

SAULT COLLEGE OF APPLIED ARTS & TECHNOLOGY

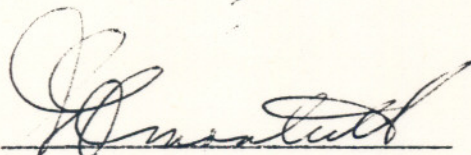
SAULT STE. MARIE, ONTARIO

C O U R S E O U T L I N E

Course Title: BUSINESS LAW AND LEGAL PROCEDURES
Code No.: BUS 210-5
Program: SECRETARIAL (LEGAL)
Semester: FALL & WINTER
Date: SEPTEMBER 1984
Author: PHIL LEMAY

New: _____ Revision: X

APPROVED:



Chairperson

Date: 84.09.20

PHILOSOPHY/GOALS:

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. This course is designed as five-fifty minute periods per week for two semesters.

METHOD OF ASSESSMENT (GRADING METHOD):

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. Grading: A letter grading 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/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.

"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 or the work tested and thus understands more than fifty-eight percent, or be able to perform more than fifty-eight percent of the work tested.

"I" In tests and assignments, this grade means that the student has not successfully demonstrated a basic elementary understanding of the material assessed to achieve a "C" grade, and the results of this assessment therefore, will be weighed as a zero* in the calculation of the final average grade of all the tests, etc.

"R" This grade means that the student has not achieved a minimum of a "C" grade in the final average calculation of all his/her tests, etc. or has demonstrated a lack of serious intention in acquiring a basic understanding of the material during the semester.

*NOTE: THIS MEANS THERE WILL BE NOT MAKE-UP TESTS, ETC.

NOTE: There will be no merging of "I" grades.

Business Law and Legal Procedures
Course Name

BUS 210-5
Course Number

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 marker's 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.

PUNCTUALITY:

Classes will commence on time, that is, precisely on the hour, students are expected to be in class beforehand. Anyone not present as aforesaid will be refused entry. Tardiness causes interruption in the class process and is, therefore, thereby prohibited.

TEXTBOOK(S):

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

Procedures for the Legal Secretary; Revised Edition, Elsie E. Swartz.

Assignments for Procedures for the Legal Secretary; Revised Edition, Elsie E. Swartz.

Ontario Annual Practice - 1984.

Conveyancer's Guide to Real Estate Practice in Ontario; Donoghue and Supplements.

The Revised Statutes of Ontario; (R.S.O.) 1980, Volumes 1-6.

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.

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. Law: A Case Study Approach - Velanoff.....Library
11. Real Estate Guide (Buying & Selling) - Abramson.....Instructor

Business Law and Legal Procedures
Course Name

BUS 210-5
Course Number

RECOMMENDED READINGS (cont'd):

12. Summary of Canadian Commercial Law - Anger.....Library
13. The Revised Statutes of Ontario 1980.....Instructor
14. Canadian Business Law - Amirault & Archer.....Instructor
15. Newsmagazines and Newspapers - current & those distributed in
class....Downtown
16. You and Your Rights.....Instructor

BUSINESS LAW AND PROCEDURES (BUS 210-5)

COURSE OUTLINE CONTENT

ITEM	TOPIC	LECTURE EMPHASIS	READINGS	ASSESSMENT (ASSIGNMENTS, TESTS)
1	Introduction	Course outline, distribution & review,	RT#1, c.1	
2		Law & Society definition, personality & As above nature of the Law. Articles _____		
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, & p. XX-XXI RT#1, c.3 RT#2, c.4, c.1, p.1 & c.18	Test #1 on Ch. 1, 2 & part 3A of Ch. 3
	(b)	Duality of an Act, Hierarchy & jurisdiction of the courts, importance of Provincial, Small Claims & District Courts, pre-action consideration, settlement out of court, satisfaction of judgment Articles, charts.	RT#1, c.2, p. 22-26	
4	Litigation	Definition, retainers, solicitor change, releases introduction to rules of practice, purpose, table of contents, cases, acts, headings, index, annotations. Changes of solicitors, who may sue, (F.L.R.A. sec 2 (4, 60, 65)	RT#2, c.21 RT#4 RT#2, c.19, p. 188 RT#7	Test # 2 on item 3(b)

NOTE: Subject to changes to take effect January 1, 1985

BUSINESS LAW AND PROCEDURES (BUS 210-5)COURSE OUTLINE CONTENT

ITEM	TOPIC	LECTURE EMPHASIS	READINGS	ASSESSMENT (ASSIGNMENTS, TESTS)
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	Test #3 on item 4
6		Style of causes, 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 & 6	
7		Appearances, default judgment, affidavit of merits, motions, bill of costs. Forms.	RT#3, c.21, p. 203 RT#4 & 6	Test #4 on items #5 & #6
8		Statement of claim, purpose, content, time, default. Forms, articles.	RT#4 RT#3, c.20, p. 185 & 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 medical report at trial, to amend affidavits, orders, subpoenas. Forms.	RT#4 & #6 RT#3, c.29, p. 189-193 RT#2, c.20, p. 206 RT#4 & #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	

BUSINESS LAW AND PROCEDURES (BUS 210-5)

COURSE OUTLINE CONTENT

ITEM	TOPIC	LECTURE EMPHASIS	READINGS	ASSESSMENT (ASSIGNMENTS, TESTS)
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 & 9
11		Judgements, effect, set aside Bill of Costs, taxation, appointments, certificate, enforcement, Write of fieri facie, garnishment, 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. Small Claims Court Act, Plaintiff's Claim. Sections, Forms.	RT#7, vol. 5, c.439 RT#2, c.18, p. 185 RT#6	Test #6 on items 10 & 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	

BUSINESS LAW AND PROCEDURES (BUS 210-5)

COURSE OUTLINE CONTENT

ITEM	TOPIC	LECTURE EMPHASIS	READINGS	ASSESSMENT (ASSIGNMENTS, TESTS)
15	Satisfaction of Judgement	Purpose of judgment, summons to defendant after judgment, affidavit applications, summons, orders, show cause summons application order, service, committal warrant. Sections: 131, 1324, 135, 137, 133, 137-139, 132. Forms.	RT#7, vol.5, c.439	
16		Garnishment, definition purpose, affidavit, order, direction, executions goods, land, time exemptions. Forms, articles.	Save as above	
17	Consolidation	Notice of judgment, judgment 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	Test # 8 on items 12 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, Construction-Act, Forms articles.	RT#7, vol. 3, c.267	Assignment #1 "Consolidations" Test # 9 on item 17

BUSINESS LAW AND PROCEDURES (BUS 210-5)

COURSE OUTLINE CONTENT

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, 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> 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	<u>Assignment #2 due</u> <u>Assignment #3</u> <u>"Registration Cards"</u> Test # 11 on item 19
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> Test # 12 on item 20
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>

BUSINESS LAW AND PROCEDURES (BUS 210-5)

COURSE OUTLINE CONTENT

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 & 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	Test # 13 on items 21, 22
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	
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	Test #14 on items 23, 24.

- 11 -

BUSINESS LAW AND PROCEDURES (BUS 210-5)

COURSE OUTLINE CONTENT

ITEM	TOPIC	LECTURE EMPHASIS	READINGS	ASSESSMENT (ASSIGNMENTS, TESTS)
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 to title, effect. Forms.		Test # 15 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	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	
30	Conclusion	Return of Test # 17, report on "I" grades outstanding, review, law cross-word puzzle.		Test # 17 on items 28 & 29