

Georgia State University
College of Law

Law 7397 2009 Spring Term
COMPARATIVE GROWTH MANAGEMENT LAW
Monday & Wednesday, 9:00 a.m. - 10:15 a.m.

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SYLLABUS

INTRODUCTION

This module of Law 7397 is an introduction to Canadian Growth Management and Land Use Law. We will begin by placing ourselves in the Canadian constitutional universe, and by examining the role of superior courts in judicial review of planning and land use regulation in a system absent any constitutional embedding of property protection. We will examine the general structure of planning and land use powers, the advent of growth management as a concept and the structure of the growth management strategy for Metro Vancouver. In addition, we will examine the Canadian approach to impact fees and regulatory takings in the planning growth management context.

LEARNING OBJECTIVES

The United States is a common law jurisdiction. This module will not only introduce you to a neighbouring common law land use control system, but also give you an opportunity to recognize that there is a deep structure to the common law that manifests itself in familiar solutions to common planning and land use problems.

EVALUATION

There will be a take-home examination distributed on Monday March 30, 2009, and returnable to my email at young@younganderson.ca by midnight April 1, 2009. The exam will consist of 2 questions of which you must do one only. Your answer is not to exceed 2500 words.

LECTURES**Monday, March 16**

- Positioning Growth Management land use regulation in the Canadian Constitutional Universe
- Judicial Review/Inherent Jurisdiction of Superior Courts
 - Reading: *Dunsmuir v. New Brunswick* 2008 SCC 9

Wednesday, March 18

- Designing a statutory framework for a North American planning and land use regulatory system
 - Reading: Part 25 *Local Government Act* RSBC c.323

Monday, March 24

- Growth Management Legislation and Basic Tools
 - Reading: Part 25 *Local Government Act* RSBC c.323
 - Growth Management Strategy Metro Vancouver

Wednesday, March 26

- Comparative Impact Fee Law
 - "Amenity Contributions: Common Problems Common Solutions" (Handout)
 - *Re Eurig (Estate of) and Attorney General for Ontario* [1998] 2 S.C.R. 565
 - *Kingstreet Investments Ltd. v. New Brunswick (Finance)*, [2007] 1 S.C.R. 3
 - *Nollan v. California Coastal Commission* 483 U.S. 825 (1987)
 - *Dolan v. Tigard* 512 U.S. 374 (1994)

Monday, March 30

- Canadian Law of Regulatory Takings
 - *Tener v. The Queen* (1985) 1 S.C.R. 533
 - *Manitoba Fisheries Ltd. v. R.* (1979) 1 S.C.R. 101
 - *CPR v. Vancouver (City)*, 2004 BCCA 192
 - "Canadian Law of Constructive Expropriation", Saskatchewan Law Review 2005, Vol. 68, No. 2, pp. 345-366

Wednesday, April 1

- EXAMINATION