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Sault College
of Applied Arts and Technology
sault ste. marie

Course Outline

BUSINESS LAW AND
LEGAL PROCEDURES

BUS 210-5

revised SEPTEMBER 1981 - Phil Lemay

BUSINESS LAW AND LEGAL PROCEDURES
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I LENGTH OF COURSE:

Five-fifty minute periods per week for two semesters.

II MAIN REFERENCE TEXTS:

1. The Law & Business Administration in Canada
3rd Edition, Soberman & 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, 1980 - Carthy
5. Conveyancer's Guide to Real Estate Practice in Ontario
Donoghue and Supplements.
6. The Revised Statutes of Ontario (R.S.O) 1970, Volumes 1-6
7. Williston & Rolls' - Court Forms Volumes 1, 2 & 3

NOTE:

In the course content outline (VII,B) reference will be made to the above texts as follows, (RT#c.p.) meaning, Reference Text and number, chapter, page (if specific) 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. What's Wrong with the Law - Zender & Scarman-----Library
2. The Power of the Law - Correy-----Instructor
3. The Law & the Police - Bourne-----Instructor
4. The Law & You - Chapman-----Library
5. It's Still The Law - Hyman-----Library
6. The Law & The Lay Person - "Small Claims Court"--Instructor
7. The Law & The Lay Person - "Courts & Trials"-----Instructor
8. The Law & The Lay Person - "The Market Place"-----Instructor
9. The Law & The Lay Person - "Tenants Handbook"-----Instructor
10. Real Estate Guide(Buying & Selling) - Abramson---Instructor
11. Law: A Case Study Approach - Velanoff-----Library
12. Summary of Canadian Commercial Law - Anger-----Library
13. The Revised Statues of Ontario 1970-----Instructor
14. Canadian Business Law - Amirault & Archer-----Instructor
15. Newsmagazines & Newspapers - current & those
distributed in class-----Downtown
16. You & Your Rights-----Instructor

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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 & their complexities.

V METHOD OF INSTRUCTION:

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

VI STUDENT EVALUATION:

1. Basis: The student's grade will be determined by the administration of a maximum of sixteen tests and the completion of a maximum of four assignments, all of equal value.
2. Assignments & Tests: The assignments 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 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/she has a complete or near complete grasp of or ability with the material or work and thus understands more than eighty five percent 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 percent or able to perform more than seventy percent of the work tested.

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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, & or able to perform all the basic elementary essentials or the work tested & thus understands more than fifty-eight percent, 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 & that he will therefore be required to re-study or be retrained & be re-assessed during the instructional sessions, that is, before the make-up period assigned by the College & that if the said re-assessment is satisfactory no grade greater than a "C" will be granted & 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, & 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 & grammer 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 grammer errors will probably reduce the receiver's or markers ability to accurately interpret the communication, & thus should be avoided, & may also therefore justify the lowering of the mark by one grade or more, & even possibly the granting of an I grade.

COURSE CONTENT OUTLINE

ITEM	TOPIC	LECTURE EMPHASIS	READINGS	ASSESSMENT (ASSIGNMENTS, TESTS)
1	Introduction	Course outline, distribution & review, time-table review & corrections.	RT#1, c.1	
2	---	Law & Society definition, personality & nature of the Law. Articles -----	As above.	
3	Legal Systems	<u>CANADIAN LEGAL SYSTEM</u>		
	(A)	Sources of law, judge made precedent system, statute, judicial interpretation, citations, implications of, classification, legal profession, nomenclature of the judiciary.	RT#1, c.1, and p.XX-XX1 RT#1, c.3 RT#2, c.4, c.1, p.1 and c.18	Test #1 on ch. 1, 2 & part 3A of ch. 3
	(B)	Hierarchy & jurisdiction of the courts, importance of Provincial, Small Claims and District Courts, pre-action consideration, settlement out of court, satisfaction of judgement, Articles, charts.	RT#1, c.2, p. 22-26	
4	Litigation	Definition, changes of solicitors, Retainers, who may sue, (F.L.R.A. sec. 2(4, 60, 65) style of cause, introduction to rules of practice, purpose, table of contents, cases, acts, headings, index, annotations, Rules.	RT#2, c.18 RT#4 RT#2, c.19, p. 188 RT#7	<u>TEST #2</u> on item 3(B)
5	Supreme Court	Definition of pleadings, outline of steps in a civil action. Writ of summon, originating notices of motion, kinds, history, content. 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	<u>TEST #3</u> on item 4

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ITEM	TOPIC	LECTURE EMPHASIS	READINGS	ASSESSMENT (ASSIGNMENTS, TESTS)
6		Service, rules, motions, affidavits, substitutional memorandum of service, Forms, Articles.	RT#2, c.19, p. 190-1 RT#3, c.20, p. 178 RT#4 and 6	
7		Appearances, affidavit of search, default judgement, affidavit of merits, motions, bill of costs. Forms.	RT#3, c.21, p. 203 RT#4 and 6	TEST #4 on items #5 and #6
8		Statement of claim, purpose, content, time, default. Forms, articles.	RT#4 RT#3, c.20, p. 185 and 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, appointments, general, affidavit of merits, examination for discovery, notices to third parties, affidavit to produce, notice to produce, medical report, at trial, to amend affidavits, orders, subpoenas. Forms	RT#4 and #6 RT#3, c.20, p. 189-193 RT#2, c.20, p. 206 RT#4 and #6 RT#3, c.21, p. 211 RT#3, c.20, p. 177-178 RT#2, c.21, p. 266-239 RT#3, c.21, p. 214 RT#2, c.21, p. 241	
10		Joinder of issue, note pleadings, closed, record, certificate of readiness affidavit of service, set action down for trial, affidavit Forms, articles.	RT#2, c.21, p. 215-217 RT#2, c.21, p. 240 RT#3, c.20, p. 177	TEST #5 on items 7, 8 and 9

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COURSE CONTENT OUTLINE

ITEM	TOPIC	LECTURE EMPHASIS	READINGS	ASSESSMENT (ASSIGNMENTS, TESTS)
11		Judgements, effect, kinds, content, set aside Bill of Costs, taxation, appointments, certificate, enforcement, Write of fieri facie, garnishment, affidavit, order, replevin, affidavit, order, other documents, review. Forms, articles.	RT#4 RT#2, c.20, p. 202 RT#3, c.20, p. 195-197 RT#2, c.23	
12	Small Claims Court	Final notices by creditor, credit collection, introduction to list of documents, Small Claims Court Act, section, Plaintiff's Claim. Sections, Forms.	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, third party, to witness, service, affidavits. Sections of the Small Claims Court Act. Forms	RT#7, vol.5, c. 439	
14		Dispute, purpose, content, consent, confession, default judgement, notice of no dispute, notice of trial, summary way, non-suit. Forms.	same as above	
15	Satisfaction of Judgement	Purpose of judgement, summons to defendant after judgement, affidavit applications, summons, orders, show cause summons application order, service, committal warrant. Sections; 131, 134, 135, 137, 133, 137-9, 132, Forms.	RT#7, Vol.5, c. 439	

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ITEM	TOPIC	LECTURE EMPHASIS	READINGS	ASSESSMENT (ASSIGNMENTS, TESTS)
16		Garnishment, definition purpose, affidavit, order, direction, executions, goods, land, time exemptions. Forms, articles.	same as 15.	
17	Consolidation	Notice of judgement, judgement transcript, certificate, consolidations, finance companies, law offices, letter, reason for, requirements for courts, affidavit notice, order, effect, new judgements, payment, termination, methods, notice, effect. REVIEW. Forms, articles.	RT#7, vol. 5, c. 439	<u>TEST # 8</u> on items 14 to 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. Forms, articles.	RT#7, vol. 3, c. 267	<u>Assignment #1</u> "Consolidations" <u>TEST #9</u> on item 17
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, F.L.R.A. (Business Assets). Forms, articles.	RT#7, Vol. 4, c.339, 340	<u>Assignment #1 due</u> <u>Assignment #2</u> <u>Mechanic's Liens</u> <u>TEST #10</u> 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	<u>Assignment #2 due</u> <u>Assignment # 3</u> "Registration Cards" <u>TEST # 11</u> on item 19

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ITEM	TOPIC	LECTURE EMPHASIS	READINGS	ASSESSMENT (ASSIGNMENTS, TESTS)
21	Conveyancing	definition, real estate, land, history of interests in land, fee simple, fee tail, life to uses, dower, matrimonial home, words of limitation, co-ownership, joint tenants in common, consequences, death, intervivos, history of methods of conveyancing. Articles.	RT#2, c.9, p. 63 RT#2, c.10, p. 68	<u>Assignment #3 due</u> <u>Assignment #4</u> <u>"Articles of Incorporation"</u> <u>Test #12 on item 20</u>
22		Contracts of Sale, real estate listings, Lord's Day Act, Statute of Frauds. Vendors and Purchasers Act, Conveyancing & Law of Property Act, F.L.R.A., Agreement of Purchase & Sale (Offer to Purchase) standard content, additional. Forms, articles.	RT#7, vol.3, c. 259 vol.5, c. 444 & 478 vol.1, c. 85 RT#3, c.13, p. 127 RT#2, c.13 RT#5, c.10	<u>Assignment #4 due</u>
23	Vendor	Procedures for Vendor, opening file, Vendor's check-list, initial requests to client for basic information & papers, letters, preparation of draft deed, an understanding of contents, clauses, signatures, purpose, effect, title searching, importance of land description plotting, Matrimonial Home, F.L.R.A., short form & Conveyancing Act, transfers. Forms.	RT#7, vol.5, c. 435 vol.2, c. 135 RT#3, c. 9, 10	<u>TEST #13 on items</u> <u>21, 22</u>
24		Affidavits attached to deed purpose & content. Registry Act, of witness as to age & Spousal Status, Law Reform Act (1978) of Planning Act, Land Transfer Tax Act, of residence, of Mortmain (Mortmain & Charitable Uses Act) Advantages of Registration, summary of content of deed, terms of references, approval of draft deed, interlineations, alterations effect. Forms.	RT#7, vol.4, c.409 vol.4, c.349 vol.2, c.235 vol.3, c.280	

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ITEM	TOPIC	LECTURE EMPHASIS	READINGS	ASSESSMENT (ASSIGNMENTS, TESTS)
25		Tax receipts, insurance, utilities, tenants of vendor, mortgage statement, letter, calculation declaration of possession, statement of adjustments, purpose, content, calculations, approval, reply to letter of requisition, letter of direction, discharge of mortgage. Forms.	RT#2, c. 14 & 15 RT#3, c. 14, p. 142	<u>TEST #14</u> on items 23, 24
26		Signatures on documents, appointments, routine on closing, reporting letter, purpose, content, review of procedure for Vendor. Forms.		
27	Purchase	Representing the purchaser, offer to purchase copy, open file, purchaser's check list, letter to take title, utilities, insurance, financing, search of title, purpose, basic steps, plotting land descriptions, an in-class search, letter of requisitions, standard, possibilities, examination & approvals of deed, statement of adjustments certificate of title, effect. Forms.		<u>TEST #15</u> on items 25, 26
28		Financing, mortgages, charges, definitions, kinds, content, effect, remedies, payment clauses, amortization, applications, preparation, appraisals, fees, assignments, assumptions, discharge, registration. Forms, articles.	RT#2, c.11 RT# 3, c. 11	<u>TEST #16</u> on item 27

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ITEM	TOPIC	LECTURE EMPHASIS	READINGS	ASSESSMENT (ASSIGNMENTS, TESTS)
29		Client signature, appointments, certified cheques, routine on closing, reporting letter, letters to assessment, Taxation, review of procedure for Purchaser.	RT#2, c.15	
30	Conclusion	Return of Test #17, report on "I" grades outstanding, review, law crossword puzzle.		<u>TEST #17</u> on items 28, 29

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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 Judgement
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 Judgement
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
Judgement

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LIST OF DOCUMENTS AND PAPERS CONTINUED:

Appointment for Examination of Judgement Debtor
Praecipe for 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 Judgement
Affidavit for Summons to Defendant after Judgement
Application
Summons
Order
Committal Warrant
Affidavit of Show Cause Summons
Application
Order
Affidavit for Direction to Garnishee
Direction to Garnishee
Execution of Garnishee
Execution against Goods
Transcript of Judgement
Certificate of Judgement
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
By-Laws

Conveyancing

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VENDOR

Agreement of Purchase and Sale
Letter to Solicitor to Purchaser
Deed
Affidavits of Witness, of Residence & of Land Tax Act
Affidavits - of the Planning Act
- as to age and spousal status
- designation of matrimonial home
- cancellation of
- 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 for Requisition
Application for Mortgages
Mortgage
Assignment of Mortgage
Assumption Agreement
Certificate of Title
Reporting Letter
Letters to Assessment and Tax
Agreement of Sale

MECHANIC'S LIEN

Mechanic's Lien for Work and Services
Mechanic's Lien for material
Assignment
Statement of Claim
Statement of Defence
Certificate of Action
Discharge