Syllabus

**EES1701HS Environmental Policy and Legislation**  
**Wednesday 12-2pm, Classes commence Wed. Jan 10, 2018**  
**Professor:** Eva Ligeti [eligetisyrmpatico.ca](mailto:eligetisyrmpatico.ca)  
**TA:** Megan Sheremata [megan.sherematautoronto.ca](mailto:megan.sherematautoronto.ca)  
**Location:** AA206

**COURSE DESCRIPTION**

This course will provide an overview of the policies and laws that determine the way the environment is managed in Canada.

**COURSE OBJECTIVES**

Almost all stages of human production and consumption of materials result in disruptions and discharges that are potentially harmful to the environment. Law is a key instrument in the management and mitigation of these harms.

This course provides an overview of environmental legislation and policy approaches and challenges at the federal, provincial and municipal level. Students will consider the ethical, political and social context of the development and implementation of environmental law and will sample:

1. The laws and policies that exist to manage environmental harms, and where these laws and policies are absent, incomplete or inadequate. And,
2. The legal and political relationships of the citizens, government officials, courts and environmental tribunals, environmental professionals such as engineers, biologists, planners, lawyers and representatives of industries and corporate concerns who influence the creation, administration and enforcement of environmental laws and policies.

**SCHEDULE**

<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Readings: Prior to attending class please review the following</th>
</tr>
</thead>
</table>
| Lecture 1. | **INTRODUCTION**  
Overview to the Course  
Overview of Environmental Law and the Role of Law to Protect the Environment  
Environmental law and environmental science  
How to read a court opinion | **Required Material in text:**  
Introduction and Chapter 1  
Supplementary materials posted |
| January 10 | **AN OVERVIEW OF THE CANADIAN LEGAL SYSTEM**  
 a) Courts and Their Structure  
b) Sources of Law  
i. Constitution  
ii. Statutes (and Regulations)  
iii. Common Law  
iv. International Law  
c) Federal-Provincial-Territorial Cooperation and Partnership | **Video:** A Civil Action  
**Practice Assignment:** Answer to questions  
**Required Material in text:** Chapter 2  
Supplementary materials posted |
| Lecture 3. | **SOURCES OF LAW: Overview of Common Law Causes of Action:**  
 a) Nuisance | **Required Material in text:** Chapter 5 |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>b) Negligence</td>
<td>Supplementary materials posted</td>
</tr>
<tr>
<td>c) Trespass</td>
<td></td>
</tr>
<tr>
<td>d) Other</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Required</td>
</tr>
<tr>
<td></td>
<td>Material in text: Chapter 8, 9, 13</td>
</tr>
<tr>
<td></td>
<td>Supplementary materials posted</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Lecture 5. February 7</td>
<td>SOURCES OF LAW: International Environmental Law</td>
</tr>
<tr>
<td>a) Definition, Sources, Origins, Enforceability</td>
<td>Required</td>
</tr>
<tr>
<td>b) Rights and Duties: Custom</td>
<td>Material in text: Chapter 4</td>
</tr>
<tr>
<td>c) Rights and Duties: Treaties</td>
<td>Supplementary materials posted</td>
</tr>
<tr>
<td>d) Relationship to Canadian Law</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Note Assigned Jan 24</td>
<td></td>
</tr>
<tr>
<td>Assignment #1 posted on the portal</td>
<td>Due before 12 p.m. January 31, 2017</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Lecture 6. February 14</td>
<td>CLIMATE CHANGE AND ENVIRONMENTAL LAW</td>
</tr>
<tr>
<td>v. mitigation and liability</td>
<td>Required</td>
</tr>
<tr>
<td>vi. adaptation</td>
<td>Material in text: Chapter 19</td>
</tr>
<tr>
<td>vii. statutory context</td>
<td>Supplementary materials posted</td>
</tr>
<tr>
<td>viii. international context</td>
<td></td>
</tr>
<tr>
<td>Reading Week Feb 21</td>
<td>Recommended</td>
</tr>
<tr>
<td>No classes</td>
<td>Climate Change Backgrounder</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Lecture 7. February 28</td>
<td>ENVIRONMENTAL RIGHTS and PARTICIPATION IN HEARINGS</td>
</tr>
<tr>
<td>Natural Justice &amp; Judicial Review</td>
<td>Required</td>
</tr>
<tr>
<td>b) Elements of the Bill:</td>
<td>Material in text: Chapters</td>
</tr>
<tr>
<td>a) Origin of the EBR</td>
<td>3, 1</td>
</tr>
<tr>
<td>• Purposes</td>
<td>Supplementary materials posted</td>
</tr>
<tr>
<td>• Environmental Registry</td>
<td></td>
</tr>
<tr>
<td>• Public Participation Scheme</td>
<td></td>
</tr>
<tr>
<td>Environmental Commissioner</td>
<td></td>
</tr>
<tr>
<td>Reading Week Feb 21</td>
<td></td>
</tr>
<tr>
<td>No classes</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Lecture 8. March 7</td>
<td>STANDARD-SETTING, APPROVALS &amp; ENFORCEMENT</td>
</tr>
<tr>
<td></td>
<td>Required</td>
</tr>
<tr>
<td></td>
<td>Material in text: Chapter 6</td>
</tr>
<tr>
<td></td>
<td>Supplementary materials posted</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Lecture 9.</td>
<td>NEW ISSUES AND APPROACHES IN STANDARD SETTING</td>
</tr>
<tr>
<td></td>
<td>Required</td>
</tr>
<tr>
<td></td>
<td>Material in text:</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
March 14  | a) Pollution Prevention  
b) Regulatory versus Non-Regulatory Approaches  
c) Risk Assessment and the Precautionary Principle  
d) An Overview to Enforcement and Compliance  

**Material in text:** Chapters 7, 15, 17  
Supplementary materials posted

Lecture 10.  
March 21  | **LAND USE PLANNING AND THE ROLE OF MUNICIPALITIES**  
a) Overview to the Land-Use Planning Regime  
b) The Legislative Backdrop  
   i. Municipal Act  
   ii. Planning Act  
   iii. Other  
c) Planning Tools  
   i. Official Plans  
   ii. Zoning By-Laws  
d) Current Issues  

**Required**  
Town of Hudson v. Spraytech  
Supplementary materials posted on intranet

Lecture 11.  
March 28  | **APPLICATIONS OF LAW: Environmental Assessment**  
a) The Canadian Environmental Assessment Act  
   i. Recent Cases  
b) The Ontario Environmental Assessment Act  
   i. The Environmental Review Tribunal  
   ii. The EA Act and Practice  

**Required**  
Material in text: Chapter 12  
Supplementary materials posted  

**Recommended:**  
Regulating GHGs in Canada: Constitutional and Policy

Lecture 12.  
April 4  | **INDIGENOUS RIGHTS IN ENVIRONMENTAL DECISION-MAKING**  
a) Aboriginal and Treaty Rights  
b) The Honour of the Crown  
c) Implications for land-use  

**Required**  
The Calamity of Caledonia  
(Moore, 2010)  

**Recommended:**  
Finding Common Ground  
(McLeod et al, 2015)  
ITK and NRI. (2006).  

**Evaluation**  
Evaluation will be 10% by way of a reading summary (précis), 25% by way of take home written assignment, 25% by way of oral presentation (PowerPoint), and 40% by way of a final take home/open book examination. The take home written assignment will be due in class one week after assigned. The take home final exam will be due in class one week after assigned, date to be determined with class input.

| Precise (reading summary) | 10% |
| Take home assignment (midterm) | 25% |
| Presentation (10 minutes) | 25% |
| Take home final (exam) | 40% |
| **100%** |  |
Précis: For the reading summary or précis, a sample will be provided to the class prior to the assignment.

Written Assignments: The written assignment and final exam will be limited open book. You will be permitted to use the required text, any handouts, your notes and anything handed out by the instructor during the term. Unless discussed in class and made available to all registered students, no additional resources will be required or credited. The written assignment has a limit of 10 pages, double-spaced, 12 point font. The take home final exam has a limit of 20 pages, double-spaced, 12 point font. References to readings must be cited for each point made.

Note: Assignments in this class will normally be submitted to Turnitin.com, although this procedure is optional. Students should submit their course papers via the Turnitin function on the course page of University of Toronto’s Learning Portal. This will provide you with a report on the textual similarity and detection of possible plagiarism in your own work. Specific instructions for submission will be provided in class and on the course page on the Portal. Those who prefer to opt out of using Turnitin must let the course TA know by January 18th, and will be required to make an appointment with the course TA for an in-person consultation prior to handing in their assignments. Papers with plagiarised content will not be graded. (See below for references to the the Turnitin Conditions of Use, and the University’s Code of Behaviour and plagiarism policies).

Turnitin Conditions of Use
The use of Turnitin.com by our instructors is completely voluntary. Those wishing to use Turnitin in their courses should be made aware of the following:

Turnitin is a tool that will assist in detecting textual similarities between compared works. Instructors must exercise their independent professional judgment in, and assume responsibility for, determining whether a text has been plagiarized. Students must be informed at the start of the course that the instructor will be using Turnitin.com. The course syllabus must include the following statement and cannot be altered in any way:

"Normally, students will be required to submit their course essays to Turnitin.com for a review of textual similarity and detection of possible plagiarism. In doing so, students will allow their essays to be included as source documents in the Turnitin.com reference database, where they will be used solely for the purpose of detecting plagiarism. The terms that apply to the University’s use of the Turnitin.com service are described on the Turnitin.com web site."

Turnitin.com is most effective when it is used by all students in a particular course; however, if students object to its use on principle, a reasonable alternative must be offered. There is a wide variety of non-electronic methods that can be used to deter and detect plagiarism: for example, to require that all rough work be handed in with the paper or that the student include an annotated bibliography with the paper. We ask that instructors consult with the Centre for Teaching Support & Innovation when establishing these alternatives.

Presentation: For the PowerPoint presentation students will be required to cover an assigned reading in an oral and PowerPoint presentation format in a maximum time of 10 minutes. After the presentations there will be 5 minutes for questions. Grades will be assigned for a total of 25 marks as follows:

1. Accuracy of information 5 marks
2. Clarity of presentation 5 marks
3. Comprehensiveness 5 marks
4. Relevance of material (within context of course) 5 marks
5. Response to questions demonstrating through understanding 5 marks

PLEASE NOTE: NO GRADE will be earned for statements that are not referenced. References to lecture notes or oral statements will not earn a grade unless relevant reading is also cited.

Evaluation will be carried out in accordance with the Graduate Grading and Evaluation Practices Policy (and how that policy is interpreted and applied in this Dept.) [http://www.governingcouncil.utoronto.ca/policies/uniassgpp.htm]

EMERGENCY PLANNING

Students are advised to consult the university’s preparedness site (http://www.preparedness.utoronto.ca) for information and regular updates regarding procedures relating to emergency planning.

ACCESSIBILITY NEEDS

The University of Toronto is committed to accessibility. If you require accommodations for a disability, or have any accessibility concerns about the course, the classroom or course materials, please contact The UTSC Accessibility Services as soon as possible: [http://www.utsc.utoronto.ca/~ability/]

We also suggest you also refer to the following University of Toronto Scarborough Library link: [http://utsc.library.utoronto.ca/services-persons-disabilities]

PLAGIARISM

University of Toronto code of Behaviour on Academic Matters states that "it shall be an offense for a student knowingly: to
represent as one’s own any idea or expression of an idea or work of another in any academic examination or term test or in connection with any other form of academic work, i.e., to commit plagiarism.”

For accepted methods of standard documentation formats, including electronic citation of internet sources please see the UofT writing website at: http://www.writing.utoronto.ca/advice/using-sources/documentation

The full Code of Behaviour regulations could be found from consulting http://www.sgs.utoronto.ca/facultyandstaff/Pages/Academic-Integrity.aspx

The University of Toronto has a site license that enables all faculty and students to use Turnitin.com (http://www.turnitin.com/), a plagiarism prevention system. For more information on this service please consult http://www.teaching.utoronto.ca/teaching/academicintegrity/turnitin.htm

WRITING AND ENGLISH LANGUAGE

As well as the faculty writing support, please see English Language and writing support at University of Toronto: http://www.sgs.utoronto.ca/currentstudents/Pages/English-Language-and-Writing-Support.aspx

Students have commented that they found the latter address extremely helpful for writing term papers.

The following are also useful:

READINGS


Supplementary materials for weekly topics will be posted the week before the class.

Classes will combine lectures with group exercises and presentations.

Additional suggested text books:


J. Swaigen and D. Estrin, Environment on Trial (Toronto: Emond-Montgomery Press, 1993). The text is available for $48 at CIELAP, 130 Spadina Ave. Toronto

“Knocking on a door to signal a desire to enter is a slightly inhibited and symbolic form of kicking the door down” ~ attributed to anthropologist Edward Sapir.

“This combination of consensual inhibition and symbolic expression is called Civilization” ~ Michael Vincent Miller