

*Federation of Law Societies  
of Canada*



*Fédération des ordres professionnels  
de juristes du Canada*

## **NATIONAL COMMITTEE ON ACCREDITATION**

### **SYLLABUS**

### **CANADIAN ADMINISTRATIVE LAW**

**JANUARY 2010**

## CANADIAN ADMINISTRATIVE LAW

### Casebook

The assigned material on which candidates will be examined comprises a substantial portion of Evans, Janisch, Mullan & Risk, Administrative Law: Cases, Text & Materials (Toronto: Emond Montgomery Publications Ltd., 5<sup>th</sup> ed., 2003). As well, candidates will be expected to be familiar with further cases and statutory materials that do not appear in the Casebook. They are listed below along with the appropriate Casebook page cross-references.

### Objectives

Candidates should have sufficient knowledge of these materials to enable them to answer problem-type questions on a three hour, open book final examination.

As well as knowledge of the principles and rules of Canadian Administrative Law, candidates will be expected to display an aptitude for the application of that knowledge in the context of specific fact situations. That will involve an ability to analyse and distill relatively complex facts, to relate the law as identified to the salient facts, and to reason towards a conclusion in the form of advice to a client or the likely judgment of a court confronted by such a problem.

### Modifications to Casebook

#### **Additions**

*Dunsmuir v. New Brunswick*, [2008] 1 S.C.R.190; 2008 SCC 9, at paras.1-26 and 77-117 - Casebook, page 116.

*Authorson v. Canada (Attorney General)*, [2003] 2 S.C.R. 40; 2003 SCC 39 - Casebook, page 213.

*May v. Ferndale Institution*, [2005] 3 S.C.R. 809; 2005 SCC 82, at paras. 89-120 - Casebook, page 357.

*Charkaoui v. Canada (Citizenship and Immigration)*, [2007] 1 S.C.R.350; 2007 SCC 9 - Casebook, page 414.

*Thamotharem v. Canada (Minister of Citizenship and Immigration)*, (2007), [2008] 1 F.C.R. 385; 2007 FCA 198 - Casebook, page 568.

*Bell Canada v. Canadian Telephone Employees Association*, [2003] 1 S.C.R. 884; 2003 SCC 36 - Casebook, page 623.

*Dunsmuir v. New Brunswick*, [2008] 1 S.C.R. 190; 2008 SCC 9 (except paras. 77-117) - Casebook, page 733.

*Administrative Tribunals Act*, S.B.C. 2004, c. 45, ss. 58-59 - Casebook, page 790.

*Canada (Citizenship and Immigration) v. Khosa*, [2009] 1 S.C.R. 339; 2009 SCC 12 - Casebook, page 790.

*Nova Scotia (Workers' Compensation Board) v. Martin*, [2003] 2 S.C.R. 504; 2003 SCC 54 - Casebook, page 915.

*Paul v. British Columbia (Forest Appeals Commission)*, [2003] 2 S.C.R. 585; 2003 SCC 55 - Casebook, page 915.

*Administrative Tribunals Act*, S.B.C. 2004, c. 45, ss. 43-45 - Casebook, page 932.

*Administrative Procedures and Jurisdiction Act*, R.S.A. 2000, c. A-3, ss. 10-16 (as inserted by S.A. 2005, c. 4).

*Multani v. Commission scolaire Marguerite-Bourgeoys*, [2006] 1 S.C.R. 256; 2006 SCC 6, Casebook, page 945.

*Canadian Union of Public Employees v. Ontario (Minister of Labour)*, [2003] 1 S.C.R. 539; 2003 SCC 29 - Casebook, page 984.

*Chamberlain v. Surrey School District No. 36*, [2002] 4 S.C.R. 710; 2002 SCC 86 - Casebook, page 1000.

*May v. Ferndale Institution*, [2005] 3 S.C.R. 809; 2005 SCC 82 - Casebook, page 1147

*Ontario (Children's Lawyer) v. Ontario (Information and Privacy Commissioner)* (2005), 75 O.R. (3d) 309 (C.A.) - Casebook, page 1241.

Also, note that the Supreme Court of Canada affirmed the judgment of the Ontario Court of Appeal in *Pritchard v. Ontario (Human Rights Commission)*, Casebook, page 357 - see [2004] 1 S.C.R. 809; 2004 SCC 31.

As well, take account of *Garland v. Consumers' Gas Co.*, [2004] 1 S.C.R. 629; 2004 SCC 25, at paras. 70-73 especially, when dealing with the material on collateral attack - Casebook, pages 1303-09.

### **Omissions**

116-129 (Substitute *Dunsmuir*, *supra*).

Chapters 8 and 16.

733-789 and 801-890.

916-31 (Substitute *Martin* and *Paul*, *supra*).

(In sum, you are responsible for all of the Casebook except this list of readings under the heading "Omissions". You are also responsible for all the readings under the heading "Additions".)

Supplementary Texts

Candidates wishing to consult a text for further clarification and elaboration of the various principles of Administrative Law are directed to the following:

Sara Blake, Administrative Law in Canada (Toronto: LexisNexis-Butterworths, 4th ed., 2006).

David J.M. Brown and John M. Evans, Judicial Review of Administrative Action in Canada (2 volumes) (Toronto: Canvasback, 1998) (a looseleaf service).

Colleen Flood and Lorne Sossin, Administrative Law in Context (Toronto, Emond Montgomery, 2008).

David Phillip Jones and Anne S. de Villars, Principles of Administrative Law (Toronto: Carswell, 5<sup>th</sup> ed., Student, 2009).

David J. Mullan, Administrative Law (Toronto: Irwin Law, 2001).

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**Internet Sites for Provincial Legislation**

[www.canlii.org](http://www.canlii.org)

This is a listing for all the provinces and is highly recommended

Ontario:

<http://www.attorneygeneral.jus.gov.on.ca/english/legis/>

British Columbia (Queen's Printer):

<http://www.bclaws.ca/>

Alberta (Queen's Printer):

<http://www.qp.alberta.ca/>

**Supreme Court Judgments:**

<http://scc.lexum.umontreal.ca/en/index.html>