4 to answer, however, number them as they appear on the exam question sheet. If you answer more than 4 questions, the marker will only grade your first four answers.

Once you complete your exam, you will be emailing your answers directly to the same marker who marked your assignments for this unit within 24-hours of receiving the exam questions. All four of your answers are required to be sent as one document and in word.

Specific instructions will be emailed to you on your exam day.

Exam study questions are not available prior to your exam date. As long as you have read the required readings and submitted all assignments, you are prepared for the exam.

## **Assignment Exercises**

Assignment Exercises will place emphasis on developing students' analytical, reflective and problem-solving skills. Students must complete and submit their Assignment Exercises within the set window of dates and times specified by AMCTO (to be decided). Assignment Exercises will require students to analyze concepts or solve specific problems relating to municipal accounting and finance. These assignment exercises provide students the opportunity to demonstrate their understanding of the concepts and principles of accounting and finance in the course reading package.

Assignment exercise questions expect the students to demonstrate knowledge of the course materials, offer personal views and/or to draw upon examples from their experience. The assignment exercises are not merely to summarize a particular accounting or financial principle or procedure, but to do so analytically, highlighting the key concepts, relating these concepts to the relevant lesson in the course package and applying your analysis to practical issues/problems in your municipality. Assignment exercises must be submitted via email to your designated marker for this program by the scheduled due dates. Graded exercises will be returned to students with corrections and comments.

The Assignment Exercises based on an open-book model will help students:

1. Apply accounting and financial concepts and principles in the lesson to the current realities and problems of local government in Ontario
2. Develop analytical, interpretive and critical writing skills in addressing accounting and financial issues.
3. Cultivate skills in preparing accounting and financial documents to address policy problems

## **End-of-Unit Exam**

This is a 24-hour "open-book" exam that will be scheduled at the end of the term. You will not need to secure a proctor for the unit exam, however, you will need to register for your exam to let AMCTO know the date that you will be writing. Registration for the exam will be emailed to you after the third assignment due date.

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Specific instructions will be emailed to you on your exam day. Exam study questions are not available prior to your exam date. As long as you have read the required readings and submitted all assignments, you are prepared for the exam.

## **Lesson 1 of Unit One**

### Introduction

This lesson provides an understanding of the subordinate Constitutional position of Municipalities. As reflected in the widely used phrase that Municipalities in Canada are creatures of the Provinces, most Municipalities in Ontario have been created by the law of the Province. Unlike upper levels of government which have their existence guaranteed by the Constitution, Municipalities are created by and are subject to law. The lesson also explains the key differences between various kinds of law such as statute law, administrative law, constitutional law and case law or common law. The discussion also provides students with detailed direction on where to find these laws, including a list of helpful websites. The lesson also gives an overview of the role of courts and quasi-judicial bodies and their significance for Municipalities. The discussion concludes with some useful tips on obtaining legal advice.

### Learning Objectives and Outcomes

#### **By the end of this lesson, students should be able to:**

1. understand the basics of law and how the law governing Municipalities fits within the legal framework
2. explain the different categories of Law
3. know how to find and research the law
4. analyze the basics of the judicial and quasi-judicial systems

## **Lesson 2 of Unit One**

### Introduction

This lesson provides a general understanding of Municipal organization and operation in Ontario. It first discusses the three ways in which Municipalities have been created in Canada. It also analyzes the key boundary changes and restructuring as well as details the issues surrounding changes in council composition and wards. Students will also understand the rules regulating the qualification and election of council members, the conduct of council meeting and the exercise of some of the council powers. The lesson also provides detailed understanding of council members with respect to their eligibility, disqualification and dealing with vacancy. Further, the lesson covers the office of the Clerk and its duties in election process. Other issues addressed in the lesson include the structure of Municipal organization and processes of administration, as well as procedures of Council Meetings.

### Learning Objectives and Outcomes

**By the end of this lesson, students should be able to:**

1. understand how Municipalities are created and changed according to law
2. interpret the rules regulating the qualification and election of council members
3. know the conduct of council meeting and the exercise of some of the council powers

## **Lesson 3 of Unit One**

### Introduction

This lesson provides a brief history of the background conditions surrounding the Municipal Act of 2001 and the subsequent Bill 130. The discussion then examines the structure of the Municipal Act, 2001 with a detailed assessment of its various components such as general and specific Municipal powers, licences and Municipal reorganization. The lesson also covers issues of accountability and transparency (especially in Bill 130), relevant practices and procedures as well as the mechanics of financial administration, Municipal taxation, fees and charges, and debt and investment. The discussion concludes with issues related to enforcement and Municipal liability.

### Learning Objectives and Outcomes

#### **By the end of this lesson, students should be able to:**

1. know the background conditions leading to the Municipal Act of 2001
2. understand the changes made to Municipal powers by the Municipal Act of 2001 and the City of Toronto Act of 2006
3. analyze the amendments made by the Municipal Statute Law Amendment Act, 2006 ("Bill 130")
4. explain the accountability and transparency measures implemented through Bill 130.



## **Lesson 4 of Unit One**

### Introduction

Previous lessons have outlined some of the key statutes affecting the operations of Municipal government. The discussion in this lesson addresses common law rules and the guides to their interpretation. In particular, it highlights key presumptions in interpretation, statutory rules in interpretation of statutes, regulations and by-laws, as well as core principles for applying the rules.

### Learning Objectives and Outcomes

**By the end of this lesson, students should be able to:**

1. understand the common law rules and guides to interpretation of statutes, regulations and by-laws including presumptions in interpretation
2. know the main rules covered by Ontario's Legislative Act, 2006 Interpretation provisions
3. determine which rules and presumptions may apply in particular fact situations

## **Lesson 5 of Unit One**

### Introduction

The lesson focuses on the definition and characteristics of a by-law. It also explores the processes involved in drafting by-laws. Subsection 5(3) of the Municipal Act, 2001 stipulates that, except where otherwise provided, the powers of a Municipal council shall be exercised by by-law which are distinct from resolutions. The discussion spells out these distinctions and also addresses issues related to repealing and amending a by-law.

### Learning Objectives and Outcomes

**By the end of this lesson, students should be able to:**

1. recognize the characteristics of a legally valid by-law
2. identify the basic components of a by-law
3. distinguish between by-laws and resolutions
4. understand and apply pointers for the effective drafting of by-laws
5. know procedures relating to repealing and amending a by-law

## Lesson 6 of Unit One

### Introduction

Drafting and enacting a by-law, as discussed in Chapter 5, is a critical function of Municipal councils. But it is not the end of the matter. The Municipality must be ready and have the means to enforce the by-law and to defend it if there is a legal challenge in the courts. The contents of this lesson cover aspects of Municipal by-laws relating to enforcing and defending. The discussion addresses those by-laws which impact all activities of residents or others within the Municipality such as the taxicab owners and drivers or persons using the Municipal parks. Some of the key issues discussed include the merits and logistics of having an enforcement policy, procedures for laying charges, and methods for prosecuting the charge. The lesson also covers other methods of enforcing by-laws as well as the various legal challenges to Municipal by-laws and the grounds for attacking a by-law.

### Learning Objectives and Outcomes

**By the end of this lesson, students should be able to:**

1. analyze the methods available to enforce Municipal by-laws
2. differentiate the procedures followed in prosecuting a by-law offence under Parts I and III of the *Provincial Offences Act*
3. explain the four main ways that a Municipal by-law may be challenged in court
4. identify the main grounds of attack against a by-law

## Lesson 7 of Unit One

### Introduction

A central feature of the legal operation of a Municipality is appropriate documentation, as found in the records of the Municipality. Municipal by-laws, discussed in the previous two lessons are key components of Municipal records but the definition is much broader. These records are the essential underpinning of the decisions made by Municipalities. Municipal records are subject to Provincial legislation governing the public access and privacy provisions. This lesson examines the nature and scope of Municipal records and the principles surrounding public access to these records. The discussion also addresses the impact of the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) on Records Management. The lesson concludes with an overarching analysis of the general purpose of records management.

### Learning Objectives and Outcomes

**By the end of this lesson, students should be able to:**

1. understand Municipal records and explain their importance
2. analyze access to records, especially under the *Municipal Freedom of Information and Protection of Privacy Act*
3. identify and explain the key steps in Municipal records management