

ACKNOWLEDGEMENT

UBC's Point Grey Campus is located on the traditional, ancestral, and unceded territory of the *xwməθkwəy̓əm* (Musqueam) people. The land it is situated on has always been a place of learning for the Musqueam people, who for millennia have passed on in their culture, history, and traditions from one generation to the next on this site.

COURSE INFORMATION

Course Title	Course Code Number	Credit Value
Administrative Law	LAW 372.001/509.001	4

CONTACTS

Course Instructor	Contact Details	Office Location	Office Hours
Robert Russo	russo@allard.ubc.ca	ALRD 346	By Appointment, In-Person or Zoom

COURSE STRUCTURE

This course will be taught in-person. Students should bring a laptop/tablet to class for in-class quizzes. Students may record classes however please advise the instructor if recording.

Class Dates: June 19 – July 19, 2023 (no class on June 30)

Location: ALRD 104

Class Time: Mondays, Wednesdays & Fridays, 1:30-5:30pm. Classes will have afternoon breaks.

Final Exam: July 24, 9:00 a.m., Allard 104 & 115

COURSE MATERIALS

The required textbook for this course:

- Colleen Flood and Paul Daly, eds., *Administrative Law in Context, 4th ed* (Toronto: Emond, 2022).

This is a new textbook and may be purchased at UBC Bookstore or through Emond.

A copy will be on reserve in Law Library.

An e-textbook will be available however students are advised to purchase a hard-copy of the textbook, as the Allard School of Law does not permit use of electronic materials during final examinations.

Prior editions of textbooks are not recommended as case law may change significantly in administrative law.

LEARNING OUTCOMES

By the end of this course, students will have had the opportunity to:

- understand common law frameworks and statutes that govern administrative decision-making;
- know how and why courts intervene in administrative decisions and processes through judicial review;
- consider the tensions that continue to drive development of this area of the common law;
- practice interpreting and apply novel statutory schemes;
- examine the content of fairness in government decision-making;
- introduce you to the growing field of Indigenous administrative law;
- consider the proper institutional relations among judicial, legislative, and executive branches;
- develop critical thinking and analytic skills on administrative law issues;
- explore emerging issues in administrative law such as access to justice issue.

LEARNING ACTIVITIES

Class format is primarily lecture and discussion of assigned topics and cases. Students will be expected to brief case law and engage in discussion of weekly topics. Weekly quizzes will be assigned on Canvas and will assist in learning the material. Students should also note that this is an accelerated class offering a traditional semester's course content in a more compressed time period. There is a fair amount of reading for the course although you generally do not read the entire decisions as most of the cases have relevant short excerpts.

ASSESSMENTS OF LEARNING

Students will be assessed according to the following scheme:

- Participation (student case briefs) – (-5% from course grade for Incomplete)
- In-Class Quizzes (completed on Canvas) - 10%
- Final Examination - 85%

Because this is an intensive, accelerated course, a great deal of course material will be covered in a relatively short time-frame. Each day is the equivalent of one week's worth of material in a fall or winter session section, and each week is equivalent of three weeks worth of material. Therefore, it is extremely important that you attend classes regularly and keep up with the class topics and readings. If you must be absent due to illness or other reasons such as family or medical please consult the Allard Academic Concessions & Short-Term Absence pages: <https://allard.ubc.ca/student-portal/academic-concessions-accommodations>

Participation (5%): each student is expected to brief/summarize at least one case to the class during the course. The instructor may call on students to give a case brief or ask for volunteers. The Participation component of the course is graded on a Complete/Incomplete basis. For students who do not give at least one case brief during the course, 5% will be deducted from the final course mark.

Quizzes (10%)

There will be weekly quizzes, consisting of multiple-choice, true/false type questions. The quizzes review the weekly topics and cases and will be completed in-class on Canvas. Completion of these quizzes also assists in learning the material. The marks from the quizzes will be scaled to 10% of the final course mark. The quizzes have a time limit from 30-60 mins.

Final Exam (85%)

The final exam for the course will be an open-book exam, meaning you can use any written materials from the course such as your lecture notes or textbooks. You will have three hours to write the exam.

FINAL COURSE GRADE: For this course, JD students are subject to the Allard Law School Grading Rules curve. Due to the yearly enrollment of the largest section of this course the average shall be in the 70-74.0000% range. LLMCL students enrolled in Law 509 are not subject to the curve but must complete an additional assignment.

SCHEDULE OF TOPICS

The following are textbook and case readings, organized by week.

- Week 1 – Introduction to Administrative Law, Key themes and concepts
Textbook: pp 1-34; 71-102
- Week 2 – Delegation of Administrative Power; Challenging Administration Decisions; Procedural Fairness
Textbook: pp 40-69; 103-126; 177-230
- Week 3 – Access to Justice, Indigenous Administrative Law; Bias & Independence
Textbook: pp 129-174; 233-304; 425-455
- Weeks 4 & 5 – Substantive Review & Standard of Review
Textbook: pp 305-352; 399-412

Week 1: (Note: Most cases have short excerpts available on course website)

- *Canada (Attorney General) v Phs Community Services Society* 2011 SCC 44
- *British Columbia v Imperial Tobacco Canada Ltd.* [2005] 2 S.C.R. 473
- *Roncarelli v Duplessis* [1959] S.C.R. 121
- *National Corn Growers Assn. v Canada (Import Tribunal)* [1990] 2 S.C.R. 1324
- *Canada (Attorney General) v Inuit Tapirisat Of Canada* [1980] 2 S.C.R. 735
- *Budlakoti v Canada (Citizenship And Immigration)*, 2015 FCA 139
- *Federal Courts Act* RSC 1985, C F-7; *Administrative Tribunals Act*, SBC 2004, C45; *Judicial Review Procedure Act*, RSBC 1996

Week 2:

- *Thorne's Hardware Ltd. v Canada* [1983] 1 S.C.R. 106
- *Mckinnon v Ontario* (2001), 39 C.H.R.R. D/308
- *Domtar v Quebec* [1993] 2 S.C.R. 756
- *Harelkin v U Of Regina* [1979] 2 S.C.R. 561
- *Canada (AG) v Phs (from Week 1)* 2011 SCC 44
- *Nicholson v Haldimand Norfolk (Regional) Police Commissioners* [1979] 1 S.C.R. 311
- *Cardinal v Kent* [1985] 2 S.C.R. 643
- *Baker v Canada* [1999] 2 S.C.R. 817
- *Canada (Attorney General) v Inuit Tapirisat Of Canada* [1980] 2 S.C.R. 735
- *Homex Realty And Development Co. v Wyoming (Village)* [1980] 2 S.C.R. 1011
- *Wells v Newfoundland* [1999] 3 S.C.R. 199
- *Canada (Attorney General) v. Agraira*, 2013 SCC 36
- *Canada (Attorney General) v Mavi*, 2011 SCC 30
- *Mission Institution v Khela*, 2014 SCC 24

Week 3:

- *Finlay v Canada* [1986] 2 S.C.R. 607
- *Filgueira v. Garfield Container Transport Inc.* 2006 FC 785
- *B.C. Vegetable Greenhouse v BC Vegetable Marketing Commission (20/5/2005)*, Farm Industry Rev Board
- *McDonald v Anishinabek (2006)*, 53 C.C.E.L. (3d) 126
- *Sparvier v Cowessess Indian Band* [1993] 3 FC 142
- *Pastion v Dene Tha' First Nation* 2018 FC 648
- *Ocean Port v BC* [2001] 2 S.C.R. 781
- *Keen v Canada* 2009 FC 353
- *Baker v Canada* [1999] 2 S.C.R. 817
- *Chrétien v Canada* 2008 FC 802
- *Nfld Telephone v Nfld BCPU* [2001] 2 S.C.R. 781
- *IWA v Consolidated Bathurst* [1990] 1 S.C.R. 282

Weeks 4 & 5:

- *New Brunswick Liquor Corp. v. C.U.P.E., Local 963* [1979] 2 S.C.R. 227
- *Dunsmuir v. New Brunswick* 2008 SCC 9 [2 excerpts]
- *Mouvement laïque québécois (MLQ) v. Saguenay (City)*, 2015 SCC 16
- *Alberta (Information and Privacy Commissioner) v. Alberta Teachers' Association* 2011 SCC 61
- *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 (Vavilov)
- *Bell Canada v. Canada (Attorney General); National Football League. v. Canada (Attorney General)*, 2019 SCC 6
- *Newfoundland and Labrador Nurses' Union v. Newfoundland and Labrador (Treasury Board)* 2011 SCC 62
- *Catalyst Paper Corp. v. North Cowichan (District)* 2012 SCC 2
- *Wilson v Atomic Energy*, 2016 SCC 29
- *Kanthasamy v Canada (CIC)* 2015 SCC 61
- *Edmonton (City) v Edmonton East (Capilano) Shopping Centres Ltd.*, 2016 SCC 47
- *D'Errico v. Canada (Minister of Human Resources and Skills Development)*, [2014] F.C.J. No. 370
- *Doré v Barreau du Québec*, 2012 SCC 12
- *Loyola HS v Quebec (AG)* 2015 SCC 12
- *McLean v BC Securities* 2013 SCC 67
- *Celgene Corp. v. Canada (Attorney General)* 2011 SCC 1

UNIVERSITY POLICIES

UBC provides resources to support student learning and to maintain healthy lifestyles but recognizes that sometimes crises arise and so there are additional resources to access including those for survivors of sexual violence. UBC values respect for the person and ideas of all members of the academic community. Harassment and discrimination are not tolerated nor is suppression of academic freedom. UBC provides appropriate accommodation for students with disabilities and for religious observances. UBC values academic honesty and students are expected to acknowledge the ideas generated by others and to uphold the highest academic standards in all of their actions.

Details of the policies and how to access support are available on [the UBC Senate website](#).

COURSE POLICY ON DISCUSSIONS

When engaging in discussions keep in mind that an inclusive, respectful, and diverse environment for discussion is crucial to the work in this course. Please ensure that all class members feel welcomed and equally able to contribute to class discussions. I encourage vigorously exploring and explaining views, but always endeavour to be respectful in language, choice of examples, and the manner in which discussions are conducted.

LEARNING RESOURCES

UBC's Learning Commons is physically located in the Ike Barber building, but many of its resources are available online at: <http://learningcommons.ubc.ca/>. The Commons provides academic and wellness support to students, and has very specific support services for improving writing skills and citing sources. The Writing Centre, which is part of the Learning Commons, offers free writing support for all UBC students. The support includes: one-on-one tutoring, self-learning resources available online, and workshops. This is a great resource for those of you who may need assistance with basic writing skills.

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Students may record classes for course study use only.

Version: March 2023