Lecture 1, Jan 5, 2026

Introduction to Law – Jurisdiction and Types of Law

- When analyzing a legal situation, we need to know where we are and what time it is:
  - Laws only applies to a specific *jurisdiction* (e.g. municipal, provincial, federal), though most places have similar laws but this cannot be assumed
  - Laws change over time, in response to changes in society's values and beliefs; changes in laws follow changes in societal norms
- Laws can often be immoral, but is always binding
- Laws are often not rigid, i.e. they can be subject to interpretation, due to the principle of *common law*
  - Statutes (Acts passed by Parliament) need to be interpreted as a whole, with the whole context
- Structure of law in Canada:
  - Constitutional monarchy: the King is the head of state, represented by the Governor General in Canada
  - The constitution is *uncodified*: there is no single codified constitution document, but there are a number of documents making it up (e.g. the Constitution Act, Charter of Rights and Freedoms), and implicit precedent
  - Federal state: federal and provincial governments can establish statutory law (Acts) within their sphere of powers (s. 91, 92 of the Constitution Act)
    * They cannot get into each other's sphere of power (but they often try, which ends up debated in court)
    * The federal government is responsible for inter-province responsibilities (e.g. foreign affairs, defense, budgets) while provincial governments are responsible for local affairs (e.g. education, policing, healthcare)
      - However the federal government often controls funding, so they can exert influence by withholding funds from provinces
    * Authority can be delegated to organizations, e.g. government agencies (CRTC), municipalities (Toronto), or professional regulators (PEO)
  - Territories are not established by the constitution, but have powers to pass their own laws; they are similar to how provinces makes municipalities
  - *Bijural*: Canada has both common law (in most of Canada) and civil law (in Quebec)
    * Common law has unwritten parts and based on precedent set by judges (and written statutes), while civil law is codified and judges only interpret the law
      - Often set by judges in higher courts (e.g. appeals courts, supreme court)
  - Treaties govern the relationship between the federal government and indigenous peoples
- Other countries have different structures, e.g. the US has constitutional divisions of power between branches of the government (which Canada does not have in its constitution), Britain's constitution is completely uncodified
- Types of law:
  - *Public law*: relating to the society as a whole, e.g. constitutional law, criminal law, administrative law, international law
  - *Private law*: relating to individual interactions, e.g. contracts, torts, property law
- Law can come from many sources:
  - Statutes/Acts passed by parliament
    * Note *bills* are statutes before they are passed, as they are being discussed in parliament
  - Regulations derived from statutes (e.g. specific requirements on toxic chemical levels)
    * Statutes create regulatory bodies, which can handle matters under the statute and often have administrative tribunals to handle issues and disputes
    * Regulations are laws passed by the regulatory body that allows it to do its work, which is like a very narrow and specific version of a statute
  - Municipal by-laws
  - Codes of conduct from professional organizations (e.g. PEO Code of Ethics)
  - Case law (precedent in common law)

- – Tribunal decisions (delegated courts)
  * These are considered less when reviewing precedent but can still be valuable in their interpretation
- e.g. for a pipeline, the federal government controls natural resources, First Nations control resources on treaty lands, and various different provincial regulatory bodies exist depending on where
- The Charter of Rights and Freedoms protects individuals from actions of the government, while the provincial Human Rights Code protects individuals from the action of others