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Sault College
of Applied Arts and Technology
sault ste. marie

Course Outline

BUSINESS LAW II

BUS 215 - 4

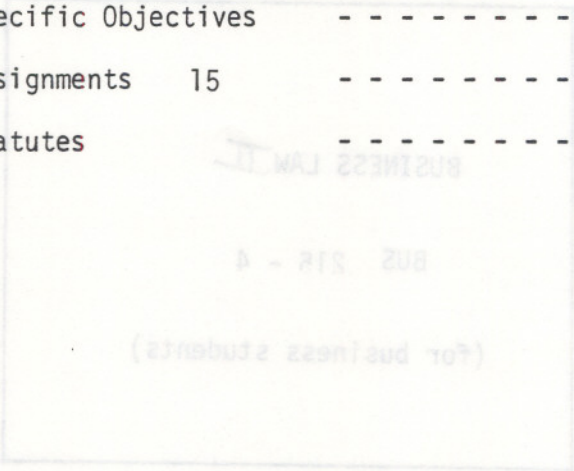
(for business students)

revised December 1978 . Lemay)

*Revised
January
1981.*

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revised December 1978 (copy)

BUSINESS LAW I

BUS 215-4

(I) Length of Course

Four, fifty minute periods per week for one semester

(II) Text

The Law and Business Administration in Canada
-3rd edition - Soberman and Smythe

(III) Recommended Readings

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

(IV) GENERAL OBJECTIVES

Purpose:

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 an a positive attitude toward the judicial process and its complexities.

(V) METHOD OF INSTRUCTION

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

(VI) STUDENT EVALUATION

1. Basis: The student's grade will be determined by the administration of a 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 per cent or able to perform more than eight-five per cent 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 per cent or able to perform more than seventy per cent 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 understand more than fifty-eight per cent, 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, 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,

(VI) STUDENT EVALUATION cont'd.

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 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

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) and for the material emphasized in the lectures and case studies, an outline of which is provided below.

*Note: One Chapter per week and one assignment per week.

BUSINESS LAW

Chapter	LECTURE EMPHASIS	Cases	Assessment
1	Course Outline distribution and review <u>Law and Society</u> - definition, personality and nature of the law	none	see chapt.4
3	<u>Canadian Legal System</u> -sources of the law, judge made, statute, implications of the precedent system, classifications, the legal profession, non-enclature of the judiciary, hierarchy and jurisdiction of the courts, importance of the Provincial, Small Claims and District Courts, settlement out of, simple litigation procedure, means of satisfying judgment, execution, garnishment replevin. Articles	none	see chapt.4
2	Judicial interpretation, interrelation of legal adjudication and legislation, Articles	none	see chap.
4	<u>Torts</u> definition, distinction between civil and criminal. Kinds of torts, assault, battery, false imprisonment, occupier's liability, negligence, exceptions, defences, misrepresentations Articles	ten cases read to class by instructor	Test #1, or chapt.1,2,3 Assignment case problem Due at end of chapt.4
19	<u>Bailment</u> definition, essentials, consequences, standards of case, defences, exculpatory clauses, rules for effectiveness, examples, Innkeepers Act Articles	1,2	see chapt.
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 chapt. 19 Torts Assignment due

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Chapter	LECTURE EMPHASIS	Cases	Assessment
6	<u>Consideration</u> definition, kinds, meaning of good, value, valid, the seal <u>Legal Intention</u> Reason for rule various presumptions, effect	1,2,3,4 7	see chapt. 8 13
7	<u>Capacity</u> definition, general rule, persons with limited ability	1,2,3	see chapt.
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 ch. 5,6,7 see chapt.
9	<u>Mistake</u> definition, void, voidable, kinds of effect, remedies	1,2	see chapt. 1
10	<u>Misrepresentation</u> innocent, fraudulent, remedies undue influence, duress remedies, effect and reason for main rule	1,2	see chapt.
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	1,2, 5,6	Test #4 on ch 8,9,10 see chapt.

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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	<u>Test #5</u> on ch 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, Fatal Accident Act, Workmen's Compensation Act Employment contracts, form, restraint of trade rules reviewed, termination notices at common law. Statutes affecting employer employee rights and duties, British North America Act, Canada Labour (safety) Code, Employment Standards Act, its contents definitions, waivers, garnishments, wage priority, minimums, conflicts, wage pro- tection, hours of work, overtime, holidays, vacations equal pay benefit 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	no cases	see chapt.25

Chapter	LECTURE EMPHASIS	Cases	Assessment
21 cont'd	<p>Canadian Bill of Rights, discrimination federal</p> <p>Labour Relations Act, procedures for certification, collective bargaining unfair practices</p> <p>Construction Safety Act, who and what it affects, offences, penalties, where to complain</p> <p>Industrial Safety Act, same as above</p> <p>Unemployment Insurance Act in general</p> <p>Look at some sample contracts</p> <p>Articles</p>		
25	<p><u>Landlord and Tenant</u></p> <p>Introduction, definition, differentiation between freehold and leasehold. Statute of frauds, registration. Short Forms of Leases Act, Landlord and Tenant Act 1970, 1975, residential leases, commercial leases, standard clauses</p> <p>Frustrated contracts Act. Paradine V. Jane case 1647</p> <p>Articles, forms</p>	1, 3	<p>Test #6 on ch.14,15,21</p> <p>see chapt.2</p>
24	<p><u>Land Law</u></p> <p>realty meaning, definition of land, freehold estates, co-ownerships, condominiums, easements, acquisitions by adverse possession</p>	no cases	<p>see ch. 20</p> <p>Assignment #2 due, at start of ch20</p>
25	<p>p.578-583 - typical real estate transaction, legal transfer procedure, offer to purchase, deed, statement of adjustments, searching. Registry system, Registry Act, Land Speculation Tax Act, Land Transfer Tax Act, Planning Act</p> <p>Articles, forms</p>		
26	<p><u>Mortgages</u></p> <p>definition, purpose, mortgages rights, amortization, second mortgages, mortgages act</p> <p>forms</p> <p>Articles</p>	1	see ch.20

Chapter	LECTURE EMPHASIS	Cases	Assessment
20	<u>Establishing a Business</u> Principal and Agency, definition, creation, rights and duties, third parties, termination of	1,2,4	Test #7 on ch. 24,25,26 Assignment #2 due see ch.28
27	<u>Partnership</u> definition, relationships of partners, to third parties, agreement clauses, legislation, registration, dissolution, limited partnerships, Partnership Act, Partnership Registration Act. Forms	1, 3	see ch. 28
28	<u>Corporations</u> elements of the corporate concept, jurisdictions and methods of incorporation, private and public companies, application for incorporation for an Ontario corporation. Ontario Business Corporation Act, Canada Corporations Act Articles, forms	no cases	Test #8 on ch2 Assignment #3 due 3 days after distribution
18 22 23 29 30 31	Not responsible for (omit)	read if you wish	nil
Review etc.	Return of <u>test #7</u> and <u>Assignment #3</u> Report on "I" grades outstanding Review - Law Cross-Word Puzzle	-	-
Special Lecture	<u>Business Crimes</u> (if time permits) Chapter 3 of Supplemental reading number #15		

ASSIGNMENTS

- | | | | |
|----|--|------------|--------------------------------------|
| #1 | TORTS
Negligence Case
"Spontaneous Combustion" | Chapter 4 | Due on completion of
chapter 5 |
| #2 | LAND
"Offer to Purchase" | Chapter 24 | Due on completion of
chapter 26 |
| #3 | CORPORATIONS
"Articles of Incorporation" | Chapter 28 | Due three days after
distribution |

STATUTES (emphasized)

Note: Statutes are listed in order of first appearance

Canadian Criminal Code
Napoleonic Code
Municipal Act
Landlord and Tenant Act
Innkeepers Act
Canada Ardence Act
British North America Act (1867)
Judicature Act (1880)
Code of Hammaraki (2000 B.C.)
Lord's Day Act
Bills of Exchange Act
Partnership Act
Employment Standards Act
Constitution of the United States
Bankruptcy Act
Combines Investigations Act
Income Tax Act
Gaming Act
Ontario Human Rights Code
Workmer's Compensation Act
Consumer Protection Act
Statute of Frauds (1677)
Sale of Goods Act
Canada Labour (Safety) Code
Labour Relations Act
Canadian Bill of Rights
Construction Safety Act
Industrial Safety Act
Unemployment Insurance Act
Highway Traffic Act
Fatal Accidents Act
Frustrated Contracts Act
Canada Corporations Act
Ontario Business Corporations Act
Mechanics Lien Act
Short Form of Leases Act
Real Property Act
Short Form of Conveyances Act
Registry Act
Land Speculation Tax Act
Land Transfer Tax Act
Planning Act

- - - and others