



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

Updated December 2019

- The first few pages of this package includes an overview of the new curriculum that was launched during the Winter 2016 term for all four units of the Municipal Law Program (MLP).
- Starting on Page 5 is the introduction and learning outcomes for each of the seven lessons for MLP Unit 1.
- The last few pages include policies for the AMCTO's Education Programs.

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 %
TOTAL	100%

- **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.

Percentage	Descriptor	Equivalent Letter Grade
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.

Lesson 1

The Law and the Legal Framework Governing Municipalities

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

Municipal Organization and Operation

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

The Municipal Act, 2001

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 – Statutory Interpretation

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 Legislation Act, 2006 1 – Interpretation provisions.
3. Determine which rules and presumptions may apply in particular fact situations.

Lesson 5

Municipal By-laws I: Defining and Drafting

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

Municipal By-laws II- Enforcing and Defending

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.

Lesson 7

Municipal Records

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

Refund Policy

A student who cancels from any Unit before the first scheduled assignment due date is entitled to a partial refund of fees less an administration charge of \$113.00 (includes 13% HST). No returns/refunds accepted for the hardcopy textbook. No refunds will be granted for cancellations received after the first scheduled assignment due date. A student cannot transfer their registration or payment to a later date.

Change of Exam Date: under special circumstances AMCTO will grant a change of date for the exam. The change of date will not fall before the original scheduled exam date or be beyond two weeks after the original scheduled exam date. For example, if your original exam date is May 7th, the change of date for the exam must occur after May 7th and on or before May 21st. When a student submits a request for a change of exam date, include your proposed new date as outlined above.

Deferring the exam: this option is available if the need should arise that you require to postpone your exam to later date beyond the term schedule. There is a fee involved with this option.

Deferring the course: this option is available if the need should arise that you require to postpone your course. Basically, as long as you submitted at least one assignment and it was marked, you can defer the course for a maximum of two terms. There is a reduced fee involved, upon re-enrollment into the course.

Education Programs Policy
Approved November 28th 2014

Purpose:

As a Certified Education Institution, AMCTO is a leading provider of education for Ontario's municipal professionals with courses that provide a solid foundation for those pursuing a career in municipal government

In order to maintain its reputation for offering exceptional quality education and programs which are:

- Focused on the learning needs of adults;
- Pertinent, current and continuous;
- Relevant to demographic, geographic and organizational needs;
- and
- Integrated within a Career Cycle Learning Framework.

it is necessary for the Association to establish, implement and enforce an education programs policy that govern the activities of students and others associated with the delivery of these programs.

Policy:**1. Scope**

This Policy applies to all students enrolled in any of the Association's individual educational programs or diploma programs and to any instructors, academic mentors, proctors or markers associated with these programs.

2. Interpretation/Enforcement of Policy Provisions

Unless otherwise noted in a specific section of the Policy, the responsibility for interpreting and/or enforcing the provisions of this Policy rests with the Director – Programs & Services. The decisions of the Director – Programs & Services are final.

The Director – Programs & Services may, at their discretion, delegate responsibility for the interpretation/enforcement of Policy provisions to another AMCTO Staff member. In the event of disagreement, decisions made by these delegated individuals can be appealed to the Director – Programs & Services.

3. Student Submission of Assignments

- i) All assignments are due by 11:59 p.m. on the stated due date. Any assignments received by the course marker after this time will be considered late.
- ii) Assignments submitted late to the course marker will automatically receive a mark deduction of 10%.
- iii) Assignments submitted thereafter will receive a 5% mark deduction for each additional day of lateness.
- iv) Assignments not received by the course marker within 7 calendar days (inclusive) of the due date will receive an automatic mark of zero.
- v) AMCTO does not guarantee the return of late assignments by the course marker to students, in the requisite time stipulated for on-time assignments in the AMCTO Student Handbook.
- vi) AMCTO will not guarantee the return of late assignments by the course marker to students before the writing of the Final Examination.
- vii) Students can request waiver of the above stated consequences by submitting documented proof of exceptional circumstances. AMCTO may waive the consequences of a late submission of an assignment upon review of the student's request for a waiver.

4. Academic Dishonesty

- i) Academic dishonesty is defined as the misrepresentation of any element of academic work, including (but not restricted to):
 - a) Plagiarizing or copying from any source;
 - b) Unauthorized use of any aids in assignments, and examinations;
 - c) Submission of work that is not one's own;
 - d) Submission of work for which credit has already been obtained;
 - e) Aiding and abetting the academic dishonesty of another student;

- f) Absent or inadequate notation of secondary sources. Students are expected to be competent in the treatment and citing of secondary materials or to seek advice from the Association with respect to appropriate citing of materials;
 - g) Falsifying information for the purpose of gaining admission or credit to a program;
 - h) Forging or falsifying AMCTO transcripts, certificates, diplomas, or documents.
- ii) Students are responsible for being informed about the definitions and consequences of academic dishonesty. Ignorance of what academic dishonesty is or what its consequences will be is not an adequate defense.
 - iii) AMCTO instructors, staff, and markers are obligated to report suspected incidents of academic dishonesty immediately.
 - iv) Academic dishonesty found on a submitted assignment or examination will result in a mark of zero on the entire assignment or examination.
 - v) Academic dishonesty discovered after an assignment or examination has been graded will result in a rescinding of the original mark.
 - vi) Academic dishonesty discovered after a Certificate or Diploma has been awarded will result in the immediate rescinding of the Certificate or Diploma.
 - vii) Repeated instances of academic dishonesty may result in a student being expelled from the course or program.
 - viii) A student may appeal an academic dishonesty finding to the Director – Programs & Services.

5. Grade Appeals

- i) Students who wish to raise questions regarding the assessment of their academic performance, and allege error in the academic judgment of their work on the part of a marker, must first speak informally with the marker to clarify the reason for the assigned grade. In the case of anonymous markers, the Association will solicit clarification from the marker and present it to the student.
- ii) Students must raise concerns regarding grade appeals no more than 30 days after the date of return of the work in question. The date of return is defined as the date on which the student received the material either electronically or by regular mail. After this period, no grade appeal requests will be entertained.
- iii) If dissatisfaction continues, the student may submit an AMCTO Request for Re-Marking Form and the related administrative fee. The Request must include a written, reasoned rationale for the appeal of the grade.
- iv) Upon receipt of a Request for Re-Marking Form, the Association will arrange for a review and remarking of the work in question by someone other than the original marker.
- v) The result of the re-marking will be final.

- vi) If a student alleges injustice on grounds other than academic judgment, such as discrimination, conflict of interest, or harassment, the provisions of the Association's Respect in the Workplace Policy will apply.

6. Requirements for Examinations and Proctors

- i) Suitable proctors are individuals currently employed as municipal Managers, Clerks, Treasurers, CAO's or the Deputy of these positions. In addition, the Head of Council, principals, teachers, priests, ministers, officials at recognized post-secondary educational institutions, or other community professionals can also be considered as proctors. Proctors must be approved by AMCTO in advance of writing the exam.
- ii) Under no circumstances can a member of a student's family or another student enrolled in the same course act as a proctor.
- iii) Despite the provisions of this Section, an individual may not act as an exam proctor for a student where the student has managerial or supervisory responsibilities that directly affect the individual proposed to serve as proctor.
- iv) It is the student's responsibility to make the initial contact with the proctor and to confirm the exam arrangements, including the location and time for writing the exam, with the proctor once they have been confirmed to the student by AMCTO. Students are also responsible for paying any exam supervision fee that may be charged by the proctor or exam facilities.
- v) AMCTO is responsible for forwarding, to the proctor, the exam and detailed instructions on how to administer the exam at least one week prior to the exam.
- vi) The exam must be written in an appropriate exam setting on the specific examination date determined by the Association. The proctor will be responsible for ensuring that the exam location and related facilities are sufficient to accommodate any special needs that the student may have.
- vii) The exam will be closed book and it is the responsibility of the proctor and student to ensure this. The maximum time will be given to complete any exam as determined by the AMCTO. The proctor must supervise the exam and be available to the student during the exam time.
- viii) If the student is handwriting the exam, he/she will only be permitted to have in his/her possession during the exam, pens, blank lined paper and a calculator, where appropriate.
- ix) A student may use a computer to write the exam provided that the computer is disconnected from internet access and the student is not able to access his/her assignments or other resource material. The student is not permitted to have access to the computer after the exam time has expired until the exam materials including the question sheets and the student's answers have been deleted from that computer.
- x) At the conclusion of the exam, the proctor will collect all exam materials, including the question sheets and the student's answers. This material will be returned to AMCTO in the manner outlined in the detailed instructions included with the exam.

- xi) The proctor must keep a copy of the entire exam until the student receives the final grade, in case any of the exam materials become lost.
- xii) Under no circumstances is the student permitted to have in their possession an electronic or paper copy of their exam questions or their responses once the exam time has expired. The student will receive their exam back once it has been marked and this will be their only copy.

7. Requirements for Diploma Program Academic Mentors

- i) Suitable academic mentors are Municipal Managers, Clerks, Treasurers, CAO's or the Deputy of these positions. Retired professionals who once held these positions are also acceptable mentors. In addition, the principals and teachers of recognized post-secondary educational institutions can also be considered as academic mentors. AMCTO approval of the student's selected mentor will be necessary.
- ii) Under no circumstances can a member of a student's family or another student enrolled in the same course act as an academic mentor.
- iii) Despite the provisions of this Section, an individual may not act as an academic mentor for a student, where the student has managerial or supervisory responsibilities that directly affect the individual proposed to serve as academic mentor
- iv) The academic mentor, as a representative of AMCTO, is responsible for upholding the standards of education and professional development held by AMCTO.
- v) The academic mentor will negotiate his or her fee directly with the requesting student and report the outcome of those negotiations to AMCTO.
- vi) The academic mentor will guide the student develop their research topic, thesis question in order to submit a successful Research Application that ensures an appropriate and achievable level of difficulty, focus, and relevance.
- vii) The academic mentor will guide the student in creating and adhering to a Progress Schedule for their research.
- viii) The academic mentor will actively guide the student through the course of academic research and study by engaging the student in one-to-one conversation. The frequency of these meetings is to be determined by a consensus between the mentor and the student.
- ix) The academic mentor is responsible for further guiding the student's progress by recommending additional secondary source research materials that would help the student reach his or her goals. All of these additional resources are to be appropriately referenced.
- x) The academic mentor will review all drafts produced by the student, and critique the work on the basis of factual accuracy, clarity of thought, relevancy to stated thesis, grammatical correctness and insight.
- xi) The academic mentor will act as coach, encourager, and academic counsellor to the student throughout the period of their agreement.

- xii) Upon completion of the course, the academic mentor must not keep any of the student's work (in whatever form that work has taken) in his or her possession.
- xiii) Should the need arise, the academic mentor will have recourse to support and advice from AMCTO with regard to the mentor's duties and responsibilities.

8. Requirements for Corporate Course Offerings

- i) The provisions of this Section apply only to courses that are not operated directly through post-secondary institutions.
- ii) Persons who wish to act as an instructor for one of the Association's education programs must be approved by the Director – Programs & Services. This approval must be obtained prior to a person offering instruction for any course.

Minimum Qualifications:

- Minimum of five years experience in municipal administration at the management level or equivalent professional expertise;
 - Excellent written, verbal, interpersonal and communication skills;
 - Demonstrated experience in adult education;
 - Demonstrated knowledge of the subject matter.
- iii) The instructor must provide the Association with updates regarding the status/progress of the course on an ongoing basis.
 - iv) Course materials used must be those provided by the AMCTO. From time to time, instructors may bring supplementary material such as sample by-laws, for visual examples only.
 - v) Course materials for units of a particular program should be acquired Unit by Unit to ensure that the most current material is provided to the students.
 - vi) The municipality or organization offering the course will be invoiced for each Unit by AMCTO and AMCTO, at its discretion, may require payment prior to the material being supplied.
 - vii) The instructor must provide a copy of the course schedule at the time the request for purchase of materials is submitted.
 - viii) Unit exams are to be written closed book under supervision of the instructor.

9. Requirements for Course Markers

- i) AMCTO Course Marker Qualifications are as follows:
 - Must have a minimum of 5 years recent working and/or consulting experience in the municipal sector in an area that relates to the specific materials to be marked;

- Must have excellent written, verbal, interpersonal and communication skills;
 - Should have familiarity with the grading of adult-learner assignments/exams;
- ii) Preference will be given to individuals who are currently AMCTO members in good standing.
- iii) No individual serving as a Course Marker as of the date on which this Policy is approved by the Board of Directors will be excluded from the opportunity to continue serving as a Course Marker if they do not meet the municipal experience qualifications set out in this Section.