



CERTIFIED SPECIALIST PROGRAM

Standards for Certification

Municipal Law

Definition of Municipal Law Specialty

1. The practice of **Municipal Law** encompasses the provision of legal advice and the representation of clients relating to the functioning of local government, in one or both of the following subspecialties:
 - (a) the practice of **Local Government Law**, meaning the practice of law relating to all aspects of the *Municipal Act, 2001/City of Toronto Act, 2006* and other legislation affecting or created by municipalities, and generally the law relating to the operation and day-to-day activities of municipalities and those who are affected by the exercise of their powers; and
 - (b) the practice of **Land Use Planning and Development Law**, meaning the practice of law relating to the exercise by the Province, municipalities and other government authorities of their powers under the *Planning Act* and other legislation related to the use, development and protection of land.

Designation

2. An applicant who is certified as a specialist in the subspecialty of Local Government may be identified as a *Certified Specialist (Municipal Law: Local Government)*.
3. An applicant who is certified as a specialist in the subspecialty of Land Use Planning and Development may be identified as a *Certified Specialist (Municipal Law: Land Use Planning and Development)*.
4. An applicant who is certified as a specialist in both of the subspecialties of Local Government and Land Use Planning and Development may be identified as a *Certified Specialist (Municipal Law: Local Government/Land Use Planning and Development)*.

Achieving Specialist Certification in Municipal Law

5. Applicants must comply with the requirements for certification set out in Policies Governing the Law Society's Certified Specialist Program ("Policies"), relating to:
 - (a) Minimum Years of Practice and Recent Experience;
 - (b) Substantial Involvement in the Specialty Area;
 - (c) References;
 - (d) Professional Standards; and
 - (e) Application Fee.
6. Applicants must satisfy the following requirements in order to demonstrate their substantial involvement in municipal law:
 - (a) averaged over their recent experience, applicants must have devoted
 - i. a minimum of 30% of their practice concentration to Local Government Law ; or
 - ii. a minimum of 20% of their practice concentration to Local Government Law and a maximum of 10% of their practice concentration to Land Use Planning and Development Law; or
 - iii. a minimum of 30% of their practice concentration to Land Use Planning and Development Law; or
 - iv. a minimum of 60% of their practice concentration to Local Government Law or Land Use Planning and Development Law with a minimum of 20% practice concentration in the lesser subspecialty if applying for certification in both areas for a total of 80% practice concentration; and

- (b) during the 5 years of their *recent experience*, applicants will have attained broad and varied experience and a mastery of substantive law and procedures in the applicable area(s), and comply with the experience requirements outlined in paragraph 9 below.
7. In the event that applicants do not meet the experience requirements, they may apply to the Law Society for consideration of their individual circumstances or their related (non-practice) skills. Consideration will be given in exceptional circumstances where applicants have:
- (a) limited their practice to a particular area of municipal law or have been involved in matters of extraordinary length and complexity; or
 - (b) engaged in advanced course work or performed related activities such as teaching, authoring books or articles for publication, completing post-graduate or other studies, participating in the development and/or presentation of professional development programs, research, participating in the policy development process, drafting legislation and/or instruments, participating as active members on boards or tribunals, or on the executive of any organization related to municipal laws or any other experience that applicants consider relevant to their application.
- Applicants applying for consideration under this paragraph must, in addition to the brief description of their practice required pursuant to paragraph 8, include with their application:
- (a) a detailed description of their individual circumstances or related (non practice) skills;
 - (b) references from the institutions or organizations from which their experience is drawn, references from peers, samples of writing and/or research, and a complete list of publications; and
 - (c) a copy of the completed standards outlining their practice experience during the last five years.
8. All applicants must include a brief description (no more than 100 words) of the nature of their practice in relation to the specialty area(s) for which application is made.
9. Applicants must provide with their application a complete outline (in table format) of their municipal law experience and/or local government and land use planning and development experience, which was performed as a lead counsel during the five years of recent experience. If the number of matters identified during the applicant's recent experience is limited, applicants are encouraged to complete this chart outlining their experience over the last ten years. The information that is submitted must be presented in a manner that is consistent with the ethical obligation of confidentiality and the law of privilege. The information presented should include:
- (a) Year matter commenced
 - (b) General Description of Matter, to include:
 - i. Issues involved
 - ii. Complexity
 - iii. Who represented
 - iv. Type(s) of proceeding (application, claim, motion, hearing, etc.), if applicable
 - v. Citation, if available (reported or unreported)
 - vi. Synopsis of how matter resolved or disposed
 - vii. Name of court or tribunal
 - viii. Length of time it took to resolve the matter

Definitions

10. In these standards,
- “act” involves substantial representation and includes advising and appearing before a municipality, court or tribunal;
 - “advise” means providing legal opinions;
 - “participate” includes those that instruct or direct other counsel, or advise clients;

“municipality” includes any municipal council, committee of council, agency, board or commission, or any other functionary involved in the provision of local government;

“special purpose municipal tribunal” includes a committee of adjustment, local appeal body, licensing tribunal, preservation review board, property standards committee, board of health, heritage advisory committee and any other local board, committee or tribunal exercising decision-making powers relating to a municipality.

Municipal Law Experience

11. During the 5 years of their recent experience, every applicant must have complied with the experience requirements outlined in Category 1 in addition to the experience requirements for the applicable subspecialty area(s).
12. Every applicant is requested to place a check mark (√) next to the tasks identified in the Category Task List which represented at the end of this document to demonstrate their municipal law experience, and submit this completed document with the application package, along with any supplementary information required.
13. An applicant applying for certification in the Local Government Law subspecialty only can meet their experience requirements by using a maximum of 3 of the experience requirements under the Land Use Planning and Development Law subspecialty.

Professional Development

Applicants must attest to the completion of not less than 50 hours of self-study.

14. The 50 hour self-study requirement may be met through methods such as, but not limited to:
 - (a) teaching or being guest lecturer on a course in the specialty area;
 - (b) writing and editing of published books or articles relating to the specialty area;
 - (c) graduate or post-graduate studies in the specialty area;
 - (d) involvement in the development and/or presentation of professional development or industry programs related to the specialty area;
 - (e) involvement in the development of policy related to the specialty area.

References

15. Applicants must submit 4 references from legal practitioners eligible to practise law in Ontario who have direct knowledge of the applicant’s work in Municipal Law in the 5 years of the applicant’s recent experience and can attest to the applicant’s competent performance of the tasks outlined under Municipal Law Experience above.
16. Applicants should not include as reference: judges, partners, associates, co-workers, employers, counsel to their firm, employees, relatives, 3rd party neutrals (i.e. persons, such as adjudicators, arbitrators, mediators, or any statutory decision maker, whose knowledge of the applicant’s practice is derived solely from the applicant’s appearance before the person while acting as an impartial decision maker), members of the Certified Specialist Board, benchers or employees of the Law Society.
17. The Statements of Reference must be submitted directly to the Law Society Certified Specialist Program via email to: certspec@lso.on.ca (preferred method), or via mail to: 130 Queen St W., Toronto ON, M5H 2N6.

Application Assessment

18. The Law Society will consider the totality of an applicant’s practice in Municipal Law, the applicant’s professional development report and references.
19. Applicants should not assume that completion of all of the enumerated practice concentration and experience requirements will automatically entitle them to certification as a specialist.

20. Applicants may be required to provide additional information to the Law Society to facilitate the assessment process.
21. The Law Society may make discreet inquiries, as it deems appropriate, to determine the applicant's eligibility and suitability for certification as a specialist.

Municipal Law Category Task List

Local Government and Land Use Planning and Development Experience

Category 1: Advice and Proceedings under Statutes

All applicants applying under the Local Government subspecialty must have advised clients with respect to all Core Legislation (Local Government) set out below.

All applicants applying under the Land Use Planning and Development subspecialty must have advised clients with respect to all Core Legislation (Land Use Planning and Development) set out below.

All applicants applying under the Local Government and Land Use Planning and Development subspecialties must have advised clients with respect to all of the Core Legislation set out below.

In addition, all applicants must have advised clients with respect to municipal issues contained in a minimum of 10 of the Core Legislation outlined below. Applicants are asked to place a check mark (✓) next to the applicable legislation.

(i) Core Legislation

Local Government

Building Code Act, 1992

Municipal Act, 2001/City of Toronto Act, 2006

Municipal Freedom of Information and Protection of Privacy Act, 1990

Land Use Planning and Development

Planning Act, 1990

Ontario Municipal Board Act, 1990

Local Planning Appeal Tribunal Act, 2017

Rules of Practice and Procedure [OMB]

Local Planning Appeal Tribunal Rules of Practice and Procedure

Additional Legislation

Aggregate Resources Act, 1990

Ambulance Act, 1990

Assessment Act, 1990

Building Code Act, 1992

City of Toronto Act, 2006

Condominium Act, 1998

Conservation Authorities Act, 1990

Consolidated Hearings Act, 1990

Development Charges Act, 1997

Drainage Act, 1990

Electricity Act, 1998

Emergency Management and Civil Protection Act, 1990

Endangered Species Act, 1990

Environmental Assessment Act, 1990

Environmental Protection Act, 1990

Expropriations Act, 1990
Farming and Food Production Protection Act, 1998
Fire Protection and Prevention Act, 1997
French Language Services Act, 1990
Green Energy Act, 2009
Greenbelt Act, 2005
Health Protection and Promotion Act, 1990
Housing Development Act, 1990
Human Rights Code, 1990
Lake Simcoe Protection Act, 2008
Line Fences Act, 1990
Municipal Act, 2001
Municipal Affairs Act, 1990
Municipal Conflict of Interest Act, 1990
Municipal Elections Act, 1996
Municipal Franchises Act 1990
Municipal Freedom of Information and Protection of Privacy Act, 1990
Niagara Escarpment Planning and Development Act, 1990
Nutrient Management Act, 2002
Oak Ridges Moraine Conservation Act, 2001
Ombudsman Act, 1990
Ontario Heritage Act, 1990
Ontario Municipal Board Act, 1990
Ontario Planning and Development Act, 1994
Ontario Water Resources Act, 1990
Places to Grow Act, 2005
Planning Act, 1990
Police Services Act, 1990
Provincial Offences Act, 1990
Public Libraries Act, 1990
Public Transportation and Highway Improvement Act, 1990
Retail Business Holidays Act, 1990
Road Access Act, 1990
Safe Drinking Water Act, 2002
Social Housing Reform Act, 2000
Statutory Powers Procedure Act, 1990
Surveys Act, 1990
Tile Drainage Act, 1990
Private Acts relating to municipalities
Rules of Practice and Procedure [OMB]
Toronto Local Appeal Body Rules of Practice and Procedure

List other legislation:

(ii) Local Government Experience

Applicants must have performed 25 of the 45 tasks in the categories listed below. Applicants are asked to place a check mark (✓) next to the applicable tasks.

Category 2: Municipal Legislation

Draft, interpret and advise upon the validity of legislation affecting a municipality including the *Municipal Act, 2001/City of Toronto Act, 2006* and municipal by-laws

Provide written and oral opinions interpreting municipal legislation

Make submissions directly to a municipality concerning their legislative or other powers

Initiate applications or make submissions on proposed Provincial legislation affecting a municipality

Advise client on council procedural by-law

Advise client or member on municipal accountability requirements

Category 3: Advice Relating to Councils and Tribunals

Appear on a regular basis before one or more municipalities

Advise and/or represent client with respect to one or more special purpose municipal tribunals exercising jurisdiction in any one or more of the following areas. Identify areas of experience:

planning

licensing

property standards

heritage preservation

health

discipline

policing

tax and assessment

other

Act as counsel to one or more special purpose municipal tribunals exercising jurisdiction in any one or more of the following areas. Identify areas of experience:

planning

licensing

property standards

heritage preservation

health

discipline

policing

tax and assessment

other

Draft reports to the municipality

Advise or represent client with respect to executive powers of a municipality

Advise or represent client with respect to legislative powers of a municipality

Advise or represent client with respect to quasi-judicial powers of a municipality

Advise or represent client with respect to administrative powers of a municipality

Advise or represent client with respect to municipal management issues

Advise or represent client with respect to municipal employment and labour matters

Advise or represent client with respect to municipal public officers

Advise or represent client with respect to municipal election issues

Advise or represent client with respect to taxing powers of a municipality

Advise or represent client with respect to applications for rebates or adjustments or municipal taxes
Advise or represent client with respect to municipal accountability officer investigation

Category 4: Business Transactions

Draft or negotiate agreements to which one or more municipalities is a party. Identify agreements drafted or negotiated:

- utilities (respecting operations)
- construction (respecting building facilities)
- economic development
- emergency services
- employment
- financing
- heritage easement
- information technology
- intergovernmental relations
- joint use (respecting shared use arrangements)
- public private partnerships
- purchase of goods and services
- telecommunications
- other

Draft a legal opinion or report to one or more clients outlining the contents of proposed agreements and other business transactions

Act on behalf of one or more clients in the following real estate matters where the municipality is a party. Please identify:

- sale
- purchase
- lease
- easement
- licence
- rights of way
- expropriation
- road opening
- road closing

Advise or draft documents for one or more clients with respect to municipal tendering, RFI, RFQ, RFP or other procurement issues

Category 5: Risk Management

Advise or represent a client in respect of the statutory obligations of a municipality concerning any of the following. Please identify:

- roads and sidewalks
- sewers and watermains
- potable water
- the operation of a transit system
- nuisance discharges
- the maintenance of other public property or facilities
- property (parks, community centres, city hall, etc.)

Advise or represent a client in a municipal conflict of interest matter

Advise or represent a client regarding the exercise of discretionary municipal powers

Advise or represent a client concerning personal liability in the exercise of municipal functions

- Advise or represent a client in respect of municipal inspection issues
- Advise or represent a client in respect of municipal employment matters
- Advise or represent a client in respect of allegations concerning municipal law enforcement
- Advise or represent a client in respect of obligatory or discretionary municipal finance matters

Category 6: Advocacy

- Prosecute or defend charges under a municipal by-law or Provincial legislation affecting a municipality
- Initiate, prosecute or defend civil proceedings affecting a municipality or a municipal employee
- Participate in an application to quash or other application affecting municipal powers and the exercise of decision-making by municipalities, agencies, boards and commissions and other administrative tribunals exercising municipal functions
- Appear before administrative tribunals and legislative bodies, affecting municipal interest issues or powers
- Appear before the Divisional Court and appellate courts respecting applications for judicial review and appeals with respect to the exercise of municipal powers
- Participate in other court and administrative tribunal proceedings of specific concern to a municipality. Identify
- Participate in alternate dispute resolution affecting municipal issues
- Participate in criminal and regulatory prosecutions against a municipality, agency, board and/or commission
- Conduct municipal labour-management proceedings
- Participate in a special purpose inquiry and/or hearing, such as a coroner's inquest, public inquiry, *Municipal Elections Act* and *Municipal Conflict of Interest Act* proceeding and/or regulatory matters such as environmental or occupational health and safety proceedings
- Provide advice with respect to the judicial review of a decision from a municipal-related quasi-judicial tribunal
- Act as counsel before any of the following. Please identify:
 - Assessment Review Board
 - Human Rights Commission
 - Workplace Safety and Insurance Board
 - Workplace Safety and Insurance Appeals Tribunal
 - Information and Privacy Commissioner
 - Ontario Ombudsman
 - Other

(iii) Land Use Planning and Development Law Experience

Applicants must have performed 17 of the 29 tasks in the categories below. Applicants are asked to place a check mark (✓) next to the applicable task.

Category 7: Planning Act

- Act for client with respect to:
- Official Plan
 - Community Improvement Plan
 - Zoning By-Law
 - Interim Control By-Law
 - Holding By-Law
 - Bonus By-Law
 - Temporary Use By-Law
 - Development Charges By-Law

Minor Variance
Subdivision
Consent
Ministerial Zoning Orders and Amendment
Site Plan Approval
Community Improvement Plan
Other

Category 8: Deputations, Appearances and Advocacy

Advise and/or represent client at Provincial and Municipal Agencies, Boards (excluding the Ontario Municipal Board), and Committees (including authorization authority) related to the list of statutes respecting any land use and development matters in Category 1

Advise and/or represent client before provincial Ministries

Represent or negotiate on behalf of a client with respect to heritage designations

Category 9: Appearances before the Ontario Municipal Board (OMB) or the Local Planning Appeal Tribunal (LPAT)

Preparation of Appeals to the Ontario Municipal Board or the Local Planning Appeal Tribunal

Act as counsel or co-counsel in hearing before the Ontario Municipal Board or the Local Planning Appeal Tribunal

Preparation of Appeals from an Ontario Municipal Board or Local Planning Appeal Tribunal decision

Category 10: Appearances before the Courts

Prosecute or defend charges under municipal by-laws and Provincial legislation with respect to land use planning and development matters

Conduct civil proceedings affecting the municipality, its agencies, boards and commissions with respect to land use planning and development matters

Participate in applications to quash and other applications affecting land use planning and development matters and the exercise of decision-making by municipalities, agencies, boards and commissions and other administrative tribunals (excluding the OMB or LPAT) exercising municipal functions

Appear before administrative tribunals and legislative bodies with respect to land use planning and development matters

Appear before the Divisional Court and appellate courts respecting applications for judicial review and appeals with respect to land use planning and development matters

Participate in other court and administrative tribunal (excluding the OMB or LPAT) proceedings with respect to land use planning and development matters

Category 11: Related Statutory Provisions

Negotiate agreements authorized under the list of statutes respecting any land use and development matters in Category 1

Negotiate other land development agreements. Please identify agreements drafted: