



Students will complete an assignment worth 35% of their final mark on a current environmental law issue. The assignment will be prepared individually and in groups, using topics such as those set out below. The assignment is marked as follows:

1. Part 1 due L4 (Sep 26). Worth 5%. Each student will individually briefly outline topic/issue (2p. max) and research/bibliography.
2. Part 2 due L8 (Oct 31). Worth 15%. Each student will individually provide a summary of their subject/issues. The summary may be in the form of a briefing note. Each student will also briefly outline their own participation in the group effort (5 p. max)
3. Part 3 due L10 or L11 (Nov 14 or 21, date to be confirmed with me by L7 - Oct 24). Worth 15%. Group presentation of issue to class with chance for questions. Each group will post a written outline of their presentation at least three school days in advance of their presentation).

Participation is worth 5% of your final grade, and is at my discretion based on attendance, participation in classroom activities, and student presentations.

## Readings

**You are responsible in its entirety for** Muldoon et al *An Introduction to Environmental Law and Policy in Canada (Second Edition)*. Toronto: Emond Montgomery, 2015. It is available at the bookstore and at the library- <http://go.utlib.ca/cat/6997649> (print) where it is on reserve

**You are also responsible for all of the lecture contents, and materials posted on Quercus as well as any materials prepared/presented by other students in the course as part of their assignment.**

Additional reference texts are:

Benidickson – Essentials of Canadian Law – Environmental Law (3d. ed.) Irwin Law Inc. Toronto, 2009 – available at the library <http://go.utlib.ca/cat/6664646> (print) - <http://go.utlib.ca/cat/8283066> (online)

Boyd, Unnatural Law. Rethinking Canadian Environmental Law and Policy. Vancouver: UBC Press, 2003 - <http://go.utlib.ca/cat/4999129> (print), <http://go.utlib.ca/cat/9091509> (ebook)

Estrin et al, Environment on Trial (3d ed.). Toronto: Emond Montgomery, 1993- available at the library <http://go.utlib.ca/cat/3414114>

## COURSE OUTLINE

### **PART 1 ó THE INSTITUTIONS OF THE LAW: IS THERE A PLACE FOR THE ENVIRONMENT?**

#### **Lecture 1 ó Sep 5, 2019**

#### **Ways to think about trees**

Course outline

Tragedy of the Commons

The ethical foundations for environmental law

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Exercise:

The Tragedy of the Commons game

Discuss student assignments

**Lecture 2 \_ Sep 12, 2019**

**Sources of Law: From Hamurabi**

Muldoon et al, pp 87 – 99, pp. 339 – 383

Exercise:

Sorting out jurisdiction. Who has the power? The Constitution game: challenges to jurisdiction and the outcome in the courts

Discuss student assignments

**Lecture 4 ó Sep 26, 2019**

**Courts and Tribunals ó Who are these people?**

What are they?

What do they do?

How do they work?

Reading:

Muldoon et al, review pp. 1 – 99

Exercise:

Writing reports and giving evidence. The do's and don't's

Who wants to be a witness?

Review for midterm next week

**Student Assignment Part 1 (5%) must be submitted in class and posted on Quercus**

**PART 2 ó REGULATING BEHAVIOUR**

**Lecture 5 ó Oct 3, 2019**

**Environmental protection regimes. What do we want?**

Private vs public law

Command and control Part 1 - Command

Approaches to approvals and standards

Reading:

Muldoon et al, pp. 129 – 173

**Mid ó term test worth 15% in class (30 mins)**

**Lecture 6 ó Oct 10, 2019**

**Implementing environmental protection regimes. How do we get what we want?**

Command and control Part 2 - Control

Approvals, Orders and Prosecutions

Reading:

Review pp. 129 – 173

Review of pp 175 – 219 is not compulsory, but is recommended

Exercise:

Using the Environmental Registry and the Environmental Bill of Rights.

Review midterm

Disc.4-uss student assignments

**Note that there is no October 17 class**

**Lecture 7 ó Oct 24, 2019**



Discuss student assignments

**Student presentation (15%) to be scheduled in advance**

**Lecture 11 ó Nov 21, 2019**

**Student presentation (15%) to be scheduled in advance. If time is available, we will use this**  
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**Lecture 12 ó Nov 28, 2019**

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must be completed by a doctor who examined you while you were ill/injured (i.e. not after the fact). The medical note can be downloaded at: [http://www.utsc.utoronto.ca/~registrar/resources/pdf\\_general/UTSCmedicalcertificate.pdf](http://www.utsc.utoronto.ca/~registrar/resources/pdf_general/UTSCmedicalcertificate.pdf). Note that conditions ranked as mild or negligible will not be considered a valid excuse.

**Academic Misconduct and Academic Dishonesty** will not be tolerated. Students engaging in misconduct or dishonest practices on exams, quizzes, or other assignments will be dealt with according to the guidelines established by the university.

**Plagiarism:** Please consult the University Calendar for a discussion and outline of the policy on plagiarism and academic integrity (also see proceeding section below). The sanctions can be severe. If, after reviewing the University policy, you are uncertain about what constitutes plagiarism, talk to your course instructor.

**Academic Integrity:** Academic integrity is essential to the pursuit of learning and scholarship in university, and to ensuring that a degree from the University of Toronto is a strong signal of each student's individual academic achievement. As a result, the University treats cases of cheating and plagiarism very seriously. The University of Toronto's Code of Behaviour on Academic Matters (<http://www.governingcouncil.utoronto.ca/policies/behaveac.htm>) outlines the behaviours that constitute academic dishonesty and the processes for addressing academic offences. Potential offences include, but are not limited to:

In papers and assignments:

- Using someone else's ideas or words without appropriate acknowledgement.
- Submitting your own work in more than one course without the permission of the instructor.
- Making up sources or facts.
- Obtaining or providing unauthorized assistance on any assignment.

On tests and exams:

- Using or possessing unauthorized aids.
- Looking at someone else's answers during an exam or test.
- Misrepresenting your identity.

In academic work:

- Falsifying institutional documents or grades.
- Falsifying or altering any documentation required by the University, including (but not limited to) doctor's notes.

All suspected cases of academic dishonesty will be investigated following procedures outlined in the Code of Behaviour on Academic Matters. If you have questions or concerns about what constitutes appropriate academic behaviour or appropriate research and citation methods, you are expected to seek out additional information on academic integrity from your instructor or from other institutional resources (see <http://www.utoronto.ca/academicintegrity/>).

Please consult the University Calendar for information about grade distribution and academic conduct.

**Accessibility:** Students with diverse learning styles and needs are welcome in this course. In particular, if you have a disability/health consideration that may require accommodation, please feel free to approach me and/or the AccessAbility Services Office as soon as possible. I will work with you and AccessAbility Services to ensure you can achieve your learning goals in this course.

