

School of Community and Regional Planning (SCARP)
University of British Columbia
COURSE OUTLINE

Course Number	PLAN 524
Course Credit(s)	2.0
Course Title	Legal Concepts for Professional Planning
Term	2018-2019 Winter Term 2
Dates	January 8th to March 7th, 2019
Days/Time	Tuesday & Thursday

Instructor	William Buholzer
Office	
Telephone	
Email	buholz9@mail.ubc.ca or wuholzer@gmail.com
Office Hours	TBA

Short Course Description

Planning law can be, as one Supreme Court of Canada judge observed in a recent case, a “dry, forbidding and not very fashionable subject”. Yet on a daily basis, Canadian courts make decisions in cases involving collisions of sometimes epic proportions between community interests in sound management of land use and resources, and private property and business interests – cases at whose core can be found the work of a planner. Plans are implemented by means of regulatory systems whose operation is governed by certain legal principles, and it’s essential that those designing and operating such regulatory systems, and beneficial that those whose activities are subject to the regulations, know the relevant law. Planning 524 is designed to familiarize planning students with the legal principles that will apply to their work as policy advisors, decision-makers and advocates.

Course Format

The course consists of fifteen lectures each of which begins with a review of an actual planning or land use management dispute that was resolved through litigation. From the specific details of the case the instructor expands on a key concept or principle that forms part of the legal landscape in which professional planners operate.

Course Overview, Content and Objectives

This course has been designed to equip professional planners with a basic understanding of certain key legal concepts that are fundamental to planning practice. The course addresses the division of legislative powers among federal, provincial and local governments; the effect of Canadian Charter of Rights and Freedoms on planning and land use management activities; and legal aspects of regional and official plans, zoning and related land use management tools, planning for hazard lands and environmentally sensitive lands, heritage conservation and design controls, aboriginal rights and title, and development charges. Particular attention is given to the legal requirements for procedural fairness in decisions affecting individuals. While most of the case examples are taken from British Columbia, the legal

concepts are relevant in all Canadian provinces and, to a somewhat lesser extent, other countries having a common law or civil law tradition.

Learning Outcomes

Students will be sufficiently familiar with the legal concepts that apply to their work that they can avoid common legal problems that impair the implementation of plans and the effective administration of regulatory systems, and recognize legal complexities that may warrant referring the matter to specialized legal professionals.

Additional Course Requirements

None.

Attendance

Since almost all of the course content is delivered in lectures, students are expected to attend each class and, in the event of an unavoidable absence, to advise the instructor in advance of the reason for their absence. Students should ensure that they obtain class notes if they miss a class.

Evaluation Criteria and Grading

Students will be evaluated on the basis of two written assignments, the first of which will constitute 30% of an overall percentage grade and the second 70%. The second assignment will require your legal analysis of a current planning issue from somewhere in B.C. so you should monitor media during the term to identify a potential issue to write about.

Since professional planning practice involves a great deal of written communication, student evaluations on these assignments will include attention to proper organization, grammar and spelling.

Late assignments will be accepted only in extraordinary circumstances and with prior approval of the instructor; fulfilling other course requirements at SCAPR is not an extraordinary circumstance for this purpose. Plan your SCARP workload appropriately so that you will complete the assignments on time.

Required Readings

The instructor will provide links to required readings in online Canadian legal databases, and electronic copies of any cases that are not available online. Students will be expected to arrive at class having read the case that forms the basis of the lecture, including the first lecture. The first lecture will include some basic information on how to read legal decisions.

In addition, a limited amount of core statutory and related materials will be provided in electronic form for you to refer to on your laptops during class.

Recommended Reading

Students may wish to consult Buholzer, W., *British Columbia Planning Law and Practice*, on Reserve at the Allard School of Law library, for more in-depth treatment of topics covered in the course.

Course Schedule

Lecture 1	Course overview; Canadian legal system; reading case law (January 8)
Lecture 2	Basic land use regulation principles (January 10)
Lecture 3	Regional plans and official plans (January 15)
Lecture 4	Division of legislative powers – federal/provincial (January 17)
Lecture 5	Division of legislative powers – provincial/local (January 22)
Lecture 6	Aboriginal rights and aboriginal title (January 24)
Lecture 7	Zoning and the regulation of density (January 29)
Lecture 8	Zoning and variances (January 31)
Lecture 9	Zoning and vested rights: lawful non-conformity (February 5)
Lecture 10	Zoning enforcement (February 7)
Lecture 11	Hazard lands (February 12)
Lecture 12	Agricultural land and environmental protection (February 14)
Lecture 13	Sign regulation and the Charter of Rights and Freedoms (February 26)
Lecture 14	Heritage conservation (February 28)
Lecture 15	Procedural fairness (March 5)
Lecture 16	Development charges and other exactions (March 7)

Special Needs

Academic Integrity

The academic enterprise is founded on honesty, civility, and integrity. As members of this enterprise, all students are expected to know, understand, and follow the codes of conduct regarding academic integrity. At the most basic level, this means submitting only original work done by you and acknowledging all sources of information or ideas and attributing them to others as required. This also means you should not cheat, copy, or mislead others about what is your work. Violations of academic integrity (i.e., misconduct) lead to the breakdown of the academic enterprise, and therefore serious consequences arise and harsh sanctions are imposed. For example, incidences of plagiarism or cheating may result in a mark of zero on the assignment or exam and more serious consequences may apply if the matter is referred to the President's Advisory Committee on Student Discipline. Careful records are kept in order to monitor and prevent recurrences.

A more detailed description of academic integrity, including the University's policies and procedures, may be found in the Academic Calendar at

<http://calendar.ubc.ca/vancouver/index.cfm?tree=3,54,111,0>.