



## Municipal Law Program (MLP) Unit 3 –Municipal Contracts 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 six lessons for MLP Unit 3.

### **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**

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## **Lesson 1 of Unit Three**

### Introduction

This lesson explores the meaning of a contract, which is illustrated by making reference to a hypothetical contract. The discussion also provides the lexical definition of contract alongside approaches taken in legal textbooks. The analysis finally examines Common Law definition of a contract. Together, these various sources of the definition of a contract provide students with a rich tapestry of lens for understanding contracts.

### Learning Objectives and Outcomes

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

1. analyze the basic meaning of a contract
2. identify key elements of a contract
3. compare various ways of defining a contract, including the textual, lexical and Common Law approaches

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## **Lesson 2 of Unit Three**

### Introduction

The discussion in this lesson examines in detail what the courts have determined to be the elements that make a contract valid or enforceable. The presence or absence of some or all of these elements from an alleged contract distinguishes the enforceable promises from those that are not enforceable.

### Learning Objectives and Outcomes

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

1. explain what factors constitute an offer and an acceptance under contract law
2. analyze the role of “Consideration”, which is generally referred to as the exchange element of the bargain
3. understand the complex role of physical places in the making of a contract
4. evaluate contract provisions and terms
5. identify and interpret some key Statutes affecting contracts

## **Lesson 3 of Unit Three**

### Introduction

The hypothetical contract is one between two persons at law or parties. This lesson discusses the parties to the contract, who must be legally competent to enter into the contract. That means that they must have legal capacity to enter into the contract or must be persons at law. Against this backdrop, the lesson explores concepts such as a “natural person” and a mentally incompetent person. The discussion also examines municipalities, boards, agencies or commissions, and business corporations as parties to a contract. Other aspects of the lesson examine potential contractual parties such as clubs, associations, sporting groups, charitable and religious organizations, and private Act corporations. The lesson concludes with a discussion about determining capacity, an analysis of requirements for execution of contracts and an examination of the various ways that an agency may be created.

### Learning Objectives and Outcomes

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

1. identify parties with legal capacity to undertake a given contract
2. explain concepts such as a “natural person and a mentally incompetent person
3. assess the rights and responsibilities of Municipalities’ boards, agencies or commissions in a contract
4. evaluate contractual dealings involving business corporations, clubs, associations, sporting groups, charitable and religious Organizations
5. identify key issues in contractual partnerships
6. explain the requirements for execution of a contract
7. analyze the various ways that an agency may be created



## **Lesson 4 of Unit Three**

### Introduction

Lesson four reviews some special contracts to which municipalities are often parties. The purpose of this discussion is to familiarize you with the contents of some of these contracts. Two of these special contracts are the Stipulated Price Contract prepared by the Canadian Construction Documents Committee (CCDC) which is a standard form contract used widely in the Canadian construction industry; and, the Canadian Standard Form of Agreement between Client and Architect.

### Learning Objectives and Outcomes

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

1. understand the general nature of special contracts which Municipalities often enter
2. evaluate various conditions surrounding construction contracts
3. analyze principles governing consultant contracts
4. explain provisions relating to Sales of Goods contracts
5. identify common issues in computer contracts
6. assess contracts arising from the Planning Act
7. understand real property related contracts employment related contracts

## **Lesson 5 of Unit Three**

### Introduction

Lesson five examines the factors and principles that constitute the termination of a contract. The discussion first examines vitiating factors such as mistake, duress, undue influence, unconscionability and misrepresentation or fraud. The lesson also analyzes the discharge and enforcement of a contract, and the remedies available under contract law.

### Learning Objectives and Outcomes

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

1. explain factors and principles that constitute the termination of a contract
2. distinguish between various vitiating factors in a contract
3. recognize the various methods by which a contract is discharged
4. understand the various methods by which a contract may be enforced, after it is breached
5. differentiate between damages and specific performance

## **Lesson 6 of Unit Three**

### Introduction

In this Lesson the very special statutory and common law treatment of the process and the contracts relating to the acquisition of goods and services by governments, especially Municipal governments, will be reviewed. Governments at all levels must contract for the acquisition of goods and services in a manner much different from that of a non-government person and, municipal governments especially those in Ontario, are the most restricted level of government when purchasing goods and services.

### Learning Objectives and Outcomes

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

1. understand Statutory background and changes relating to purchasing and tendering
2. analyze the significance and implications of the Bellamy Inquiry
3. know key feature of the procurement by-law
4. explain principles and processes involved in tendering
5. evaluate potential court challenges to tender awards