

Property Law (LAWS 1005)

Professor Baxter, Fall 2018

Course Syllabus

Contact Details

Professor Jamie Baxter

E-mail: jamie.baxter@dal.ca

Office: 326 Weldon

Fall Meeting Schedule

Monday 11:30am - 12:50pm, Room 305

Wednesday 1:30pm - 2:50pm, Room 305

Winter Meeting Schedule

Tuesday 11:30am - 12:50pm, Room 105

Thursday 11:30am - 12:50pm, Room 105

In-person Appointments

All questions about course material will be addressed at in-person meetings only (i.e. not by e-email), during scheduled office hours on **Wednesdays 3:00PM - 4:30PM** on a drop-in basis.

Students must send all questions they plan to address during office hours via email to jamie.baxter@dal.ca (<mailto:jamie.baxter@dal.ca>) at least one hour prior to the drop-in session they plan to attend.

The last day for fall term office hours will be **Wednesday, November 21**. Group Q&A sessions are scheduled after these dates to address questions in advance of exams (see *Course Schedule*).

E-Mail Communications

All communication from me about the course will be through e-mail via an Announcement posted on Brightspace. You will be deemed to have received all course information sent by this route.

E-mail will not serve as an alternative to meeting with me in-person using the procedure described above. All e-mail messages must include in the subject line the course name and a concise statement of purpose (e.g. Property: Class schedule).

Course Website (Brightspace)

The *Course Syllabus*, *Course Schedule*, and any assigned course materials not included in the course text will be posted to the course website (dal.brightspace.com).

Please ensure that you have e-mail notifications enabled for all Announcements posted on Brightspace.

Administration

Information on course requirements, procedures and schedules is contained in the *Course Syllabus* (this document) and the *Course Schedule*—both available on the course website. The *Course Schedule* may be amended throughout the term as needed (with notice via an Announcement posted on Brightspace).

Course Materials

1. Bruce Ziff, Jeremy de Beer, Douglas Harris, Margaret McCallum, *A Property Law Reader: Cases, Questions and Commentary*, 4th ed. (Toronto: Carswell, 2016).
2. Any supplemental materials are posted in the corresponding class folder on Brightspace. (Note: the term “supplemental” indicates readings not included in the text; they are required readings for the course).

Online Classroom Response System

We may use an online classroom response (‘clicker’) system during some lectures. You can access it using a web browser <https://b.socrative.com> (<https://b.socrative.com>) or by downloading the Socrative Student app for your phone or tablet. It is free, and you do not need to register for an account. The room name for this class is “BAXTERDAL”.

Course Overview

This course introduces property law by linking its historical roots with its modern forms, functions and politics. Early lectures focus on questions of method: How are systems of classification and appeals to different sources of authority deployed in this field of law? How and why are property-based arguments used to achieve individual and group ends (compared to alternatives)? Next, we aim to understand and work with different value justifications for private property rules, using the organizing idea of ‘boundaries’ as our main example. In this part of the course, students will learn how to use and critique different kinds of ‘policy’ arguments as key sources of authoritative reasoning in property rights adjudication. The big question here is: how should we justify different property rules? From these foundations, we move on to examine the different origins of property law—this time using ‘possession’ as our organizing concept. We will look at and compare both formal sources of property law, including Indigenous law and Anglo-Canadian common law, and informal sources, especially customs and practices. Finally, at the end of fall term, we will explore some statutory sources of and protections for property by examining the structure of local land use controls and other acts of state redistribution. In Winter Term, we will work with, extend and apply all of these foundations to understand the historical and modern features of land law.

Evaluation

You will be evaluated in this course based on examinations. In December, there will be a ‘fail-safe’ exam. If you get a higher mark on your April exam, your April mark will be your final mark. If you get a higher mark on your December exam, the December mark will count for 30% of your final grade. The December and April exams are both **closed book**.

All examinations will be written on computer. Further information will be sent to students from the Associate Dean's Office. Rules governing exams are included in the *Academic Calendar*.

Requests for Accommodation

Student requests for special accommodation for reasons such as illness, injury or personal circumstances will require an application to the Law School Studies Committee. Such requests must be made to the Associate Dean's Office as soon as possible, before a scheduled exam or a deadline for an assignment. Retroactive accommodation will not be provided. Please note that individual professors cannot entertain accommodation requests.

Students may request accommodation as a result of barriers related to disability, religious obligation, or any characteristic under the Nova Scotia *Human Rights Act*. Students who require academic accommodation for either classroom participation or the writing of tests and exams should make their request to the Advising and Access Services Center (AASC) prior to or at the outset of the regular academic year. Please visit www.dal.ca/access for more information and to obtain the Request for Accommodation (Form A). Students may also contact the Advising and Access Services Centre directly at 494-2836, or they may contact the Associate Dean for more information.

Plagiarism

All students in this course must read the University policies on plagiarism and academic honesty referenced in the Policies and Student Resources sections of the <http://academicintegrity.dal.ca/> website, and the Law School policy on plagiarism, available online at <http://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>. Any paper or assignment submitted by a student at the Schulich School of Law may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above and should consult with the instructor if they have any questions. Ignorance of the policies on plagiarism will not excuse any violation of those policies.

Inclusive Classroom

Dalhousie University is committed to a welcoming and respectful working and learning environment that is free from harassment and discrimination. We encourage open dialogue, however members of the class are expected to refrain from speaking or behaving in ways that are harmful to others, through racism, homophobia, sexism, or other derogatory treatment based on characteristics protected under the Nova Scotia *Human Rights Act*. Please do not hesitate to speak with me if you have questions or concerns, or see <https://www.dal.ca/cultureofrespect.html> for further information on resources and supports.

Lecture Recording

You are not permitted to record lectures. The unauthorized use of any form of device to audiotape, photograph, video-record or otherwise reproduce lectures is prohibited. Students must obtain prior written consent to any such recording. Exceptions may be granted in cases of private use for reason of accommodation.