

## REM 641: ENVIRONMENTAL AND PLANNING LAW

Spring 2016 (Revised Feb 24, 2016)

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Seminars: Tuesday 12:30 – 4:20 p.m. Room: TASCII-7520  
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This course provides a practical introduction to the legal system that governs the use and protection of natural resources and the environment in Canada. The course also includes an overview of the law that governs land use planning in British Columbia.

In the first part of the course we will review the major divisions of law that are particularly relevant to environmental issues and land use planning (e.g., constitutional law, administrative law, international law, municipal law, aboriginal rights and title). We will also examine and critique the substantive law in Canada dealing with pollution, water management, fisheries, forestry, land use control, planning and zoning, impact assessment, and biodiversity. Classes will combine lectures with seminar discussions based on assigned readings.

You will be expected to read the required materials for each class and to participate in discussions. Students (in groups) will be asked to summarize and lead discussion about an assigned set of laws or international treaties dealing with a particular dimension of environmental law (e.g., water, air, land, biodiversity). Later in the course you will prepare and present arguments for a mock appeal of a recent environmental or planning law case. The final assignment is a term paper on a specific issue or problem in environmental or planning law.

**Course Objectives:** You will become familiar with some fundamental legal principles and a broad body of environmental law and planning law, while learning about basic legal skills such as reading case law and interpreting legislation. The course will also examine the intellectual discipline of legal reasoning and the mechanisms by which the law is created and developed. You will be encouraged to critically evaluate environmental and planning laws and legal institutions as part of the broader policy-making process, and to consider the ecological and socio-political context in which the legal system operates.

### Assignments and grading:

Prepare a written case brief (a concise summary and analysis of a judicial decision); maximum 4 pages, double spaced 12 font.	10%
Summarize and lead discussion about a collection of statutes and associated regulations dealing with a specific dimension of environmental law (group project).	15%
Prepare and present argument for a mock appeal of an environmental or planning law case.	15%
Write a term paper involving legal research and analysis; no more than 15 pages in length, double spaced 12 font, plus references.	40%
Class participation.	20%

**Required Textbooks:**

- Muldoon, P., A.R. Lucas, R. Gibson, P. Pickfield, and J. Williams. 2015. *An introduction to environmental law and policy in Canada*. Second edition. Toronto: Emond Montgomery. (On reserve at Bennett Library, and available as an EBook from Emond Publications <http://www.emond.ca/an-introduction-to-environmental-law-and-policy-in-canada-2nd-edition.html>)
- Boyd, D. 2003. *Unnatural law: Rethinking Canadian environmental law and policy*. Vancouver: UBC Press. (On reserve at Bennett Library, and available online through the SFU Library website)

**Other Useful References:**

- Benidickson, J. 2013. *Environmental law*. Fourth edition. Toronto: Irwin Law.
- Bish, R.L. and E.G. Clemens. 2008. *Local government in British Columbia*. Fourth Edition. Richmond, BC: Union of British Columbia Municipalities. Available online at: [http://www.ubcm.ca/EN/main/services/publications/local\\_government\\_book.html](http://www.ubcm.ca/EN/main/services/publications/local_government_book.html)
- Black's law dictionary*. 2009. 9<sup>th</sup> Edition. St. Paul, Minnesota: West Group. (SFU Library has the 2011 4<sup>th</sup> pocket edition of this dictionary)
- Blake, Cassels and Graydon, LLP. 2014. *Blake's guide to environmental law in Canada*. Available online at: [http://www.blakesfiles.com/Guides/Blakes\\_Environmental\\_Law\\_in\\_Canada.pdf](http://www.blakesfiles.com/Guides/Blakes_Environmental_Law_in_Canada.pdf)
- Blake, Cassels and Graydon, LLP. 2015. *Blakes 20th annual overview of environmental law and regulation in British Columbia 2015*. Available online at: [http://blakesfiles.com/PDFs/2015\\_Blakes\\_Environmental\\_Overview\\_EN.pdf](http://blakesfiles.com/PDFs/2015_Blakes_Environmental_Overview_EN.pdf)
- Boyd, D.R. 2012. *The environmental rights revolution: A global study of constitutions, human rights, and the environment*. Vancouver, BC: UBC Press.
- Boyd, D.R. 2012. *The right to a healthy environment: Revitalizing Canada's constitution*. Vancouver, BC: UBC Press.
- Buholzer, W. 2001. *British Columbia planning law and practice*. Markham, Ont: Butterworths Lexis Nexis Canada. (With looseleaf updating service).
- Doelle, M., and C. Tollefson. 2013. *Environmental law: Cases and materials*. Second edition. Toronto: Thomson/Carswell.
- Gall, G.L. 2004. *The Canadian legal system*. 5<sup>th</sup> Edition. Scarborough, Ontario: Carswell.
- Greenbaum, A., R. Puschak, and A. Wellington (eds.). 2009. *Canadian issues in environmental law and policy*. Concord, Ontario: Captus Press.
- Horner, J.J. 2007. *Canadian law and the Canadian legal system*. Toronto: Pearson Education Canada.
- Hughes, E.L., A.R. Lucas, and W.A. Tilleman (eds.). 2003. *Environmental law and policy*. 3<sup>rd</sup> Edition. Toronto: Emond Montgomery Publications.
- McCormack, N., and M.R. Bueckert. 2013. *Introduction to the law and legal system of Canada*. Toronto: Carswell.
- Nash, B.G. 2010. *Legislation made easy: A guide to the complexities of legislation*. Third edition. Victoria, BC: Crown Publications. Available for purchase from Crown Publications at [http://www.crownpub.bc.ca/Product/Details/7610003430\\_S](http://www.crownpub.bc.ca/Product/Details/7610003430_S)

**Additional Required Readings:**

We will supplement the required textbooks with readings from other sources. During the first class we will discuss arrangements for getting access to these readings.