

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. Classes will be video recorded and posted on the course website.

Class Dates: May 6 – June 5, 2024 (no class on May 20)

Location: ALRD 105

Class Time: Mondays, Wednesdays & Fridays, 1:30-5:15pm. Classes will have breaks.

Final Exam: June 10, 9:00 a.m., Allard 105 & 114

COURSE MATERIALS

The required textbook for this course:

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

This textbook may be purchased at UBC Bookstore or through Emond. A copy will be on reserve in Law Library.

An e-textbook may 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 legal 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 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 issues

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) – (Graded Complete/Incomplete – see below)
- Quizzes (completed on Canvas) - 10%
- Final Examination - 90%

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.

Participation (Graded on Complete/Incomplete): each student is expected to **brief/summarize at least one cases to the class during the course. A word/text document or powerpoint should be sent to the instructor prior to the brief/summary.** The Participation component of the course is graded on a Complete/Incomplete basis. 5% will be deducted from the final course mark for students who do not give a case brief during the course.

Quizzes (10%)

There are weekly quizzes, consisting of multiple-choice, true/false type questions. The quizzes have a time limit and review the weekly topics and cases. 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**. Quizzes are released every Friday. Time will be given to complete each quiz in class but students may complete & submit quizzes before deadline on following Sunday, 11:59 PM. **Once you start a quiz you must complete it.**

Final Exam (90%)

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.

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. LLML students enrolled in Law 509 are not subject to the curve but must complete an additional assignment.

SCHEDULE OF TOPICS

TEXTBOOK 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
Aminollah Sabzevari, Case Note – *Damte v Canada*

CASE READINGS, ORGANIZED BY WEEK:

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

Week 1:

- *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* 2015 FCA 139
- *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817
- *Thorne's Hardware Ltd. v. Canada* [1983] 1 S.C.R. 106

Week 2:

- *McKinnon v Ontario* (2001), 39 C.H.R.R. D/308
- *Canada (AG) v PHS* 2011 SCC 44 (from Sept 10 class, focus on remedy starting with para 150)
- *Domtar v Quebec* [1993] 2 S.C.R. 756
- *Harelkin v U of Regina* [1979] 2 S.C.R. 561
- *Paradis Honey Ltd v Canada* 2015 FCA 89 [focus on paras 119-154, esp para 132]
- Highlighted Excerpt - *Baker*
- Highlighted Excerpt - *Vavilov*
- *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. Mavi*, 2011 SCC 30
- *Canada (Attorney General) v. Agraira*, 2013 SCC 36
- *Canada (Attorney General) v Inuit Tapirisat Of Canada* (Review for Procedural Fairness)
- *Homex Realty and Development Co. v. Wyoming (Village)* [1980] 2 S.C.R. 1011
- *Wells v. Newfoundland* [1999] 3 S.C.R. 199
- *Mission Institution v. Khela*, 2014 SCC 24

Week 3:

- *Finlay v Canada* [1986] 2 S.C.R. 607
- *B.C. Vegetable Greenhouse I, L P v BC Vegetable Marketing Commission* (20 May 2005), Farm Industry Review Board
- *Filgueira v. Garfield Container Transport Inc.* 2006 FC 785
- *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada* 2015 CHRT 14
- *First Nations Child & Family Caring Society of Canada v Canada* 2021 FC 969
- *Pastion v Dene Tha' First Nation* 2018 FC 648
- *McDonald v Anishinabek* (2006), 53 C.C.E.L. (3d) 126
- *Sparvier v Cowessess Indian Band* [1993] 3 FC 142
- *Canadian Pacific Ltd. v Matsqui Indian Band* [1995] 1 S.C.R. 3
- *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
- *Nfld Telephone v Newfoundland BCPU* [2001] 2 S.C.R. 781
- *IWA v Consolidated Bathurst* [1990] 1 S.C.R. 282
- *Chrétien v Canada* 2008 FC 802

Weeks 4 & 5:

- *New Brunswick Liquor Corp. v. C.U.P.E., Local 963* [1979] 2 S.C.R. 227
- *Canada (Director of Investigation and Research) v. Southam Inc.*, [1997] 1 S.C.R. 748
- *Pushpanathan v. Canada (Minister of Citizenship and Immigration)* [1998] 1 S.C.R. 982
- *Dunsmuir v. New Brunswick* 2008 SCC 9 [file includes 2 excerpts]
- *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65
- *Bell Canada v Canada and NFL v Canada* 2019 SCC 66 (we will focus only on choice and application of standard of review)
- *Housen v Nikolaisen* 2002 SCC 33
- *Alberta (Information and Privacy Commissioner) v Alberta Teachers' Association* 2011 SCC 61
- *MLQ v. Saguenay (City)*, 2015 SCC 16
- *D'Errico v. Canada*, [2014] F.C.J. No. 370
- *Catalyst Paper Corp. North Cowichan (District)* 2012 SCC 2
- *Kanthasamy v Canada (CIC)* 2015 SCC 61
- *Wilson v. Atomic Energy of Canada Ltd.*, 2016 SCC 29
- *Newfoundland and Labrador Nurses' Union v Nfld & Labrador* 2011 SCC 62
- *Edmonton (City) v. Edmonton East (Capilano) Shopping Centres*, 2016 SCC 4
- *Doré v Barreau du Québec*, 2012 SCC 12
- *Loyola HS v Quebec (AG)* 2015 SCC 12
- *McLean v BC Securities* 2013 SCC 67
- *Soc of Composers, Authors & Music Publishers of Canada v. Entertainment Software Assoc*, 2022 SCC 30

ACCOMMODATION & UNIVERSITY POLICIES

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>

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.

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