

Course Outline

COURSE:	LAWS 3506A – Administrative Law
TERM:	WINTER 2020
PREREQUISITES:	LAWS 2502
CLASS:	Day & Time: Thursdays 6:05 pm – 8:55 pm Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Jean-Simon Schoenholz Associate, Norton Rose Fulbright LLP
CONTACT:	Office: B442 Loeb Building (Contract Instructor’s Office) Office Hrs: After class or by appointment Telephone: 613-780-1537 Email: jeansimonschoenholz@cunet.carleton.ca

CALENDAR COURSE DESCRIPTION

Structure and procedure of Canadian administrative authorities; policy, statutory and judicial environments in which they operate. Topics include techniques for implementing public policy and structuring public authorities; statutory interpretation; procedural safeguards; exercise of statutory discretion; reconciling efficiency and fairness.

COURSE DESCRIPTION

Administrative law is a branch of public law. It places legal limitations on a wide range of government actions, and provides for remedies available through appeals before administrative tribunals and judicial review before the courts. The course will provide an overview of this area of the law.

At the end of this course, students should be able to (1) identify and think critically about the fundamental principles underlying the field of administrative law; (2) understand the legal frameworks the courts have applied to various issues arising in this area; and (3) apply these legal principles to relevant, practical examples.

REQUIRED TEXTS

Colleen M. Flood and Lorne Sossin, eds., *Administrative Law in Context*, 3rd ed, Toronto: Emond, 2017. (available at the bookstore)

Students may find all other readings on CanLII or the Supreme Court of Canada’s website (<https://scc-csc.lexum.com/scc-csc/en/nav.do>).

EVALUATION

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

Evaluation Component	Value	Due Dates
<p><u>Attendance and Participation</u></p> <p>Attendance is mandatory and will be recorded each week. Each student may miss one class without penalty or need to notify the instructor. Any further failure to attend will impact the student's attendance grade unless appropriate documentation is provided to the instructor.</p> <p>There will be ample opportunity for students to participate in class discussion. Active engagement is important and will factor into this portion of a student's grade.</p>	15%	Ongoing
<p><u>Assignment</u></p> <p>This assignment requires you to attend the hearing of an administrative tribunal (or the hearing of a judicial review at the Federal Court). You will be required to report on the tribunal's statutory framework as well as your observations during the hearing. The assignment is due by the last day of class.</p> <p>This assignment rests entirely on student initiative. You will be required to (1) contact the Tribunal to learn when and where their hearings are held and (2) make all necessary arrangements to attend the hearing.</p> <p>A detailed rubric and list of possible tribunals to attend will be posted on cLearn.</p> <p>I strongly recommend that you look into this and make necessary arrangements early on in the semester as hearing dates may be limited.</p>	35%	April 7, 2020
<p><u>Take Home Exam</u></p> <p>The take-home exam will cover all topics addressed during the semester. It will assess both a student's ability to apply legal principles to practical cases and to think critically about the principles underlying administrative law.</p> <p>The take-home exam will be posted to cuLearn on April 7, 2020 and will be due on April 25, 2020 (to be submitted on cuLearn).</p>	50%	April 25, 2020

SCHEDULE

Subject to revision. Some additional materials may be added to cuLearn over the course of the semester. All

chapter references refer to Flood and Sossin, 3rd ed.

Week	Topic	Material
Week 1 (Jan 9)	Introduction History of Administrative Law	<ul style="list-style-type: none"> • Course Outline • Chapter 1
Week 2 (Jan 16)	Remedies in Administrative Law	<ul style="list-style-type: none"> • Chapter 2
Week 3 (Jan 23)	Administrative Law and the Rule of Law Delegation	<ul style="list-style-type: none"> • Chapter 4 • Chapter 8 • <i>Roncarelli v Duplessis</i>, [1959] SCR 121
Week 4 (Jan 30)	Procedural Fairness	<ul style="list-style-type: none"> • Chapter 5 • Chapter 6 • <i>Baker v Canada</i>, [1999] 2 SCR 817
Week 5 (Feb 6)	Independence, Impartiality and Bias in Administrative Law	<ul style="list-style-type: none"> • Chapter 7 • Key Cases: <ul style="list-style-type: none"> ○ <i>Ocean Port Hotel Ltd v British Columbia</i>, 2001 SCC 52 ○ <i>Committee for Justice and Liberty</i>, [1978] 1 SCR 369 ○ <i>Consolidated-Bathurst</i>, [1990] 1 SCR 282 ○ <i>Tremblay v Quebec</i>, [1992] 1 SCR 952 ○ <i>Ellis-Don v Ontario</i>, 2001 SCC 4
Week 6 (Feb 13)	Application: Fairness, Independence, Impartiality and Bias	<ul style="list-style-type: none"> • Chapter 9
Feb 20: Reading Week		
Week 7 (Feb 27)	Substantive Review and Standard of Review	<ul style="list-style-type: none"> • Chapter 11 • Chapter 12 • <i>Dunsmuir v New Brunswick</i>, 2008 SCC 190 <p>Note: The SCC is anticipated to release three significant decisions on standard of review in the very near future. These will be important to read and will be identified by the instructor upon their release.</p>
Week 8 (Mar 5)	Substantive Review and Standard of	See above.

	Review (Continued)	
Week 9 (Mar 12)	Application: Substantive Review and Standard of Review	See above.
Week 10 (Mar 19)	Substantive Review and the Charter	<ul style="list-style-type: none"> • Chapter 13 • <i>Doré v Barreau du Québec</i>, 2012 SCC 12 • <i>Law Society of British Columbia v Trinity Western University</i>, 2018 SCC 32
Week 11 (Mar 26)	Application: Substantive Review and the Charter	See above.
Week 12 (April 2)	Review and Exam Preparation	None.

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows: <https://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

Pregnancy obligation

Please contact 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:

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 Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

Academic Accommodations for Students with Disabilities

If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (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 as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable) www.carleton.ca/pmc

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original

source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence. *More information on the University's Academic Integrity Policy can be found at:* <http://carleton.ca/studentaffairs/academic-integrity/>

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: carleton.ca/sexual-violence-support

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor 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. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: <https://students.carleton.ca/services/accommodation/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations. <http://carleton.ca/law/current-students/>