

Course Outline

COURSE:	Laws 4507 A – Administrative Law and Control
TERM:	Winter 2014
PREREQUISITES:	LAWS 2501 and LAWS 2502, or LAWS 3005 or LAWS 3506 or PADM 5413
CLASS:	Mondays 6:00 – 9:00 pm Please check with Carleton Central for current room location
INSTRUCTOR:	Tim Wightman
OFFICE HOURS:	By Appointment
CONTACT:	<u>Email:</u> Tim.Wightman@Ontario.ca <u>Tel:</u> (613) 239-1200

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Academic Accommodations for Students with Disabilities: The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

COURSE DESCRIPTION

The aim of the course is to help students develop a critical understanding of Administrative Law. Through an examination of numerous Canadian appellate level decisions, students will explore the theoretical and practical application of Administrative Law principles. Each class will involve a review of relevant jurisprudence and the goal is to draw out the relevant principles in each case and discuss their significance. The focus of the course will be on the development of Administrative Law in Canada with particular emphasis on the last twenty years of judicial history

COURSE OBJECTIVES

By the end of the course students should have a solid understanding of the basic concepts of Administrative Law in Canada. Students should also have an appreciation of how these concepts have a practical impact on issues such as access to justice, the relationship between citizen and state and the rule of law.

MATERIALS USED

The cases to be discussed in class will be distributed via email. Additional material may be distributed in class.

TEACHING METHOD

Primarily a seminar style with class discussions.

METHOD OF EVALUATION

(All components must be completed in order to get a passing grade)

The final grade for the course will be based on the following components:

1. **Student Attendance & Class Participation (15%)**
 - Students are expected to attend class having completed the assigned readings.
 - They are also encouraged to participate in class discussions surrounding the cases discussed in any particular class.
 2. **Mid-term Essay (25%)**
 - Students will be required to write a short essay on a particular assigned topic.
 - The essay will involve a case study. Students will be required to critically discuss one of three assigned cases in their paper.
 - The paper should be 10 pages (minimum) to 12 pages (maximum) double spaced.
 - The paper is due on Friday March 14th, 2014 at 11:59 pm and can be handed in via email to the instructor
 - The topics will be distributed in class on Monday February 10th, 2014
 3. **Final Exam (60%)**
 - Exam will be based on assigned readings and class lectures from the full term.
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Class Date **Topic**

Part I – Introduction & Standard of Review in Administrative Law

1. January 6 a) **Introduction to the Course**
 b) **Overview of Administrative Law**
2. January 13 ***Baker v. Canada* [1999] 2 S.C.R. 817**
 - *An introduction to basic principles*
 - *The concept of “Standard of Review”*
3. January 20 ***Pushpanathan v. Canada* [1998] 1 S.C.R. 982**
***Singh v. Canada* [1985] 1 S.C.R. 177**
 - *“Standard of Review” continued*
 - *The Impact of the Canadian Charter of Rights and Freedoms*
4. January 27 ***Canada v. Southam* [1997] 1 S.C.R. 748**
 - *“Standard of Review” continued*
5. February 3 ***Dunsmuir v. New Brunswick* [2008] 1 S.C.R. 190**
 - *The “Standard of Review” redefined*
 - *The concept of Procedural Fairness*

Part II – The Concept of Fairness

6. February 10 ***Nicholson v. Haldimand-Norfolk* [1979] 1 SCR 311**
***Knight v. Indian Head School Division No. 19* [1990] 1 SCR 653**
 - *Fairness and the Common Law*
7. February 17 ***Family Day Holiday* – No Class**
8. February 24 ***Martineau v. Matsqui Inmate Disciplinary Brd* [1980] 1 SCR 602**
***Canada v. Inuit Tapirisat of Canada* [1980] 2 SCR 735**
 - *Thresholds and the Application of Fairness*
9. March 3 ***Baker v. Canada* [1999] 2 S.C.R. 817**
***Suresh v. Canada* [2002] 1 S.C.R. 3**
 - *Fairness and the Choice of Procedures*
10. March 10 ***Charkaoui v. Canada* [2007] 1 SCR 350**
 - *Administrative Law and the Charter*
11. March 17 ***Blencoe v. British Columbia* [2000] 2 SCR 307**

- Administrative Law and the Charter (Con't)

Part III – Remedies and Standing

12. March 24 ***Reza v. Canada* [1994] 2 SCR 394**
***Canadian Council of Churches v. Canada* [1992] 1 SCR 236**
***Vriend v. Alberta* [1998] 1 SCR 493**
Judicial Review Procedure Act (Ont)
 - Remedies and Standing
13. March 31 ***Manitoba v. Metropolitan Stores Ltd.* [1987] 1 SCR 110**
Brotherhood of Maintenance of Way Employees, Canadian
***Pacific System Federation v. Canadian Pacific Ltd* [1996] 2 SCR**
495
 - Certiorari, Mandamus, Stays, Injunctions
14. April 7 **Exam Review**