



Municipal Law Program (MLP) Unit 2 –Municipal Torts Outline

- 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 eight lessons for MLP Unit 2.

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.

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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Lesson 1 of Unit Two

Introduction

This lesson defines the concept of tort law and spells out its key characteristics as distinct from other kinds of law. The discussion explores the term tort, the purpose and function of tort law, some basic tort terminology and the idea of Municipal liability. The lesson also addresses how tort law relates to Municipal liability.

Learning Objectives and Outcomes

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

1. explain the meaning of the legal term “tort”
2. analyze the law of tort and its social functions
3. evaluate Municipal liability for torts

Lesson 2 of Unit Two

Introduction

This lesson examines Municipal liability and enforcement activities. In particular, it spells out the principles governing the obligation to enforce Provincial statutes and by-laws. The discussion also covers performance of inspection regarding issues such as right of entry, search warrant and the implications of the Charters of Rights and Freedoms. The lesson also addresses orders to comply on matters relating to the Building Code Act, Fire Protection and Prevention Act, and Health and Promotion Act. Other topics covered include prosecution under Provincial Offences Act and processes of public inquiries as dictated by tort law.

Learning Objectives and Outcomes

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

1. understand legislations that impose enforcement obligations and duties for Municipalities.
2. explain how in the course of engaging in enforcement Municipalities and Municipal officials may become liable for their actions.
3. interpret legislation related to enforcement and enforcement obligations.
4. evaluate whether Municipal action in this context is mandatory or discretionary (permissive).
5. assess risks in enforcement action and analyze their nature, sources and consequences.

Lesson 3 of Unit Two

Introduction

The discussion in the lesson pertains to Municipal liability under tort law as it relates to public works activities. Municipalities and/or Municipally created entities exercise certain powers in the management of roads and highways and sidewalks and boulevards. They also exercise authority in the supply of water, sewage works and drainage and watercourses. Other issues related to the public works activities of Municipalities include waste management and the often contentious subject of environmental assessment. All these powers vested in Municipalities also come with responsibilities and potential liabilities under tort law.

Learning Objectives and Outcomes

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

1. interpret legislation relevant to public works liabilities of Municipalities.
2. identify what is mandatory and permissive respecting the creation and maintenance of public works.
3. assess risks associated obligations and to understand the nature of those risks.

Lesson 4 of Unit Two

Introduction

This lesson focuses on legislation which enables Municipalities to engage in activities related to recreation. It deals with potential pitfalls which may lead to law suits and it outlines key tort actions which a Municipality may face. It also consider standards of care which should guide Municipal action in the sphere of recreation.

Learning Objectives and Outcomes

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

1. identify and analyze appropriate and relevant legislation concerning recreational matters.
2. understand mandatory and discretionary powers related to recreational matters
3. evaluate risk in respect to recreational projects, programs and activities by Municipal government

Lesson 5 of Unit Two

Introduction

This lesson explores circumstances in which Municipal politicians can be potentially liable for their actions under tort law. Members of council may find themselves liable in a court of law for activities in which they have engaged ostensibly as councilors acting on behalf of the public. They also may find themselves liable for activities in which they have genuinely attempted to act in the public interest. Instances of such activities covered in the lesson include unlawful interference with economic interests, libel and slander, negligent misrepresentation, breach of trust, abuse of office and bias.

Learning Objectives and Outcomes

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

1. analyze appropriate legislation relevant to the liability of Municipal politicians.
2. advise about Municipal responsibility when there is such when Municipal politicians engage in untoward behaviour.
3. assess whether or not Municipal regulation respecting councilor behaviour is mandatory or discretionary.
4. evaluate risks for Municipalities where Municipal politicians may be liable for their behaviour.

Lesson 6 of Unit Two

Introduction

Where a defendant Municipality is found liable in law for a tortious activity, then most frequently the court will order that the Municipality pay damages to the successful plaintiff. In addition, or in the alternative, the defendant Municipality may be subject to an injunction, that is, an order directing the Municipality to cease the conduct which has given rise to the tort. This lesson reviews the kinds of damages which may be awarded and the forms of injunctions which may be utilized by courts.

Learning Objectives and Outcomes

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

1. identify types of remedies sought in tort proceedings.
2. explain classes of damages.
3. distinguish between types of injunctions.

Lesson 7 of Unit Two

Introduction

This lesson examines the general purpose of limitation periods, their commencement and notice periods. Limitation periods are the periods of time allocated by statute within which legal proceedings in respect of certain actions must be commenced. If one attempts to commence a legal action outside the specified period for that action one will be barred – i.e. the law suit cannot be started. Limitation periods are set by statute.

Learning Objectives and Outcomes

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

1. identify and analyze key legislation pertaining to limitations
2. understand the importance of limitation periods

Lesson 8 of Unit Two

Introduction

Generally, anyone who suffers a wrong caused by the action or inaction of a Municipality can sue that Municipality. Most Municipal corporations prepare themselves for possible lawsuits through the purchase of insurance and by working to avoid the circumstances which could lead to lawsuits by means of a comprehensive and effective risk management programme. The lesson addresses various types of insurance and their acquisition. The discussion also includes an analysis of insurance policy and claims.

Learning Objectives and Outcomes

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

1. understand basic principles of insurance
2. identify and distinguish types of insurance
3. analyze and evaluate methods of purchasing insurance
4. assess and undertake insurance claims