

SAULT COLLEGE OF APPLIED ARTS & TECHNOLOGY  
SAULT STE. MARIE, ONTARIO

COURSE OUTLINE

Course Outline: BUSINESS LAW AND LEGAL PROCEDURES

Code No.: BUS 210-5

Program: SECRETARIAL (LEGAL)

Semester: FALL & WINTER

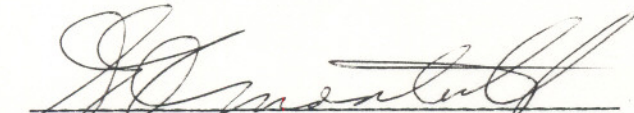
Date: SEPTEMBER 1985

Author: PHIL LEMAY

New: \_\_\_\_\_

Revision: X

APPROVED:

  
Chairperson

85-06-11  
Date

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Course Name

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Course Number

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 twelve tests, 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 students has an exceptional understanding of, and/or ability with, the portion of the subject assessed, to such and 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, of 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 tests etc. has demonstrated a lack of serious intention in acquiring a basic

understanding of the material during the semester.

**\*NOTE:** This means there will be no make-up tests etc.

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

**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):** (None Compulsory)

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.

Supreme and District Court Practice 1985, Watson & McCowan (paperback)

Ontario Annual Practise - 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

...cont'd

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 and Selling) - Amramson .....Instructor
11. Law A Case Study Approach - Velanoff .....Library
12. Summary of Canadian Commercial Law - Anger .....Library
13. The Revised Statutes of Ontario 1970 - .....Instructor
14. Canadian Business Law - Amirault & Archer .....Instructor
15. Newsmagazines & Newspapers - current & those distributed  
in class .....Downtown
16. You and Your Rights

BUSINESS LAW AND PROCEDURES (BUS 210-5)

ITEM TOPIC

LECTURE EMPHASIS

1  
Introduction

Course outline and distribution

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2

Definition of law, nature of the legal personaltiy.  
Articles

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3  
Canadian Legal System

Sources of law, precedent system, judicial interpretation, citations, classifications  
Articles

**TEST 1-3**

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4

Legal profession, education, nomenclature, fees, duality of legality, hierarchy of the judiciary importance of Provincial courts (criminal and civil divsions), general nomenclature, settlement out of court  
Articles

**TEST ON 4 ONLY**

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5  
Litigation

Definition, legal problem process, confidentiality rule, contract law, retainers, kinds, change of solicitor, self-representation, Book on Civil Procedure rules, content, direction, demand, release settlement

Rules, Articles

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6  
Supreme and District  
Courts

Commencement of civil proceedings, the rules of civil procedure for the Suprem Court, overview of a civil action, preservation of rights pending litigation, Courts of Justice Act

Forms, Rules, Articles

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7

When, where an action may be taken,

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place of trial, who may sue, who to sue,  
specific titles of proceeding

Forms, Rules, Articles

**TEST ON ITEMS 5-7**

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8	Initiation of litigation, definition of pleadings, issued, issuing, originating process, Statement of Claim contents, time, computation of time, Notice of Action, content, when used, preparation and issuing process  Forms, Rules, Articles
9	Source methods, personal, alternatives to, proof of service, Sunday rule, Ex, Juris, delivery, effective service,  Forms, Rules, Articles
10	Notice of intent to defend, contents, time, extension, Statement of Defence, contents, reply, purpose, civil rules v criminal, content, time, counter-claim, Third Party Claim, Defence to Counter-claim, reply to the Defence to the Counter claim, Crossclaim, Third Party Claim, use  Forms, Rules, Articles  <b>TEST on 8-10</b>
11	Default, failure of delivery, time, source requisition, consequences, liquidated, unliquidated damages, setting aside, discontinuance, withdrawal, notice of, discovery, purpose, types, Affidavit of Documents, penalty, request to inspect, Notice of Examination, inspection of property process, medical examination, notice of  Forms, Rules, Articles
12	Summons to Witness, meaning, kinds, examination, cross-examination, attendance money, motions, process,

documents, Notice of Readiness, Record, service, Notice of Listing for Trial, time, consequences, Request to Admit, purpose, time, effect, Response to Request, silence rule, refusal

Forms, Rules, Articles

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13

Offer to Settle, purpose, who, when, time, effect, acceptance, consequences, Party-Party Costs, solicitor-client costs, Defendant's Offer, Withdrawal of Offer, notice, expiry of time, judgement, Bill of Costs, tariffs, assessment request, allowed, Notice of Appointment, order, time, certificate, factors in assessment, set-off, objections

Forms, Rules, Articles

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14

Appeal, enforcement, creditor, mechanisms of, Notice of Examination, Writ of Seizure and Sale, process, time, renewals, Direction to Enforce, garnishment, process, requisition, Affidavit, Notices, garnishee, Writ of Sequestration, Appointment of a Receiver

Forms, Rules, Articles

**TEST ON 11-14**

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15  
Provincial Court  
(Civil Division)

Credit Collection, bureaus, final notices, Book-Ontario Provincial Court Civil Division Practice 1985, Courts of Justice Act, jurisdiction of Court, general headings, consents, Plaintiff's Claim, process, defence, default, Notice of Default, Third Party Claims, Request Notice of Pre-trial Conferences, Notice of Motion, of trial, Summons to Witness

Forms, Rules, Articles

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16

Certificate of Judgement, Writ of Delivery, of Seizure and Sale (of Land/Goods), Notice of Examination, garnishment, warrant

Forms, Rules, Articles

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17  
Consolidations

Definition, reasons for, kinds, letter of, court consolidation, requirements, notice, Affidavit Order, effect, new debts, new judgements, termination, notice

Forms, Rules, Articles

**TEST ON 15-17**

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18  
Construction Lien

Mechanic/construction lien, definition, history, purpose, arises, duration, times, registration, credit installments, Statement of Claim, Certificate of Action, Defence Application for Trial, order, sale, Notice of Discharge Construction Lien Act

Forms, Sections, Articles

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19  
Partnership

Definition, kinds, liability, factors for consideration before formation, agreements, firm name, Declaration, of formation, of dissolution, registration, late registration, publication, Partnership Act, Partnership Registration Act

Forms, Sections, Articles

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20  
Corporation

Definition, jurisdictions, methods of creation, private, public, Ontario Articles of Incorporation, ownership management structure, criminal liability British North America Act, Federal and Provincial legislation

Forms, Sections, Articles

**TEST ON 18-20**

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21  
Conveyancing  
(real estate)

Definition, historical development of the interests in land, federal system, co-ownership, methods of conveyancing, Quia Emptores 1290, Law of Property Act Family Law Reform Act 1978, Statute of Frauds 1677, Real Property Act

Articles

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22 Contract of sale, real estate listings, Lord's Day Act, Statute of Frauds, Vendors and Purchasers Act, Agreement of Purchase and Sale, contents, standard and additional clauses

Forms, Articles

**TEST ON 21-22**

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23 Procedure for Vendor, initial requests to client, draft transfer, contentm substantive law relevant thereto, terms of reference, approval of transfer, interlineations, alterations, Land Registration Reform Act 1984, FLRA, Planning Act, Land Transfer Tax Act

Forms, Articles

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24 Statement of Adjustment, purpose, approval, notice to tenants, mortgage statement, reply to the letter of requisitions, letter of direction, cessation of charges, appointment and routine on closing advantages of registration, reporting letter, purpose content, letter to assessment office

Forms, Articles

**TEST ON 23-24**

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25 Procedure for the purchaser, letter of title, financing arrangements, utilities, insurance, charges

Forms, Articles

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26 Searching Title, purpose, basic steps, plotting land descriptions, divisions of land in Ontario, an in-class abstract search, letter of requisitions, standar and possible requests, abstract of title, Certificate of Title, approval o transfer and statement of adjustments

Forms, Articles

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27 Appointment and routine on closing, Sheriff's Office, sub-search, certified

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-10-

cheque, reporting letter

Forms, Articles

**TEST 25-27**

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28

Return of tests, report on student's  
grade standing, assessment of course

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