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OSGOODE HALL LAW SCHOOL  
YORK UNIVERSITY

Professional Development  
**LLM**



Director

**George Vegh**, Counsel, McCarthy Tétrault LLP

# Professional LLM in Energy and Infrastructure Law

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## DIRECTOR



**George Vegh**, Counsel, McCarthy Tétrault LLP, and Chair, Ontario Energy Association

George Vegh is the Head of McCarthy Tétrault's Toronto energy regulation practice, where he provides advocacy and advisory services to private/public sector clients. He has also been selected to serve as a leader on many industry initiatives, including Chair of the Electricity Market Forum, and Task Forces on Infrastructure Renewal, Distributed Generation, and Transmission Connection for Renewable Generation. George teaches Energy Law and Policy at the University of Toronto Law School and serves on the Advisory Council for the Extractive Sector Management Program, Ted Rogers School of Management, Ryerson University.

## FACULTY FOR CORE COURSES

### **Mark Bain**

Torys LLP, Head of Public-Private Partnerships Practice Group and Co-Head of Infrastructure and Energy Practice

### **Michael Lyle**

General Counsel and Vice President Legal, Aboriginal and Regulatory Affairs, Ontario Power Authority

### **Julia McNally**

Senior Manager, Market Transformation Planning and Codes & Standards, Conservation, Ontario Power Authority

### **Dennis Mahony**

Torys LLP, Head of Environmental, Health & Safety Practice Group, and Co-Chair of Interdisciplinary Climate Change and Emissions Trading Practice, Member of Infrastructure and Energy Group

**George Vegh**, Counsel, McCarthy Tétrault LLP and Chair, Ontario Energy Association



## DEGREE REQUIREMENTS

The LLM in Energy and Infrastructure Law requires successful completion of 36 credits, including a minimum of 18 credits from the Core Courses and up to 12 credits from Related Elective Courses. The 36 credits can be obtained by either coursework or a blend of coursework and a Major Research Paper. Visit [www.osgoodepd.ca](http://www.osgoodepd.ca) for additional electives.

## PROGRAM FORMAT

Courses will be offered in a combination of weekly and intensive formats. Videoconferencing is available for most courses, although occasional attendance in person in Toronto is required (refer to website for specific details on each course). Note: Faculty, curriculum, course descriptions and degree requirements are subject to change without notice. Visit [www.osgoodepd.ca](http://www.osgoodepd.ca) for complete details.

Osgoode's Professional LLM in Energy and Infrastructure Law provides students with insight into the policies, players, and stakes involved in this highly complex area. The merging interests in energy and infrastructure law touch upon social, political and environmental issues. Students will focus on energy regulation and public utility concepts, competition theory, resource efficiency efforts, social responsibility and environmental issues, integrated infrastructure planning, and public and private partnerships. Graduates will obtain a sophisticated set of legal skills and knowledge and leave the program with a solid analytical framework in energy and infrastructure law.

## COURSE DESCRIPTIONS

### Core Courses

#### Regulatory Theory [6 credits]

Students will explore two basic questions: What is regulation? Why do we do it? Both will be critically analyzed from legal, economic and political perspectives. From the legal lens, the course will examine regulators as creatures of statute, exercising executive authority; the process of regulatory decision-making; adjudication and policy-making; and judicial oversight of and deference towards regulatory bodies. From the economic perspective it will focus on market failure as the need for and extent of regulation; regulation as a form of public finance; and regulatory agencies and the "capture" theory. From the political perspective, it will hone in on the challenge of defining regulation and its forms, the creation of the "regulatory state", and the creation/oversight of quasi-independent agencies and their policy instruments.

#### Public Utility Law [6 credits]

This course addresses the role of public utility regulators with an emphasis on the role of the Ontario Energy Board (OEB) in regulating electricity and gas utilities. It also focuses on the development of North American and international models for regulating "natural monopoly" utilities. Additionally, the course will address the role of regulators in awarding franchise rights to serve particular communities, and their role in regulating competitive aspects of the electricity and gas sectors from the perspectives of consumer protection and of encouraging competition.

#### Special Issues in Ontario Energy Regulation 1998-2011 [6 credits]

This course pulls together some lessons from the break-up of Ontario Hydro in 1998, and the subsequent experimentation with different energy regulation models. The issues covered include: (1) the social/economic rationales for a vertically integrated publicly owned monopoly; (2) from monopoly to market — the transition to a competitive electricity market; (3) from market to central planning - hybrid systems; (4) the green economy model of energy regulation.

#### Demand Side Management: Policy and Regulation [6 credits]

Policy and regulation of resource efficiency efforts will be examined, primarily through the lens of the recent electricity efficiency experience in Ontario. The course will cover topics such as: (1) policy rationales for a focus on energy efficiency; (2) the case for and against energy efficiency from economic,

technological and political perspectives; (3) the role/regulation of utility involvement in energy efficiency; (4) role and regulation of other market players to incent energy efficiency; (5) other examples of resource efficiency regulation.

#### Urban Infrastructure Planning and Regulation [3 credits]

The focus of this course is the growing interest in integrated infrastructure planning and solutions. In order to understand and properly assess this trend, a firm understanding of current practices in infrastructure planning and regulation is necessary. This course will cover topics including: (1) land use planning and regulation; (2) water planning and regulation; (3) urban transportation planning and regulation; (4) the new paradigm of integration; (5) Is regulatory integration feasible? What are the respective roles of OEB, OMB, EAs? and (6) case studies.

### Related Elective Courses

#### Environmental Considerations [3 credits]

This course will start with a review of the legal framework governing the investigation, remediation and development of contaminated sites, including property and structures. Relevant government legislation and policies affecting redevelopment of contaminated sites will be discussed (the so-called "Brownfields" legislation). Students will also cover drafting of agreements from the perspectives of vendor, purchaser, landlord, tenant and lender. The course will also canvass the environmental insurance currently available for spills and other conditions as well as provide a comparative overview of CERCLA and other US environmental statutes.

#### Land Use Regulation and Property Development [3 credits]

The acquisition and financing of vacant land is the first and often easiest part of property development. This course will provide an overview of the law of land use regulation in Ontario, with an emphasis on the processes, negotiations and contracts involved in converting raw land to a residential subdivision, mixed-use development or commercial project. Other topics reviewed will include issues relating to the subdivision of land. Students will also explore the transformation of legal uses. This unique course will combine municipal law with an understanding of the business aspects of bringing raw land or infill to market.

#### Municipalities in a Legal and Policy Context [6 credits]

This course provides a framework for understanding the nature of municipalities and their changing relationship with senior levels of government and with other entities. It examines six main areas of Municipal law: (1) Municipal Corporations, (2) Municipal Governance, (3) Municipal Structure,

- (4) The Nature of Municipal Powers and Responsibilities,
- (5) The Constitutional Status of Municipalities, and
- (6) Municipalities and Other Agencies.

### **The Widening Scope of Municipal Jurisdiction [6 credits]**

Students will investigate and review the role of municipal governments in decision-making and implementation of programs involving the exercise of legislative and other powers. It will cover a number of areas highlighting the scope of municipal jurisdiction in the 21st century.

### **Ethics and Municipalities [3 credits]**

This course will analyze ethical issues affecting the work of Canadian municipalities. Students will examine the role of lobbyists, the conduct of municipal staff in protecting the interests of their municipalities and informing elected councillors, and the potential for serious financial loss to the municipality and its residents when a system of ethical values breaks down or is not enforced. It will also look at the role of municipal functionaries, codes of conduct for municipal staff, conflict of interest legislation, etc.

### **Planning and Development Law [6 credits]**

The implementation, strengths, weaknesses and dispute resolution processes of delegated powers will be explored in this course. The powers are examined in the context of the legislative scheme of related statutes that influence their effectiveness.

The course is broken down into three main areas: Principles of Law Applicable to the Conduct of Land Use Planning and Development; Current Issues in Land Development, and Shaping Planning and Development Law for the 21st Century.

### **Environmental Protection [3 credits]**

Environmental regulation and control has become of major concern to municipalities and environmentalists as the debate between development and protection is played out in a number of legal arenas. Students will examine interplay between municipalities and the environment, and the increasing importance of legal regulation. The first two parts of the course look at current environmental issues relating to the role of municipalities as regulators of the environment and as owners/operators of infrastructure and facilities. The third considers the issues of concurrency and paramountcy as they affect municipalities and examines the ways of defining municipal jurisdiction and various principles of conflict resolution.

### **Major Research Paper: Energy and Infrastructure Law [6 credits]**

A Major Research Paper (MRP) of approximately 70 pages may be completed on an approved topic in energy and infrastructure law, provided appropriate supervision is available. The MRP must go beyond merely describing legal developments to include independent critical analysis of its subject matter.

## **TUITION AND FEES**

Tuition and fees for the Professional LLM are currently \$20,153, payable in six equal installments throughout the program. In addition, a \$15 administrative charge is levied by the Faculty of Graduate Studies each term. Fees include the required course materials, provided in a balance of hard and electronic formats. Some materials may only be available in electronic format. An additional charge will apply to any shipping of materials outside of Canada. Light meals are provided for students attending classes in person in Toronto.

Tuition fees are set by the York University Board of Governors and are subject to change at any time. Students who take longer than six terms to complete their program may be subject to additional tuition charges.



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### **FOR MORE INFORMATION**

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