

OSGOODE

OSGOODE HALL LAW SCHOOL
YORK UNIVERSITY

Professional Development
LLM



Part-time LLM Specializing in Municipal Law

Directors

George Rust-D'Eye, WeirFoulds LLP

David Boghosian, Boghosian & Associates Professional Corporation

"Anyone who ever said that experience is the best teacher never took Osgoode's LLM program. The combination of practical and academic learning will take your practice to a new level. This is how law school should have been taught."

Robert Mullin, LLB, LLM (Municipal)
ACCI, SmithValeriotte Law Firm LLP

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redefine THE POSSIBLE.

Canada is an urban country. Municipalities are more important to the functioning of the country now than they ever have been before. As an example, issues such as land development contribute dramatically to local economies and the welfare of inhabitants – understanding how land development and the law interact is of significant importance to lawyers practising in a number of fields. This program will take an in-depth look at how municipalities function. It explores the nature of the relationship between municipalities and governments, and compares and contrasts different jurisdictions in both Canada and other parts of the world.

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CURRICULUM

Courses will be offered in a combination of intensive (typically three or five consecutive days) and weekly formats. Videoconferencing is available for weekly format courses; attendance in person is required for intensive format courses.

Degree Requirements

There are two options for completing this degree which must equal 36 credits.

Option I

- The required courses in the Municipal Law specialization [27 credits];
- 3 additional credits of coursework which may be from outside the Municipal Law specialization*;
- A Major Research Paper (70 pages) in the Municipal Law specialization [6 credits].

Option II

- The required courses in the Municipal Law specialization [27 credits];
- 9 additional credits of coursework of which 6 credits may be taken from outside the Municipal Law specialization*;
- A significant research paper (30 pages) in one of the Municipal Law courses as the means of evaluation.

**Credits outside the Municipal Law specialization may be taken from other Part-time LLM specializations scheduled during your period of enrollment only.*

Required Courses

Municipalities in a Legal and Policy Context [6 credits]
The Widening Scope of Municipal Jurisdiction [6 credits]
Ethics and Municipalities [3 credits]
Planning and Development Law [6 credits]
Municipal Effectiveness [6 credits]

Elective Courses

Environmental Protection [3 credits]
Municipal Liability [3 credits]

Outside Toronto?

Distance Learning options are available for some courses. Visit www.osgoodepd.ca for details.

COURSE DESCRIPTIONS

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]

This course investigates and reviews 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, including: examining the source of municipal powers and the manner through which such powers are conferred upon them and their various local agencies, boards and commissions; reviewing principles of statutory interpretation that have evolved through judicial interpretation of municipal powers; assessing the ways by which the exercise of municipal powers and authority have been attacked through a range of court proceedings; exploring principles regarding the effectiveness of the exercise of municipal powers; and focusing on current trends in judicial interpretation of municipal legislation.

Ethics and Municipalities [3 credits]

This course discusses and analyzes ethical issues affecting the work of Canadian municipalities. The study of ethics addresses the most profound and fundamental human values regarding what is or is not proper conduct. Municipalities are not immune. Public inquiries into the relationships between municipalities and commercial suppliers have focused on some of the most important ethical issues facing municipalities. The course examines issues including 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]

Land development contributes dramatically to the provincial economy and the welfare of its inhabitants. The exploration of this system is fundamental to understanding a complex, expensive and time consuming legislative scheme of processes and required permissions.

This course examines the implementation, strengths, weaknesses and dispute resolution processes of delegated powers. The powers are examined in the context of the legislative scheme of related statutes that influence their effectiveness. The distinction between legislative and discretionary decision-making is examined; as well, controls are reviewed through appeal and referral rights to a provincially constituted planning tribunal, such as the Ontario Municipal Board. 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.

Municipal Effectiveness [6 credits]

This course examines how municipalities function most effectively to meet their responsibilities and manage their finances. Municipalities perform a number of functions, most of which require financing and involve policy choices regarding expenditures. This course examines these aspects of municipal law within the following four areas: (1) Municipal Operations, (2) Revenue Sources, (3) Financial Management and Investment, and (4) Public-Private Partnerships.

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. This course examines the interplay between municipalities and the environment, and the increasing importance of legal regulation in this area. The course is divided into three parts. The first two examine current environmental issues relating to the role of municipalities as regulators

of the environment and as owners and operators of infrastructure and facilities. The third part of the course considers the issues of concurrency and paramountcy as they affect municipalities and examines the ways of initially defining municipal jurisdiction and the various principles of conflict resolution.

Municipal Liability [3 credits]

This course is designed to explore the unique legal principles applicable to liability claims against municipalities framed in negligence, nuisance and breach of contract, as well as those based upon statutory causes of action. It focuses on the evolution of the legal position of municipalities. The course will also review competing policy considerations that have influenced the development of the law, as well as applicable legal principles. A comparative approach will be employed.

Major Research Paper [6 credits]

A Major Research Paper (MRP) of approximately 70 pages may be completed on any topic in Municipal Law, provided appropriate supervision is available.

The MRP should go beyond merely describing legal developments to include independent critical analysis of its subject matter. It should be work of publishable quality. You will be required, at a minimum, to submit to your supervisor an outline and bibliography for approval before writing your paper. The final paper is marked on a pass/fail basis.



Note: Curriculum and course descriptions are subject to change.

TUITION AND FEES

Tuition and fees for the Part-time LLM are \$18,660. This includes the cost of course materials. Tuition and fees are payable in six equal installments of \$3,110 over the course of the program. In addition, a \$15 administrative charge is levied by the Faculty of Graduate Studies for each payment processed. 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.

FOR MORE INFORMATION CONTACT

Sophie Seventikidis, Admissions and Client Services Assistant
 416.673.4670 or toll free within Canada at 1.888.923.3394
 admissions-opd@osgoode.yorku.ca

APPLY NOW FOR WINTER 2011! ENROLLMENT IS LIMITED.