



Municipal Law Program (MLP) Unit 4 –Municipal Land Related Law 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 nine lessons for MLP Unit 4.

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

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Lesson 1 of Unit Four

Introduction

This lesson provides an introduction to the law of real property or land law which is part of the law of property. The lesson commences with a brief history of land ownership in England which is the origin of land law in all the common law jurisdictions. It examines estate interests in land and interests that are less than estates. The second half of the lesson examines land law from the prospective of the land owner and reviews the various types of legal persons who can own land.

Learning Objectives and Outcomes

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

1. know the historical background of Municipal land-related law
2. understand key concepts like land tenure, freehold estate, fee tail estate and leasehold estate.
3. distinguish real property from personal property
4. identify estate and other interests in land

Lesson 2 of Unit Four

Introduction

In this lesson, students will gain a general understanding of the historical methods of describing and measuring land. The discussion addresses how land is described, how surveys are conducted, how descriptions of the underlying property are registered, and the circumstances under which different plans for the use of land are required. It also explores key concepts in land law like Reference Plans (R Plans), Plans of Subdivision (M Plans), Condominium Plans and Surveys. The lesson also explains how land is registered and provides a detailed assessment of the registry system and land titles system.

Learning Objectives and Outcomes

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

1. explain the historical methods of describing and measuring land
2. distinguish between Reference Plans, Plans of Subdivisions and Condominium Plans
3. know the basic principles of surveys
4. understand how land is registered
5. explain the Registry and Land Titles Systems in Ontario

Lesson 3 of Unit Four

Introduction

This lesson (along with the next two) provides an overview of the Planning Act, which is the major source of Provincial legislation that governs the process of land-related planning in Ontario. The Planning Act is a formidable piece of legislation, encompassing some 77 sections that address a range of matters. This lesson (along with lessons 4 and 5) examines issues such as official plans, including how they are developed and approved, zoning by-laws, and the power of local committees of adjustment to make variances to the application of a by-law to a property. The lesson also discusses the regulations governing the subdivision of property, procedural issues such as the right of citizens to a fair hearing in commenting on proposed by-laws or changes to an official plan and the issue of Municipal fees.

Learning Objectives and Outcomes

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

1. understand the processes involved in making and amending Provincial Plans
2. know the processes for approving official plans
3. identify what official plans must contain
4. analyze and evaluate the effects of official plans on public development
5. know the core elements of key concepts and documents like Provincial plans, Parkway Belt West Plan, Niagara Escarpment Plan, Oak Ridges Moraine Conservation Plan, Greenbelt Plan, Growth Plan

Lesson 4 of Unit Four

Introduction

This lesson follows from the previous lesson and examines some more of the tools available to Municipalities to control the development and use of land. These tools are: zoning, holding, interim control, temporary use and bonusing by-laws and site plan control. The role and the powers of the committee of adjustment will also be examined. Because of the similarities in the appeal process for the various Planning Act instruments, the appeal process is examined at the end of discussion on the Planning Act in Lesson 5.

Learning Objectives and Outcomes

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

1. analyze the concept and process of zoning
2. explain and interpret Section 34 of the Planning Act
3. understand official plans conformity
4. know the zoning by-law and the zoning by-law enactment processes

Lesson 5 of Unit Four

Introduction

This lesson discusses legal principles related to Division of Land in Ontario. It also explores the processes involved in the approval of Plan of Subdivision as well as dividing land by means of consent. Other topics analyzed in the lesson include part-lot control, the development permit system, Planning Act fees, agreements and the Development Charges Act of 1997. The lesson as examines and raises issues related to the appeal process and Planning Act decisions.

Learning Objectives and Outcomes

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

1. know the division of land
2. understand the process involved in the approval of plan of subdivision
3. explain the development permit system
4. evaluate appeals from Planning Act Decisions

Lesson 6 of Unit Four

Introduction

The discussion in the lesson focuses on statutes creating a lien on land. At its simplest, a lien is a right to retain possession of property until a debt is repaid. A lien is a charge, normally now a legislated charge, on land, the scope of which and the rights that flow from which are defined by the statute that creates it. This lesson analyzes some of the various statutes that have established liens as a means to force a debtor or someone who is under an obligation to another to live up to their undertaking. Since construction liens are such an important part of this field, the lesson start with a discussion of construction financing, and their application to liens.

Learning Objectives and Outcomes

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

1. understand construction liens and financing
2. know other lien legislation
3. interpret the relevant section of the Municipal Act of 2001 as it relates to creating a lien on land.
4. know the relevant sections of the Line Fences Act, Land Transfer Act, Condominium Act, 1998 and other Statutory Liens

Lesson 7 of Unit Four

Introduction

The starting point in understanding Municipal taxes and taxation should be with Parts VII – X of the Municipal Act, 2001, comprising sections 285 to 371 (or the equivalent sections of the City of Toronto Act, 2006). In this lesson, the discussion centres on the ability of the Municipality to collect outstanding taxes under Part XI of the Act. Specifically, the analysis explores what happens when payment of the taxes on a property is seriously in arrears.

Learning Objectives and Outcomes

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

1. know the key principles of Municipal tax sales
2. understand the registration of a tax arrears certificate
3. explain core concepts like public tender, public auction, tax deed or notice of vesting and surplus proceeds.
4. assess alternatives to Municipal tax sales
5. know the right of action for taxes

Lesson 8 of Unit Four

Introduction

Today a Municipality, because of the natural person powers provision and other changes under the Municipal Act, 2001 as amended by Bill 130, can buy and sell land for its purposes with fewer restrictions and oversight. This lesson reviews the remaining limitations, look at standard clauses in a typical agreement of purchase and sale and review the law on compulsory taking or expropriation.

Learning Objectives and Outcomes

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

1. know the core principles of land acquisition and disposal
2. evaluate agreements of purchase and sale
3. undertake title searches
4. conduct registration of agreements
5. explain expropriation procedure

Lesson 9 of Unit Four

Introduction

The Ontario Building Code (OBC) is a regulation made under the Building Code Act of 1992. This lesson discusses the Building Code Act, its purpose and the background conditions leading to its enactment. The Act, which was substantially amended in 2006, is the source of the authority of the Municipality to regulate the construction as well as the demolition of a “building” which by definition includes plumbing, sewage systems and other structures designated in the OBC. The purpose of a building code is to insure that all buildings are built in a safe manner and are constructed from materials which are of an approved standard so that the building is structurally safe and functions so as to protect health and life safety.

Learning Objectives and Outcomes

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

1. know the relevant sections of Building Code Act of 1992
2. understand processes and issues related to permit issuance and fees
3. explain circumstances surrounding conditional permits and revocation of permits
4. undertake dispute resolutions related to the Building Code
5. evaluate principles related to property standards in Ontario