INTRO TO ADMINISTRATIVE LAW

Structure

① Grounds for Challenging an Admin Decision

② Challenging an Admin Decision

- PROCEDURAL FAIRNESS
- SUBSTANTIVE REVIEW
- PROCEDURE → how / when / where
- REMEDIES (incl. JR)

Definition "What is Admin Law?"

Supervision / overseeing by the Courts / Judiciary of institutions involved in administrative DECISION MAKING

= Municipalities, independent agencies, tribunals / boards, Commissions

NOT INHERENT decision-making power, empowered by enabling legislation

→ CONSTITUTIONAL TENSION!

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① statutes replace old Common Law writs w/ a single app. for J.R.

old remedies subsumed in the Acts, although ②

OLD way: JR ō admin. decisions defined by C.L = Prerogative Writs
- Certiorari
- Mandamus
- Prohibition
- habeas corpus

Modern admin law

NEW way ⟶ △ statutes providing for application for J.R and specifying
① procedure to be followed
② which ct has JD.

TLDR: moved from pure CL regime to simpler statutory based regime informed by CL

Statutory Powers Act
- set procedural standards for requirement | proceedings

Judicial Review Procedure Act
- established rules for courts reviewing law and facts errors

- role of the Court in Admin. Law to ensure decision makers act w/in their legally-empowered boundary
- administrative decisions can be easily challenged "ultra vires"
- in 1960s & 1970s codification of procedures for administrative tribunals started in Ontario
- nearly all provinces followed suit

- Legislature tried to distribute decision-making process
  - expediency
  - expert/technical decision
  - volume of decision
- "privative clauses" was introduced, trying to be IMMUNE to Judicial Review
- Largely ignored by the Judiciary: the Constitution s. 96 Crevier
- Superior Courts have a constitutional role and inherent jurisdiction to review admin. decisions