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Sault College  
of Applied Arts and Technology  
sault ste. marie

Course Outline

BUSINESS LAW & LEGAL PROCEDURES  
BUS 210-5

revised September 1978 - P. Lemay

*Revised  
July 1980*

TABLE OF CONTENTS

I	Length of Course . . . . .	1
II	Main Reference Texts . . . . .	1
III	Recommended Readings . . . . .	1
IV	General Objectives . . . . .	2
V	Method of Instruction . . . . .	2
VI	Student Evaluation . . . . .	2
	1. Basis . . . . .	2
	2. Assignments and tests . . . . .	2
	3. Grading . . . . .	2
	4. Grade Interpretation . . . . .	2-3
VII	Specific Objectives . . . . .	3
	A. Generally . . . . .	3
	B. Course Content Outline . . . . .	4
VIII	List of Documents and Papers . . . . .	12-13-14-15
IX	List of Statutes . . . . .	16

BUSINESS LAW & LEGAL PROCEDURES  
BUS 210-5

I LENGTH OF COURSE:

Five, fifty minute periods per week for two semesters

II MAIN REFERENCE TEXTS:

1. The Law and Business Administration in Canada - 3rd ed  
Soberman and Smythe
- \* 2. Procedures for the Legal Secretary - rev. ed., Elsie E. Swartz
- \* 3. Assignments for Procedures for the Legal Secretary - rev. ed.  
Elsie E. Swartz
4. Ontario Annual Practice 1976 - Carthy
5. Conveyancer's Guide to Real Practice in Ontario - Donoghue and  
Supplements
6. Williston and Rolls' - court forms - volumes 1, 2 and 3
7. The Revised Statutes of Ontario (R.S.O.) 1970 volumes 1-6
8. Mozley and Whiteley's - Law Dictionary - John Saunders

NOTE: In the course content outline (VII,B) reference will be made to the above texts as follows, (RT# c. p. Ex.), meaning, Reference Text and number, chapter, page (if specific) and exercise if applicable; or (RR#) meaning Recommended Readings and number, (see below).

\* These books should be purchased by the student, the others may be obtained from the college library or the instructor.

III RECOMMENDED READINGS

- |  |  |                 |
|--|--|-----------------|
| 1. <u>What's Wrong with the Law--</u>            | Zander & Scarman                       | college library |
| 2. <u>The Power of the Law</u>                   | - Correy                               | instructor      |
| 3. <u>The Law and the Police</u>                 | - Bourne                               | instructor      |
| 4. <u>The Law and You</u>                        | - Chapman                              | college library |
| 5. <u>It's Still the Law</u>                     | - Hyman                                | college library |
| 6. <u>The Law and the Lay-Person</u>             | - "Small Claims Court"                 | instructor      |
| 7. <u>The Law and the Lay-Person</u>             | - "Courts and Trials"                  | instructor      |
| 8. <u>The Law and the Lay-Person</u>             | - "The Market Place"                   | instructor      |
| 9. <u>The Law and the Lay-Person</u>             | - "Tenants Handbook"                   | instructor      |
| 10. <u>Real Estate Guide</u> (buying & selling)- | Abramson                               | instructor      |
| 11. <u>Law: A Case Study Approach</u>            | - Velanoff                             | college library |
| 12. <u>Summary of Canadian Commercial Law</u>    | - Anger                                | college library |
| 13. <u>The Revised Statutes of Ontario 1970</u>  |  | instructor      |
| 14. <u>Canadian Business Law</u>                 | - Amirault & Archer                    | instructor      |
| 15. <u>Newsmagazines and newspapers</u>          |  | downtown        |
|  | current and those distributed in class |                 |

BUSINESS LAW & LEGAL PROCEDURES  
BUS 210-5

IV GENERAL OBJECTIVES:

The purpose of this subject is to provide the student with an understanding and knowledge of the content and terminology of the more common procedures involving legal documents and papers that the student may experience as a legal secretary, and thus enable the student to better perform the duties assigned, as well as, to develop a positive attitude toward the legal systems and their complexities.

V METHOD OF INSTRUCTION:

Reading assignments, lectures, discussion, case studies, tests and assignments.

VI STUDENT EVALUATION:

1. Basis: The student's grade will be determined by the administration of a maximum of eighteen tests (18) and the completion of a maximum of eight (8) assignments, all of equal value.

2. Assignments & Tests:

Assignments - There are two kinds of assignments, firstly, those that will be done in class, together, and which composes most of the "assignments" and are more appropriately called "exercises," secondly, those assignments which will require work to be done outside of class time and will require submission to the instructor for assessment and grading, of these there are eight. They are specifically designated in the course content outline, when they are assigned and due is also recorded. NOTE: assignments to be submitted should be typewritten.  
Tests - Tests will be given as indicated in the course content outline. They will be essay type and will normally require 30 to 45 minutes to complete.

3. Grading: A letter grading of A, B, C, I or R will be used to indicate the achievement or value of the student's work.

4. Grade Interpretation:

- (A) - This grade means that the student has an exceptional understanding of and or ability with the portion of the subject assessed, to such an extent that he has a complete or near complete grasp of or ability with the material or work, and thus understands more than eight-five per cent or able to perform more than eight-five per cent of the work tested.
- (B) - This grade means that the student has a high degree of understanding of and or ability with the portion of the subject assessed, and thus understands more than seventy per cent or able to perform more than seventy per cent of the work tested.

4. Grade Interpretation: cont'd.

- (C) - This grade means that the student has a basic understanding of all the elementary essentials of the portion of the subject assessed, and or able to perform all the basic elementary essentials of the work tested, and thus understands more than fifty-eight per cent, or able to perform more than fifty-eight per cent of the work tested.
- (I) - This grade means that the student does not have the basic understanding or ability necessary for a C grade, and that he will therefore be required to re-study or be retrained and be re-assessed, and that the aforesaid must be completed within a time specified, during the instructional sessions, that is, before the make-up period assigned by the college, and that if the said re-assessment, is satisfactory no grade greater than a "C" will be granted, and failure to do so may require the student to make one final effort in the time set-aside by the College for what is presently called the "make-up period," provided he has no more than two "I" gradings remaining in his total semester assessments, and similarly if successful no grade greater than a "C" will be granted.
- (R) - This grade means that the student has not achieved a minimum of a "C" grade in all of his assessments within the times aforesaid, or has more than two "I" grades outstanding by the end of the instructional sessions for that semester, and or has demonstrated a lack of serious intention during the semester in acquiring a basic understanding or ability.

Note: There will be no merging of I grades.

VII SPECIFIC OBJECTIVES:

A. Generally

The student will be responsible for (1) the content of all the chapters\* indicated, (2) for the recommended readings, (3) for the articles distributed during class, (4) and for the material emphasized in the lectures,

\* NOTE: Chapters are from the main reference texts and not necessarily in order.

SPELLING:

Correct spelling and grammar in all test papers and written submissions are essential to effectively communicate proof of understanding of the subject content. Any serious frequency of spelling errors, particularly of subject terminology or of grammar errors will probably reduce the receiver's or markers ability to accurately interpret the communication, and thus should be avoided, and may also therefore justify the lowering of the mark by one grade or more, and even possibly the granting of an I grade.

BUSINESS LAW & LEGAL PROCEDURES  
BUS 210-5

B. Course Content Outline

ITEM	TOPIC	LECTURE EMPHASIS	READINGS	ASSESSMENT	
				ASSIGNMENTS	TESTS
1	Introduction	Course Outline, distribution and review, timetable, review and corrections	RT#1, c.1	-	
2	-	Law and Society definition, personality and nature of the law Articles	as above	-	
3	Legal System	<u>Canadian Legal System</u> sources of law, judge made, statute, judicial interpretation, citations, implications of precedent system, classification, legal profession, nomenclature of the judiciary, hierarchy and jurisdiction of the courts, importance of Provincial, Small Claims and District courts, settlement out of court Articles, charts	RT#1, c.1, and pXX-XXI RT#1, c.3 RT#2, c.4; c.1, p1 and c.18 RT#1, c.2, p.22-26	RT#3, c.1, p.2 Ex.B RT#3, c.4, p.23, Ex.B,D,E RT#3, c.18, p.161, Ex.A	Test #1 on ch. 1, 2 and part 3A of ch.3
4	Litigation	Definition, pre-action considerations, who may sue, introduction to rules of practice, purpose, table of contents, cases, acts, headings, index, Rule 2	RT#2, c.18 RT#4 RT#2, c.19, p.188 RT#7	Assignment #1 "Names of local judges" (to be submitted)	Test #2 on items 3(b)
5	Supreme Court	Retainers, changes of solicitors, definition of pleadings, outline of steps in a civil action. Writ of summon, kinds, history, content. Rules: 4-7, 8, 192, 198, 35, 42(1). FORMS	RT#2, c.21 RT#2, c.22 RT#3, c.21, p.203 RT#3, c.19, p.162(a) Ex.A RT#2, c.20 RT#4 RT#6	Assignment #1 due RT#3, c.21, p.202 Ex.D RT#3, c.19, p.170, Ex.C	Test #3, on item #4

-3-  
BUSINESS LAW & LEGAL PROCEDURES  
BUS 210-5

B. Course Content Outline

ITEM	TOPIC	LECTURE EMPHASIS	READINGS	ASSESSMENT	
				ASSIGNMENTS	TESTS
6	-	Service, rules 16(1), 23, 103, 22, 16(2), 49, motions, affidavits, substitutional Forms, Articles	RT#2, c.19, p.190-1 RT#3, c.20, p.178 RT#4 RT#6	RT#3, c.23, p.225 Ex.D	
7	-	Appearances, affidavit of search, default judgment, affidavit of merits, motions, bill of costs. Rules: 49, 42, 50, 58(1)-(3), 42(1), 42(5), 51, 35-37 FORMS	RT#3, c.21, p.203 RT#4 RT#6	-	Test #4 on items #5 and 6
8	-	Statement of claim, purpose, content, time, default Rules: 43, 126, 132-134, 142-3, 147, 53, 55(1)-(4) FORMS, articles	RT#4 RT#3, c.20, p.185 RT#3, c.21, p.205	-	
9	-	Statement of defence, purpose, content, time, counter-claim, affidavit of search, default, defence to counter-claim, discontinuance of action notice, joinder of issue, note pleadings closed, record, certificate of readiness, affidavit of service, set action down for trial, affidavit Rules: 44, 45, 45, 53, 55, 246, 248-9, 320, 122, FORMS, articles	RT#4 RT#3, c.20, p.189-93 RT#2, c.20, p.206 RT#2, c.21, p.215-17 RT#2, c.21, p.240 RT#3, c.20, p.177 RT#6	RT#3, c.20 p.194, Ex.C	
10	-	Appointments, general, affidavit of merits, examination for discovery, notices to 3rd parties, affidavit to produce, notice to produce, medical reports, at trial, to amend, affidavits, orders, subpoena Rules: 326, 340, 272 FORMS	RT#4 RT#6 RT#3, c.21, p.211 RT#3, c.20, p.177-8 RT#2, c.21, p.226-39 RT#3, c.21, p.214 RT#2, c.21, p.241	-	Test#5 on items 7,8 and 9

BUSINESS LAW & LEGAL PROCEDURES  
BUS 210-5

B. Course Content Outline

ITEM	TOPIC	LECTURE EMPHASIS	READINGS	ASSESSMENT	
				ASSIGNMENTS	TESTS
11	-	Judgments, effect, kinds, content, set aside, Bill of Costs, taxation, appointments, certificate, enforcement, Writ of fieri facie, garnishment, affidavit, order, replevin, affidavit, order, other documents, review Rules: 556-7, 594, 591-2, 559, 597, 359, 519 FORMS, Articles	RT#4 RT#2, c.20, p.202 RT#3, c.20, p.195-7 RT#2, c.23	-	
12	Small Claims Court	Final notices by creditor, credit collection, introduction to list of documents, Small Claims court Act, sections, Plaintiff's Claim Sections: 53-55, 61, 71, 73, 74, 76, FORMS, Articles	RT#7, vol.5 c.439 RT#2, c.18, p.185 RT#6	-	Test #6 on items 10 and 11
13	-	Summons purpose and content, general, garnishee, replevin, 3rd party, to witness, service, affidavits Sections: 73, 75, 151(2), 152, 153, 86 (1),(2) and (4), 95 FORMS	RT#7, vo.5, c. 439	-	see item #14
14	-	Dispute, purpose, content, consent, confession, default judgment, notice of no dispute, notice of trial, summary way, non suit, notice of judgment, judgment transcript, certificate Sections: 77-9, 80-3, 86, 80, 84, 87-9, 91-3, 100-2, 130 FORMS	as above	-	Test #7 on items 12 and 13



BUSINESS LAW & LEGAL PROCEDURES  
BUS 210-5

B. Course Content Outline

ITEM	TOPIC	LECTURE EMPHASIS	READINGS	ASSESSMENT	
				ASSIGNMENTS	TESTS
15	Satisfaction of Judgment	Purpose of judgment, summons to defendant after judgment, affidavit application, summons, orders, show cause summons application order, service, committal warrant Sections: 131, 134, 135, 137, 133, 137-9, 132 , 137-9, 132 FORMS	RT#7, vol.5, c.439	-	
16	-	Garnishment, definition purpose, affidavit, order, direction, executions, goods, land, time, exemptions Sections: 141-47, 148, 116-117, 120, 124(2), 126-128 FORMS	as above	-	
17	Consolidations	Consolidations, finance companies, law offices, letter, reason for, requirements for court, affidavit notice, order, effect, new judgments, payment, termination, methods, notice, effect Review Sections: 156-63 FORMS	as above	-	Test#8, on items 14, 15,16
18	Mechanics Lien	Mechanics lien, definition, kinds, history, statute, purpose, arises, duration, priorities, times, registration, credit, certificate of action, statement of claim, of defence, application for trial, notice discharge, order, sale, Mechanics Lien Act Sections: 1, 5(1), 7(4), 11, 16(102), 21, 22 (2).(3), 23 (2), 25, 26 (1-2), 29, 34 (2-3), 38, 46 (4), 48 FORMS, Articles	RT#7, vol.3, c.267	Assignment #2 "Consolidations"	Test #9 on item 17

BUSINESS LAW & LEGAL PROCEDURES  
BUS 210-5

B. Course Content Outline

ITEM	TOPIC	LECTURE EMPHASIS	READINGS	ASSESSMENT	
				ASSIGNMENTS	TESTS
19	Partnership	definition, liability, kinds declaration agreements, dissolution agreements, partnership Act, Partnership Registration Act, registration system, cards, declaration of business, late registration, affidavit, dissolution, publication FORMS, Articles	RT#7, vol.4 c.339 and c.340	Assignment #2 due assignment #3 Mechanics Liens	Test #10 on item 18
20	Corporations	Corporations, definition, concept, kinds, federal, provincial, public, private, methods of incorporation, articles of incorporation, British North America Act, Small Business Corporations Act, Canada Corporations Act, by laws FORMS, Articles	RT#2, c.28 & 29 RT#3, c.28-29 RT#7, vol.1, c.53	Assignment #3 due Assignment #4 "Registration Cards" RT#3, c.28 p.267-75 RT#3, c.29, p.294 Ex.D	Test #11 on item 19
21	Conveyancing	definition, real estate, land, history of, interests in land, fee simple, fee tail, life, to uses, dower, words of limitation, co-ownership, joint tenants, tenants in common, consequences, death, intervivos history of methods of conveyancing Articles	RT#2, c.9, p.63 RT#2, c.10, p.68	Assignment #4 due Assignment #5 "Articles of Incorp."	Test#12 on item 20
22	-	Contracts of sale, real estate listings, Lord's Day Act, Statute of Frauds. Vendors and Purchasers Act, Conveyancing and Law of Property Act, agreement of purchase and sale (offer to purchase) standard content, additional FORMS	RT#7, vol.3,c.259; vol.5,c.444 and c.478; vol.1,c.85 RT#3, c.13, p.127 RT#2, c.13 RT#5, c.10	Assignment #5 due Assignment #6 "Offer to Purchase" Due at beginning of item #23	

-5  
 BUSINESS LAW & LEGAL PROCEDURES  
 BUS 210-5

B. Course Content Outline

ITEM	TOPIC	LECTURE EMPHASIS	READINGS	ASSESSMENT	
				ASSIGNMENTS	TESTS
23	Vendor	Procedures for vendor, opening file, Vendor's check list, initial requests to client for basic information and papers, letters, preparation of draft deed, an understanding of contents, clauses, signatures, purpose, effect, title searching, importance land description plotting, Matrimonial Home, short form and conveyancing Act, transfers FORMS	RT#7, vol.5, c.435; vol.2, c.135 RT#3, c.9 and 10	Assignment #6 DUE "Offer to Purchase" RT#3, c.10, p.106, Ex.H RT#3, c.9, p.89-90, (plot) RT#3, c.9, p.91, Ex.B	Test #13 on items 21 & 22
24	-	Affidavits attached to deed purpose and content. Registry Act. of witness, of legal age and marital status, of Planning Act, Land Transfer Tax Act, of Land Speculations Tax Act, of residence, of Mortmain (Mortmain and Charitable Uses Act) Advantages of registration, summary of content of deed, terms of references, approval of draft deed, interlineations, alterations, effect, lien clearance application, certificate FORMS	RT#7, vol.4, c.409; vol.4, c.349, vol.2, c.235; vol.3, c.280		
25	-	Tax receipts, insurance, utilities, tenants of Vendor, mortgage statement, letter, calculations, declaration of possession, statement of adjustments, purpose, content calculations, approval, reply to letter of requisitions, letter of direction, discharge of mortgage FORMS	RT#2, c.14 and c.15 RT#3, c.14, p.142	RT#3, c.14, p.139 ExA; p.140, ExB	Test #14 on items 23-24
26	-	Signatures on documents, appointments, routine on closing, reporting letter, purpose, content, review of procedure for Vendor FORMS	-	Assignment #7 "Statement of Adjustments"	

BUSINESS LAW & LEGAL PROCEDURES  
BUS 210-5

B. Course Content

plc  
letter  
search, letter, examinati  
possibilities, examinati  
statement of adjustments  
of deed, effect  
title, effect  
FORMS

ITEM	TOPIC	LECTURE EMPHASIS	READINGS	ASSESSMENT	
				ASSIGNMENTS	TESTS
27	Purchase	ing the purchaser, offer to purchase copy, purchaser's check list, letter to take titles, insurance, financing, search of title, basic steps, letter of requisitions, possibilities, examination and approvals of deed, statement of adjustments certificate of title, effect FORMS	-	Assignment #7 due	Test #15 on items 25,26
28	-	Financing, mortgages, charges, definitions, kinds, content, effect, remedies, payment clauses, amortization, applications, preparation, appraisals, fees, assignment, assumptions, discharge, registration, FORMS, Articles	RT#2, c.11 RT#3, c.11	RT#3, c.11, p.118, EX.G	Test #16 on item 27
29	-	Client signature, appointments, certified cheques, routine on closing, reporting letter, letters to assessment, Taxation, review of procedure for Purchaser	RT#2, c.15	Assignment #8 "Discharge"	
30	Wills	Wills, definition, initial considerations, Wills Act, terms of references, standard clauses, special clauses, simple short will, complex will, disposition of, codicil FORMS, articles	RT#2, c.25	Assignment #8 due RT#3, c.25, p.240 ExF	Test #17 on items 28 and 29

BUSINESS LAW & LEGAL PROCEDURES  
BUS 210-5

B. Course Content Outline

ITEM	TOPIC	LECTURE EMPHASIS	READINGS	ASSESSMENT	
				ASSIGNMENTS	TESTS
31	-	Steps on death, probate, preparation, applicaton, affidavits of, executor, of execution, of plight, of renunciation, inventory, exhibits, A and B, letters probate FORMS, Articles	RT#2, c.26	-	
32	-	Administration, will, intestate, preparation, application, affidavits, inventory, exhibits, letters of Administration, bonds, distribution under Revolution of Estates Act FORMS, Articles	RT#7, vol.1, c.129 as above	-	Test #18 on items 30 & 31
33	Succession Duty	Succession duty, purpose, affidavits, schedules, releases, notice to creditors, Succession Duty Act FORMS	RT#7, vol.5, c.449 RT#2, c.27	-	
				-	
34	Conclusion	Return of test #18, report on "I" grades outstanding, review, law cross-word puzzle	-	-	-

VIII LIST OF DOCUMENTS AND PAPERS

Supreme Court

Retainers  
Writ of Summons  
    General  
    Special  
Motion for Substitutional Service  
Affidavit for Substitutional Service  
Order for                   "                   "  
Affidavits of Service  
    General  
    Special  
A.R. Card  
Undertaking  
    Acceptance by Solicitor  
Undertaking to Appear  
    On a Writ  
    On an Originating Notice  
Affidavit of Service  
Affidavit of Search  
Default Judgment  
Bill of Costs  
Appearance (II)  
Affidavit of Merits  
Notice re: Examination on Affidavit of Merits  
Notice of Appointment  
Notice to Produce  
Affidavit In Reply  
Notice to third party  
Notice for Examination for Discovery  
Notice to Produce at trial  
Notice to Amend Pleadings  
Affidavit  
Order  
Subpoena (general)  
Statement of Claim  
Affidavit of Search  
Default Judgment  
Statement of Defence  
Counter-claim  
Reply to counter-claim  
Defence to Reply to Counter-Claim  
Discontinuance of Action  
Reply and Joinder of Issue  
Record  
Note Pleadings closed  
Set Action down for trial  
Certificate of readiness  
Affidavit of service  
Notice of Trial  
Notice of motion of change of Place of Trial  
Affidavit  
Notice of postponement  
Judgment

VIII LIST OF DOCUMENTS AND PAPERS cont'd.

Appointment for Examination of judgment debtor  
Praecipe for a writ of Fife  
Writ of Fieri Fiacia  
Garnishment Order  
Order in Replevin

Small Claims Court

Final Notice  
Plaintiff's claim  
Summons  
    General  
    Garnishee  
    Replevin  
    Third Party to witness  
Dispute  
Consent - confession  
Notice of NO Dispute  
Notice of Trial  
Notice of Judgment  
Affidavit for Summons to Defendant after judgment  
Application  
Summons  
Order  
Committal Warrant  
Affidavit of Shaw Cause Summons  
Application  
Order  
Affidavit for Direction to Garnishee  
Direction to Garnishee  
Execution Against Land  
Execution Against Goods  
Transcript of Judgment  
Artificate of judgment  
Notice of Application for consolidation order  
Affidavit for an Application for consolidation order  
Consolidation order  
Notice of Termination  
Certificate of Termination

Partnership

Partnership or Business Registration Card  
Affidavit of Late Registration Card  
Dissolution of Partnership or Proprietorship Card  
Sample Agreements

Corporations

Application for articles of incorporation

Conveyancing

Vendor - Agreement of Purchase and Sale  
Letter to solicitor to purchaser  
Deed  
Affidavits  
    of Witness  
    of Residence  
    of Land Tax Act

VIII LIST OF DOCUMENTS AND PAPERS cont'd.

Affidavits  
of the planning act  
of speculation tax act  
as to age and spousal status  
of mortmain  
Statement of Adjustments  
Letter for Mortgage statement  
Application for Lien clearance  
Application for tax payable  
Discharge of mortgage  
Notice to tenant  
Letter of direction  
Declaration of possession  
Reporting letter

Purchaser

Letter Take Title  
Letter of requisitions  
Application for mortgage  
Mortgage  
Assignment of a mortgage  
Assumption Agreement  
Certificate of title  
Reporting letter  
Letters to Assessment and tax  
Agreement of Sale

Wills

Sample Wills  
Short  
Long  
Codicils  
Letters probate  
Application for probate  
Affidavits of Executor  
" of Execution of Will  
" of " of codicil  
Inventory  
Affidavit of Plight  
Affidavit of Renunciation  
Notarial Certificate  
Application for Administration  
Renunciation of Administrator  
Nomination of "  
Affidavit of "  
Letters of Administration  
Administration Bond  
Administration of Will  
Schedules  
Exhibits



VIII LIST OF DOCUMENTS AND PAPERS cont'd.

Succession Duty Affidavit of value and  
relationship  
Schedules A, B, C  
Affidavit of Debts

Mechanics Lien  
Mechanics Lien for work and services  
" " " material  
Assignment  
Statement of Claim  
Statement of Defence  
Certificate of Action  
Discharge

IX LIST OF STATUTES

Canadian Criminal Code  
Napoleonic Code  
Municipal Act  
Landlord and Tenant Act  
Innkeepers Act  
Canada Evidence Act  
British North American Act  
Judicature Act  
Code of Hammuraki (2000 B.C.)  
Lords Day Act  
Bills of Exchange Act  
Partnership Act  
Employment Standards Act  
Constitution of the United States  
Statute of limitations  
Small Claims Court Act  
Partnership Registration Act  
Ontario Business Corporations Act  
Canada Corporations Act  
Statute of Frauds  
Vendors and Purchasers Act  
Conveyancing and Law of Property Act  
Dower Act  
Short Forms or Conveyancing Act  
Registry Act  
Land Titles Act  
Planning Act  
Land Transfer Tax Act  
Land Speculation Tax Act  
Mortmain and Charitable Uses Act  
Short Forms of Mortgages Act  
Revolution of Estates Act  
Wills Act  
Succession Duty Act  
Law Reform Act 1978