

SAULT COLLEGE OF APPLIED ARTS & TECHNOLOGY

SAULT STE. MARIE, ONTARIO

COURSE OUTLINE

Course Title: BUSINESS LAW

Code No.: BUS 102-4

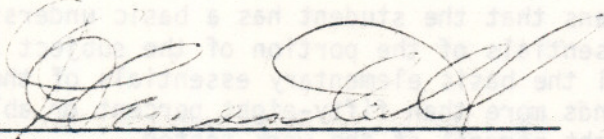
Program: ACCOUNTING/FSM

Semester: WINTER

Date: SEPTEMBER 1983

Author: PHIL LEMAY

New: _____ Revision: X

APPROVED:  83-11-30
Chairperson Date

BUSINESS LAW
Course Name

BUS 102-4
Course Number

PHILOSOPHY/GOALS:

The purpose of this subject is to provide the student with the knowledge of the principles of law, particularly commercial law which regulates business, to develop in the student an understanding of these rules, to develop in him the skill of recognizing, classifying, clarifying, and analyzing business legal problems, to apply the law and reason to a legal solution, and in so doing develop an understanding of a positive attitude toward the judicial process and its complexities.

METHOD OF ASSESSMENT (GRADING METHOD):

1. Basis: The student's grade will be determined by the administration of maximum of eight (8) tests and the completion of a maximum of three (3) assignments, all of equal value.
2. 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.
3. 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 eighty-five percent or able to perform more than eight-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.
 - 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 percent or able to perform more than fifty-eight percent 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 his assignments 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 serious intention during the semester in acquiring a basic understanding or ability.

- NOTE: 1. There will be no merging of I grades.
2. Correct spelling and grammar in all test papers and written submissions is 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 marker's ability to accurately interpret the communications, 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.

TEXTBOOK(S):

The Law and Business Administration in Canada, Third Edition,
Soberman and Smythe.

RECOMMENDED READINGS:

1. Whats Wrong with the Law - Zander and Scarman.....Library
2. The Power of the Law - Corry.....Instructor
3. The Law and the Police - Bourne.....Instructor
4. The Law and You - Chapman.....Library
5. It's Still the Law - Hyman.....Library
6. The Law and the Lay-Person - "Small Claims Court".....Instructor
7. The Law and the Lay-Person - "Courts and Trials".....Instructor
8. The Law and the Lay-Person - The Market Place.....Instructor
9. The Law and the Lay-Person - "Tenants Handbook".....Instructor
10. Counselling the Average Businessman - Special lectures,
Law Society of Upper Canada.....Instructor
11. Real Estate Guide (buing and selling)--Abramson.....Instructor
12. Law: A Case Study Approach - Velanoff.....Library
13. Summary of Canadian Commercial Law - Anger.....Library
14. The Revised Statutes of Ontario 1970Instructor
15. Canadian Business Law - Amriault and Archer.....Instructor
16. Newsmagazines and newspapers.....Downtown
Current and those disributed
in class

SPECIFIC OBJECTIVES

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 the class sessions.
4. For the material emphasized in the lectures and case studies, an outline of which is provided below.

*NOTE: Chapters are not necessarily in sequence.

TEXTBOOK(S):

The Law and Business Administration in Canada, Third Edition,
Bobman and Smyke.

RECOMMENDED READINGS:

1. What's Wrong with the Law - Lander and Scamman.....Library
2. The Power of the Law - Cory.....Instructor
3. The Law and the Police - Bourne.....Instructor
4. The Law and You - Chapman.....Library
5. It's Still the Law - Hyman.....Library
6. The Law and the Lay-Person - "Small Claims Court".....Instructor
7. The Law and the Lay-Person - "Courts and Trials".....Instructor
8. The Law and the Lay-Person - The Market Place.....Instructor
9. The Law and the Lay-Person - "Tenants Handbook".....Instructor
10. Counseling the Average Businessman - Special lectures,
Law Society of Upper Canada.....Instructor
11. Real Estate Guide (Buying and Selling) - Abramson.....Instructor
12. Law: A Case Study Approach - Yelavoff.....Library
13. Summary of Canadian Commercial Law - Anger.....Library
14. The Revised Statutes of Ontario 1970.....Instructor
15. Canadian Business Law - Amstutz and Archer.....Instructor
16. Newsclippings and newspapers.....Downtown
Current and those distributed
in class

BUSINESS LAW

CHAPTER	LECTURE EMPHASIS	CASES	ASSESSMENT
1	Course Outline distribution and review <u>Law and Society</u> - definition, person- ality and nature of the law.	none	See Chapt. 4
2	<u>Canadian Legal System</u> Sources of the law, judge made, statute, implications of the precedent system, classifications, the legal profession, nomenclature of the judiciary, hier- archy and jurisdiction of the courts, importance of the Provincial, Small Claims and District Courts, settlement out of, simple litigation procedure, means of satisfying judgment, execu- tion, garnishment replevin. Articles.	none	See Chapt. 4
3	Judicial interpretation, interrelation of legal adjudication and legislation. Articles.	none	See Chapt. 4
4	<u>Torts</u> Definition, distinction between civil and criminal. Kinds of torts, assault, battery, false imprisonment, occupier's liability, negligence, exceptions, defences, misrepresentations, related statutes. Articles.	ten cases read to class by instruc- tor	Test #1, on Chapt. 1,2,3, <u>Assignment #1</u> case problem Due at end of Chapt. 5
19	<u>Bailment</u> Definition, essentials, consequences standards of case, defences, exculpatory clauses, rules for effect- iveness, examples, Innkeepers Act. Articles.	1, 2	See Chapt. 5
5	<u>Principles of Contract Law</u> Definition, history, requirements for a valid contract, advantages, mutual agreement, rules for a valid offer and acceptance.	1,3,4, 6,9	Test #2, on Chapt. 19 Torts Assignment #1 due See Chapt. 8

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CHAPTER	LECTURE EMPHASIS	CASES	ASSESSMENT
6	<u>Consideration</u> Definition, kinds, meaning of good, value, valid, the seal.	1,2,3,4	See Chapt. 8
	<u>Legal Intention</u> Reason for rule various presumptions, effect	7	
7	<u>Capacity</u> Definition, general rule, persons with limited ability	1,2,3	See Chapt. 8
8	<u>Legality of Purpose</u> Reasons for the rule, contracts unenforceable at common law, unreasonable restraint of trade laws, contracts void or illegal by statute, combines Investigations Act, Lord's Day Act, Bankruptcy Act, Canadian Criminal Code, Income Tax Act, Customs Act, Gaming Act, Ontario Human Rights Code, Employment Standards Act, Workmen's Compensation Act, Elections Act, Consumer Protection Act and licencing statutes. Articles.	1,2,3	Test #3 on Chapt. 5,6,7 See Chapt. 11
9	<u>Mistake</u> Definition, void, voidable, kinds of effect, remedies.	1,2	See Chapt. 11
10	<u>Misrepresentation</u> Innocent, fraudulent, remedies undue influence, duress remedies, effect and reason for main rule	1,2	See Chapt. 11
11	<u>Writing</u> Review of basic requirement for a valid contract, statute of frauds, executors, guarantors, marriage, land one year, essentials of memorandum, part performance, Sale of Goods Act, Consumer Protection Act.	1,2,5,6	Test #4 on Chapt. 8,9, 10 See Chapt. 14

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CHAPTER	LECTURE EMPHASIS	CASES	ASSESSMENT
12	Interpretation - omit		
13	Privity - omit		
14	<u>Discharge of a Contract</u> Four ways of discharging obligations, performance, agreement, frustration, law.	1,3,7	Test #5 on Chapt. 11 only See Chapt. 25
15	<u>Breach of Contract</u> How a breach may occur, remedies for, possible criminal consequences	1,2,3,4	See Chapt. 25
21	<u>Special Contracts</u> <u>EMPLOYMENT:</u> Definition of employer, employee in common law, in statute, difference between agency, independent contractor, tortious liability of, vicarious liability concept, Highway Traffic Act, Workmen's Compensation Act. Employment contracts, form, restraint of trade rules reviewed, termination notices at common law. Statutes affecting employer rights and duties, British North America Act, Canada Labour (safety) Code, Employment Standards Act, its contents definitions, waivers, garnishments, wage priority, minimums, conflicts, wage protection, hours of work, overtime, holidays, vacations equal pay benefits plans, pregnancy leave, termination of notice, offences, penalties, where to complain, possible results. Ontario Human Rights Code, discrimination generally, signs notices, public accommodations, housing, employment, hiring, advertising, promoting, firing unions, application forms, exceptions opinion, special organizations, offences, penalties, where to complain, results and amendment proposed in December 1980.	no cases	See Chapt. 25

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CHAPTER	LECTURE EMPHASIS	CASES	ASSESSMENT
21 cont'd	Canadian Bill of Rights, discrimination federal. Labour Relations Act, procedures for certification, collective bargaining unfair practices. Ontario Occupational Health and Safety Act. Look at some sample contracts Articles.		
25	<u>Landlord and Tenant</u> Introduction, definition, differentiation between freehold and lease hold. Statute of frauds, registration. Short Forms of Leases Act, Residential Act 1979 Residential leases, commercial leases, standard clauses. Articles, forms.	1,3	Test #6 on Chapt. 14,15,21 See Chapt. 20
24	<u>Land Law</u> Realty meaning, definition of land, feehold estates, co-ownerships, condominiums, easements, acquisitions by adverse possession.	no cases	See Chapt. 20
25	P.578-583: Typical real estate transaction, legal transfer procedure, offer to purchase, deed, statement of adjustments, searching. Registry system, Registry Act, Land Transfer Tax Act, Planning Act. Articles, forms.		Assignment #2 due, at start of Chapt. 20
26	<u>Mortgages</u> Definition, purpose, mortgages rights, amortization, second mortgages, mortgages act. Forms, Articles.	1	See Chapt. 20
20	<u>Establishing a Business</u> <u>Principal and agency</u> Definition, creation, rights and duties third parties, termination of.	1,2,4	Test #7 on Chapt. 24,25, 26 Assignment #2 due See Chapt. 28

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CHAPTER	LECTURE EMPHASIS	CASES	ASSESSMENT
Review	Return of Test #7 and Assignment #3 Report on "I" grades outstanding Review - Law Cross-Word Puzzle		
Special Lecture	<u>Business Crimes</u> (if time permits) Chapter 3 of Supplemental reading # 5		

ASSIGNMENTS

#1	TORTS Negligence Case "Spontaneous Combustion"	Chapter 4	Due on comp. of Chapter 5
#2	LAND "Offer to Purchase"	Chapter 24	Due on compl. of Chapter 26.

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CHAPTER	LECTURE EMPHASIS	CASES	ASSESSMENT
Review	Return of Test #7 and Assignment #3 Report on "I" grades outstanding Review - Law Cross-Word Puzzle		
Special Lecture #2	Business Crimes (if time permits) Chapter 3 of Supplemental reading		
ASSIGNMENTS			
41	TORTS Negligence Case "Spontaneous Combustion"	Chapter 4 Due on comp. of Chapter 5	
42	LAND "Offer to Purchase"	Chapter 5A Due on comp. of Chapter 5B.	