

I. COURSE DESCRIPTION:

The law (and its administration) is a vital part of our daily lives and the operation of business. It provides direction and governs personal and business relations. This course is designed to cover topics that we face in our lives, some occasionally and some much more frequently. Some of these topics include issues concerning various types of contracts, sales contracts, insurance, employment, mortgages, credit etc. This course will cover historical and contemporary issues of these and other topics. It will be of interest and benefit to anyone regardless of whether the individual plans to start a business, is an employee or volunteer in an organization, or a consumer.

II. LEARNING OUTCOMES AND ELEMENTS OF PERFORMANCE:

Upon successful completion of this course, the student will demonstrate the ability to:

1. Explain the various elements that are necessary in the formation of a business contract that is legal and binding.**Potential Elements of Performance:**

- Discuss and apply the essential elements of an offer.
- Discuss and apply standard form contracts.
- Describe the ways in which an offer may be made and terminated.
- Describe the methods by which an offer may be accepted.
- Explain the term “consideration” as it relates to a contract.
- Outline the meaning of the phrase “intention to create legal relations.”
- Explain a minor’s capacity to contract.
- Apply the concept of capacity to contract to other groups in society.
- Outline what type of contracts are illegal and why.
- Identify and explain agreements in restraint of trade.
- Discuss the types of contracts that must be in writing to be enforceable.
- Describe the requirements that a written document must meet to satisfy the Statute of Frauds.
- Explain the doctrine of part performance.
- Discuss and apply the Sale of Goods Act.

2. **Explain the rules for interpreting expressed and implied terms of a contract.**

Potential Elements of Performance:

- Describe the rules for interpretation of expressed terms of a contract.
- Discuss and apply the Parol Evidence Rule.
- Explain when and how terms may be implied in a contract.

3. **Explain the Privity of Contracts and the assignment of contractual rights.**

Potential Elements of Performance:

- Outline the meaning of privity of contract rule.
- Explain how the privity of contract rule can be circumvented.
- Examine the exceptions to the privity of contract rule.
- Discuss and apply the concept of, requirements for and the types of, assignment of contractual rights.

4. **Discuss the various ways in which a contract may be discharged.**

Potential Elements of Performance:

- Discuss and apply the principles of discharge of a contract through performance.
- Outline the meaning of waiver, substitution, accord and satisfaction, and novation.
- Explain the meaning and effect of a condition precedent and a condition subsequent.
- Examine the meaning, and application of the doctrine of frustration.
- Discuss and apply the limitations acts.

5. **Discuss the possible consequences of a breach of a contract and the meaning and functions of exemption clauses.**

Potential Elements of Performance:

- Provide details about the effects of a breach of contract.
- Explain breach of contract by express repudiation.
- Examine breach of contract through failure to perform.
- Explain the meaning and functions of exemption clauses

6. **Describe and differentiate remedies for a breach of contract including damages, specific performance, rescission, and quantum meruit.**

Potential Elements of Performance:

- Explain the nature of, and principles underlying an award of damages.
- Examine the types of damages available and when each can be obtained.
- Demonstrate an understanding of the equitable remedies of specific performance, injunction, and rescission.
- Explain the factors that will prevent an individual from obtaining equitable remedies.
- Discuss and apply the remedy of quantum meruit.

7. **Explain the types of contracts to which the Sale of Goods Act applies and discuss terms of the Act.**

Potential Elements of Performance:

- Discuss and apply the Sale of Goods Act.
- Outline what terms of a contract the Sale of Goods Act affects.
- Explain common terms of a contract that are not governed by the Sale of Goods Act.
- Describe the remedies that a seller of goods has.
- Explain the types of liability that a seller of goods might have.
- Discuss and apply the general nature of consumer protection legislation.

8. **Explain the nature and types of insurance and guarantees and the laws that regulate both.**

Potential Elements of Performance:

- Explain insurance at common law and under statute.
 - Outline various types of insurance and when they take effect.
 - Examine certain aspects of insurance contracts.
- Discuss and apply the role and function of a guarantee.

9. **Discuss bailment, the types of bailment, and the various rights, duties, and liabilities of the bailor and bailee.**

Potential Elements of Performance:

- Discuss and apply the principles of a bailment.
- Explain the legal position of a bailee.
- Outline the legal position of carriers and hotelkeepers as bailees.

10. **Explain the nature of an agency relationship and franchising, how they are formed, and the roles of the parties.**

Potential Elements of Performance:

- Explain the agency relationship.
- Describe the ways an agent obtains authority to act for a principal.
- Explain the meaning of ratification.
- Describe an agent's duties to the principal.
- Describe a principal's duties to the agent.
- Outline the liability of an agent to the principal and to a third party.
- Discuss and apply the principles of franchising.

11. **Describe an employment relationship and be able to distinguish it from other types of legal relationships which are similar to the employment relationship.**

Potential Elements of Performance:

- Discuss and apply the principles of master-servant (employment) relationship.
- Describe the law relating to termination and discharge of employees.
- Explain employee welfare legislation.
- Outline the legal role of trade unions.

Marks for the above outcomes will be distributed approximately equally.

III. TOPICS:

1. Review of Major Concepts from Business Law I
2. Interpreting Contracts
3. Privity of Contract and Assignment of Contractual Rights
4. Discharge of Contracts
5. The Effect of Breach
6. Remedies for Breach
7. Sale of Goods Act
8. Leasing and Bailment
9. Insurance and Guarantee
10. Agency and Franchising
11. The Contract of Employment

IV. REQUIRED RESOURCES/TEXTS/MATERIALS:

Principal Text: Smyth, J. E., Soberman, D. A., Easson, A. J., The Law and Business Administration in Canada, 9th Edition; Prentice-Hall Canada, Inc. 2001. Study Guide is also available.

Support Material:

1. Yates, R., Business Law in Canada, 4th Edition; Prentice-Hall Canada, Inc. 1995.
2. Periodicals and other appropriate material.

V. Evaluation Process/Grading System

Students will be evaluated on the following basis:

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| • Quizzes and Assignments | 10% |
| • First Test | 25% |
| • Second Test | 30% |
| • Final Test (semester work) | 35% |

TOTAL	100%
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TESTS

The majority of marks on all tests will be based on essay questions. Multiple choice (or other objective type questions) will be used to complement and extend the test areas. Dates of tests will be announced at least one week in advance. **Students are required to write all tests and quizzes as scheduled.**

THERE WILL BE NO RE-WRITES OF INDIVIDUAL TESTS !!!!

Students must meet the following requirements to complete this course successfully:

1. Must complete, in a fashion acceptable to the professor, all projects and assignments.
2. Must write the two tests and the final exam. If a student misses a test, or the final exam and has not made appropriate arrangements as outlined below, he/she will receive a mark of zero for that test/exam.
3. Must have an overall mark of 60%. This mark includes all work in the semester.

Students who are not successful in achieving the minimum mark of 60% and/or do not complete the required assignments in an acceptable fashion, as they are due, will repeat the course.

FINAL GRADES WILL BE ISSUED BY THE REGISTRAR'S OFFICE

The following semester grades will be assigned to students in postsecondary courses:

<u>Grade</u>	<u>Definition</u>	<u>Grade Point Equivalent</u>
A+	90 - 100%	4.00
A	80 - 89%	3.75
B	70 - 79%	3.00
C	60 - 69%	2.00
R (Repeat)	59% or below	0.00
CR (Credit)	Credit for diploma requirements has been awarded.	
S	Satisfactory achievement in field placement or non-graded subject areas.	
U	Unsatisfactory achievement in field placement or non-graded subject areas.	
X	A temporary grade. This is used in limited situations with extenuating circumstances giving a student additional time to complete the requirements for a course (see <i>Policies & Procedures Manual – Deferred Grades and Make-up</i>).	
NR	Grade not reported to Registrar's office. This is used to facilitate transcript preparation when, for extenuating circumstances, it has not been possible for the faculty member to report grades.	

VI. SPECIAL NOTES:

Special Needs:

If you are a student with special needs (e.g. physical limitations, visual impairments, hearing impairments, or learning disabilities), you are encouraged to discuss required accommodations with your instructor and/or the Special Needs office. Visit Room E1204 or call Extension 493, 717, or 491 so that support services can be arranged for you.

Retention of course outlines:

It is the responsibility of the student to retain all course outlines for possible future use in acquiring advanced standing at other postsecondary institutions.

Plagiarism:

Students should refer to the definition of “academic dishonesty” in *Student Rights and Responsibilities*. Students who engage in “academic dishonesty” will receive an automatic failure for that submission and/or such other penalty, up to and including expulsion from the course/program, as may be decided by the professor/dean. In order to protect students from inadvertent plagiarism, to protect the copyright of the material referenced, and to credit the author of the material, it is the policy of the department to employ a documentation format for referencing source material.

Course outline amendments:

The Professor reserves the right to change the information contained in this course outline depending on the needs of the learner and the availability of resources.

Substitute course information is available in the Registrar's office.

SPECIAL NOTE:

The law and its administration involve some very complex issues. These issues are subject to a variety of interpretations, and applications, and depend on various factors that may be unique to each situation.

Students are cautioned about taking the course material and applying it directly to issues that they may face. Individuals tend to see only one side of the issue in which they are involved. This course is intended to make students generally aware of the law, its administration and legal rights and responsibilities of individuals. It is NOT intended to be a remedy for specific legal problems.

If specific issues are raised in class, they may be raised for discussion purposes only. Such discussions will make the course material more relevant and interesting but students should not use such discussion as a solution to their specific problems. Students are directed to seek appropriate professional assistance to remedy their specific or general legal concerns and problems.

Missed Tests/Exam:

If a student is unable to write a test/exam as scheduled, either for medical reasons or some other emergency, that student is asked to contact the professor (**prior** to the test/exam if at all possible) and provide an explanation that is acceptable to the professor. (Medical certificates or other appropriate proof **may** be required). Following the student's return to the college, he/she must request, in writing, a makeup for the missed test/exam. Making such a request does NOT guarantee that the student will receive permission to make up the missed test/exam. Such requests must be made within one week of the student's return to the college.

The professor will consider the request, and if permission is granted, the test/exam will be given at the end of the semester, or at some other time at the professor's convenience. This will allow time for the student to prepare for the test without missing important work and to provide time for the professor to prepare a new test.

In considering the request, the professor will take a number of factors into consideration. These will include, but not be limited to, the student's attendance and participation in class, completion of other tests, quizzes, and assignments as scheduled and the professor's judgment as to the student's potential success.

In all other cases, the student will receive a mark of zero for that test.

THERE WILL BE NO SUPPLEMENTARY TESTS!!

Attendance:

Students are expected to attend all scheduled classes. **In all cases, attendance of less than 80% of scheduled classes is unacceptable.** The professor will use attendance in considering student requests for special consideration in writing missed tests, submitting assignments, etc.

Submitting Assigned Work:

All assignments, projects, questions, etc. must be submitted to the professor on the due date. If no class is scheduled on the due date, students are required to deliver the assignments, etc. to the professor's office, by the deadline time. Assignments, etc. may be submitted in advance; normally assignments, etc. will not be accepted after the stated deadline. If a student wishes consideration for a late submission, he/she must make this request in a formal typed letter providing an explanation. If the assignment is accepted late, a penalty will be assessed. Assignments, etc. will not be accepted late once those that have been submitted on time have been graded and returned to students.

It is the student's responsibility to ensure that the professor gets his/her completed assignment, etc.

Assistance is Always Available:

It will be to the students' advantage to have questions, concerns, or problems related to this course resolved as soon as possible. If you require assistance or have concerns, see your professor. He will be more than happy to help!!

Review classes may be held as deemed necessary by the professor. Tutorials held outside of class time may also be arranged at the mutual convenience of the students and the professor. These may be held during the week or on the weekends. These review classes and tutorials are not to be used as an opportunity to miss regularly scheduled classes.

Students are urged to ask questions and to participate in and contribute to the class discussion. Students are also encouraged to read newspapers, magazines, etc. and to tune in to radio and television newscasts for legal and business news. This will make the subject more understandable, interesting, and practical, and will provide students an opportunity to better apply theory and enhance the opportunity for success in this course.

PLEASE KEEP IN MIND THAT STUDENTS WILL ONLY GET OUT OF THIS COURSE WHAT THEY PUT INTO IT.

VII. PRIOR LEARNING ASSESSMENT:

Students who wish to apply for advanced credit in the course should consult the professor. Credit for prior learning will be given upon successful completion of a challenge exam or portfolio.

VIII. DIRECT CREDIT TRANSFERS:

Students who wish to apply for direct credit transfer (advanced standing) should obtain a direct credit transfer form from the Dean's secretary. Students will be required to provide a transcript and course outline related to the course in question.