

# Planning Law (LAWS 2015)

---

Professor Baxter, Winter 2019

---

## Course Syllabus

---

### Contact Details

Professor Jamie Baxter

E-mail: [jamie.baxter@dal.ca](mailto:jamie.baxter@dal.ca)

Office: 326 Weldon

### Course Meeting Schedule

Monday 11:30am - 12:50pm, Room 309

Wednesday 11:00am - 12:20pm, Room 309

### In-person Appointments

All questions about course material and assignments will be addressed at in-person appointments (i.e. not by e-mail). I am flexible about meeting times – please email to schedule a meeting.

### Course 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.

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

### Course Website (Brightspace)

The *Course Syllabus*, *Course Schedule*, and all readings for the course will be posted on the course website ([dal.brightspace.com](http://dal.brightspace.com)).

### 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 after January 14 via an Announcement posted on Brightspace).

### Course Materials

There is no casebook for this course. Readings for each class will be posted on Brightspace in the folder corresponding to each class meeting.

### Course Overview

This course critically explores the law and policy of land use control. We focus on two particular contexts—(1) the context of *local* government, including the actors and institutions that shape land use control at the municipal level and (2) the urban land use planning and development context. The first half of the course covers the broader picture of local government in Canada, while the second half zeros in

on specific topics in land use control.

In terms of objectives, the course aims to:

- Explore what makes municipalities special and important as an order of government in Canada and debate the proper role, form and functions of local government;
- Develop an understanding of how land use control is a unique legal domain that regulates geographic “space” as the primary logic of shaping individual behaviour, politics and socio-economic conditions;
- Cultivate students’ abilities to undertake (1) independent critical analysis of legal and policy arguments and (2) policy advocacy at the municipal level.

## Evaluation

Evaluation for this course is based on the following components:

- Participation during class meetings (10%)
- Two short paper assignments – each written and submitted in advance of a different class meeting during the term (2 papers x 25% each = 50%)
- One policy brief assignment and a short in-class panel presentation (40%)

Because the course relies heavily on your participation, attendance is mandatory for all classes.

The required median final mark for this course is 73%–75%. Final marks for the course are *not* required to conform to the curve.

## Short Paper Requirements

- Each student will complete two short papers during the term – each written and submitted in advance of a different class meeting. You are free to choose which classes to write for, **but you must submit at least one short paper for a class that falls before the end of Week 6 in the *Course Schedule*.**
- Each short paper will be between **1,500 - 2,000 words in length** using the McGill 9th edition citation style.
- Short papers must be submitted by email to jamie.baxter@dal.ca **no later than 24 hours before the start of the class in which the materials are to be discussed.** For example, papers written for a Wednesday class must be submitted by 11:00am on the Tuesday immediately preceding that class). These deadlines are strictly enforced. Penalties for late submissions will be assessed by the Studies Committee.
- Email submissions for each short paper must include a **1-paragraph synopsis** of the paper’s key argument. This synopsis will be posted to the class on Brightspace in advance of the class meeting.
- Short papers will be used to guide our class discussions. Students must be on-call to discuss their short papers in each of the two classes for which they choose to write.

## Short Paper Evaluation Criteria

Your main goal in each short paper is to demonstrate your ability to independently and critically engage with the materials in the course. **These assignments are *not* informal personal essays or reflection papers.** I will be looking for a careful, concise and original analysis of the materials on which your paper is based. Do not summarize or describe the readings. While you may draw on sources beyond the assigned course materials in your analysis, your primary focus should be on critical engagement with one or more of the assigned readings.

Short papers may, for example:

- Clarify and question the assumptions underlying the readings;
- Identify gaps, uncertainties or contested concepts in the reasoning;
- Critique the readings from an alternative theoretical perspective (e.g., feminist, economic, etc);

- Compare and contrast interpretations and approaches with those in other readings;
- Interrogate underlying values and interests in the arguments being presented.

Your short papers will be evaluated against the following criteria:

- **Writing:** no errors in grammar or punctuation; individualized and engaging style; carefully constructed prose (including selection of vocabulary, sentence structure, and appropriate paragraphing); clear and precise writing; skillful transitions between arguments and structural elements of the paper.
- **Organization:** arguments are clearly and logically structured; each argument contains an assertion and evidence to support the assertion; counter-arguments are carefully identified, considered and rebutted or conceded where appropriate; conclusions are supported by evidence; no irrelevant information included and discussion complete; appropriate emphasis placed on each argument; reader is given direction (a “road map”) of the arguments if necessary.
- **Substance:** reveals a superior understanding of the materials and topics being explored; demonstrates strong capacity for independent, critical analysis; identifies and applies a clear analytical framework; does not attempt to summarize or describe the assigned readings; takes every opportunity to integrate analysis with course themes and focal issues.

Please ensure that you plan ahead—especially for your first short paper—and plan to meet with me if you have any questions about the criteria or expectations for these assignments. Students are also encouraged to meet with me between submitting their first and second short papers to discuss feedback.

## Policy Brief Requirements

Each student will complete a policy brief (max. 2,500 words) and deliver a short in-class presentation based on their brief at the end of term. Through independent study, students will each identify a specific policy challenge related to local government or land use control in the Halifax Regional Municipality of interest to them, compile the relevant research on this topic, and craft a recommendation or set of recommendations for legal/policy change in the form of policy brief intended for consumption by local decision-makers.

Students should work to identify their selected issue early in the term and submit a brief description to me for approval.

Class time around mid-term will be dedicated to discussing the form and purposes of a policy brief and to providing instruction on how to craft an effective brief. At mid-term, a schedule will also be set for in-class panel presentations during the final three classes of the term.

**Policy briefs must be submitted by email to [jamie.baxter@dal.ca](mailto:jamie.baxter@dal.ca) by 4:00PM on Friday, March 29.**

## 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](http://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.

## Class Meeting Recording

You are not permitted to record class meetings. The unauthorized use of any form of device to audiotape, photograph, video-record or otherwise reproduce class meetings 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.