

SAULT COLLEGE OF APPLIED ARTS & TECHNOLOGY

SAULT STE. MARIE, ONTARIO

COURSE OUTLINE

Course Title:- BUSINESS LAW I

Code No.:- BUS 102

Program:- ACC'T/BUS./GEN.ED.

Semester:- TWO/THREE

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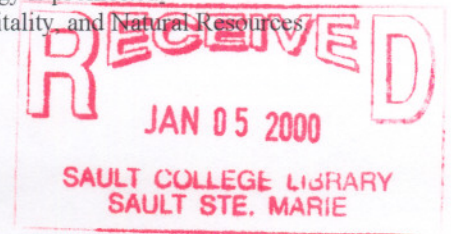
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**INTRODUCTION:**

We live a very complex society in which law and the administration of law plays a very important role. This course is designed to provide the student with a general understanding of legal concepts and principles. As society is engaged in its daily activities, we look to the law to provide direction and to govern our personal and business relationships. The law and the administration of the law are essential if society is to live and progress in an orderly manner.

This course will cover historical and contemporary issues of the law. It will be of interest and benefit to anyone, regardless as to whether the individual plans to start a business, is an employee or volunteer in an organization, or a consumer.

**GENERAL OBJECTIVES:**

1. To introduce students to basic legal terms, concepts, and principles.
2. To examine the nature of law (historic and current) and the purpose of the legal system in our society and in social change.
3. To provide students with an understanding of the role of courts in such areas as legislation, constitution, protection of civil liberties, settling disputes, criminal issues, etc.
4. To discuss the machinery of justice, including who makes laws, different types of laws, the historic and current aspects of courts, their usage, legal aid, etc.
5. To examine the scope and development of tort law, focussing on liability, negligence, duty and standard of care, etc.
6. To explore the role, scope, liability and standards of professional services.
7. To explain in some detail, various aspects of formation of a contract which may be applicable to personal and business activities.
8. To discuss the law as it applies to intellectual property such as copyright, patents, trademarks, etc.
9. To provide students with the knowledge of legal terms, concepts and issues, to enable them to make decisions and function effectively in an environment of complex social issues.

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### GENERAL EDUCATION REQUIREMENTS

This course meets the general education criteria as follows:

Duration:

This course is three hours per week for 16 weeks.

Meeting Societal Challenges:

A knowledge of the law and its application will contribute to the student becoming an informed citizen and benefit the student as he or she engages in daily activities as an employee and consumer.

This course will contribute to the student's personal growth in the following ways:

- a. Students will be encouraged to share their views in class discussions.
- b. Case studies will be used to help develop students' skills in problem-solving, decision making and communication.

Historical, Theoretical, & Contemporary:

a. Historical Context - This course will examine the origin and progress of laws, focussing on the late 19th century and later. It will look at the roots of Canadian law and its development from English common law and natural law.

b. Theoretical Basis - basic legal terms will be defined. The course will also include such topics as the role of courts and the machinery of justice, the types of laws, sources of laws and the system of courts in Canada.

c. Application to Contemporary Life - through the use of classroom discussions, case studies, and review of current legal issues and articles, this course will have practical application to contemporary life.

Support Continuous Learning:

The case studies will help develop students' skills in critical thinking and problem solving which may be used in other areas of study and in their daily lives.

Evaluation & Teaching Methods:

The course may be covered in a variety of methods, including readings, lectures, discussions, case studies, and group work, if appropriate.

Evaluation will include assignments, quizzes, and tests. The quizzes and tests will be essay and objective type instruments.

CSAC Goals:

a. Civic Life - this course will help develop an awareness of the structure and administration of laws and the judicial system in Canada. Such knowledge will be of benefit to individuals in all walks of life.

b. Personal Development - the students will gain an awareness and intellectual growth relative to the law and the legal system. The course will involve discussions of values, and laws and their application to personal and business relationships. This course will look at various legal issues including freedoms and responsibilities.

c. Social Understanding - the law, its application, and its institutions will help students to understand relationships in society. The law is an instrument for social change; it addresses social problems; it outlines the roles of individuals in private and business life; it is used to resolve conflict, etc.

Broad Contexts:

The topics covered in this course are of interest and benefit to all individuals regardless of vocation. References and examples which may be used to illustrate the course material may come from every walk of life.

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 which may be unique to each situation.

Students are cautioned against taking the course material and applying it to specific issues which they may face. The course material, discussions, opinions, etc. are presented for educational purposes only, and at a very basic level. The course is intended to make students generally more aware of the law and its administration, and not as a solution to specific 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 must not be used as a solution or remedy for specific legal problems. Students are directed to seek appropriate professional assistance to remedy their specific or general legal concerns and problems.

**METHODOLOGY:**

A variety of methods may be employed to cover the course content. These may include readings, lecture, discussion, case studies, and study groups, depending on the size of the class and the commitment and involvement of the students. Students will be required to read and understand the relevant chapters of the textbook and other assigned readings.

Students will be required to complete assignments in order to enhance their learning experience and to demonstrate knowledge and application of the subject material.

**Learning Outcomes and Elements of Performance**

Upon successful completion of this course, the student should be able to:

**1. Explain what is “law,” its complexities, background, philosophies, and development as they pertain to our legal system today.**

Possible Elements of Performance:

- Discuss the nature and sources of law.
- Discuss the purpose of a legal system.
- Describe the history of attempts to explain the nature of law and the purpose of a legal system

**2. Discuss the various type and level of courts in the Canadian legal system the wide variety of functions performed by these courts.**

Possible Elements of Performance:

- Discuss the role of the courts under the Canadian Constitution.
- Outline how courts interpret legislation.
- Describe the responsibility of the courts to protect civil liberties.
- Explain the function of the courts as arbiters of disputes between private parties.

**3. Discuss the machinery of justice in terms of a broad classification of law, the sources of law and the Canadian court system and the underlying processes of the legal system.**

Possible Elements of Performance:

- Explain three classifications of law.
- Outline the sources of law.
- Discuss the Canadian court system.
- Explain basic concepts necessary to use the courts.

**4. Discuss what tort law is, its nature and purpose, and when wrongs are torts and when compensation may be recovered by those who have suffered harm from the wrong doings of others.**

Possible Elements of Performance:

- Discuss the nature and purposes of tort law.
- Explain the tort of negligence and what is required by way of proof.
- Outline occupier's liability.
- Discuss several torts other than negligence.

**5. Discuss the role of professionals and the scope of the duty that they owe and the liability they have for the advice they provide and the work they do.**

Possible Elements of Performance:

- Discuss the legal position of the professional.
- Explore the scope of professional liability.
- Examine the standards set for professionals.

**6. Describe the formation of a contract as it relates to an offer and acceptance, two of the requirements necessary for entering into a valid business contract.**

Possible Elements of Performance:

- Discuss the essential elements of an offer.
- Discuss standard form contracts.

- Explain the ways in which an offer may be terminated.
- Describe the methods in which an offer may be accepted.

**7. Discuss the formation of some contracts as it relates to the elements of consideration and the intention to create legal relationships.**

Possible Elements of Performance:

- Explain the meaning of the term “consideration.”
- Outline the difference between valuable consideration and adequate consideration.
- Discuss what is meant by the phrase “intention to create legal relations.”

**8. Explain the formation of a contract as it pertains to who can and who cannot contract in various circumstances and the legality of the object of the contract.**

Possible Elements of Performance:

- Explain who generally has the capacity to contract.
- Discuss a minor’s capacity to contract.
- Discuss others with limited capacity to contract.
- Outline what types of contracts are illegal and why.
- Discuss agreements in restraint of trade and how they would be dealt with by a court.

**9. Discuss a legal mistake as grounds for impeaching a contract, (setting the contract aside).**

Possible Elements of Performance:

- Discuss the legal consequences of a mistake about the terms of a contract.
- Explain the legal consequences of a mistake in an assumption that underlies a contract.
- Distinguish a void contract from a voidable contract.
- Discuss how the law of mistake affects third parties.
- Explain the defence of non est factum and when it applies and when it does not apply.

**10. Discuss misrepresentation, undue influence, and duress as reasons for impeaching a contract.**

Possible Elements of Performance:

- Discuss the differences between misrepresentation as a tort and as a contractual wrong.
- Explain the requirements for innocent misrepresentation and when innocent misrepresentation may become fraudulent misrepresentation.
- Discuss undue influence and duress and their remedies.

**11. Explain the various forms a contract may take and in particular discuss whether the form a contract takes really matters.**

Possible Elements of Performance:

- Discuss the types of contracts which 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 the Sale of Goods Act.

**Marks for the above outcomes will be distributed approximately equally**

**Detailed learning objectives will be distributed in class for each of the units**



EVALUATION & MARKING SCHEME:

Students will be evaluated on the following basis:

- Assignments and quizzes	20%
- First test	25%
- Second test	25%
- Final test (semester work)	30%
TOTAL	<hr/> 100%

TESTS:

All tests will consist primarily of essay questions. Some short answer, multiple choice questions, etc. may be used to complement and extend the test areas.

Dates of the tests will be announced approximately one week in advance. Students are required to take the tests as scheduled.

If a student is not able to write a test because of illness, or a legitimate emergency, that student must contact the professor prior to the test and provide an explanation which is acceptable to the professor. (In some circumstances a medical certificate or other appropriate proof may be required.)

Following the student's return to the college, he/she must request, in writing, to make up for the missed test. This request will be in proper letter form and outline the reasons for requesting special considerations. Making such a request does not guarantee that the student will receive permission to make up for the missed test. The professor will consider the request, and if permission is granted, the test will be given at the end of the semester, or at some other time at the professor's convenience. This is to allow time for the student to prepare for the test without missing important work and to allow time for the professor to prepare a new test.

Such requests must be made within one week of returning to the College. In considering the request, the professor will take a number of factors into consideration. These will include, but not limited to, the student's attendance, completion of all other quizzes, tests, assignments, etc. and the likelihood of the student being successful.

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

THERE WILL BE NO REWRITES OF INDIVIDUAL TESTS.

QUIZZES:

Quizzes may be held at any time and in some cases may be without prior notice. If a student misses a quiz, he/she will receive a zero for that quiz. No make-up quizzes will be given. Consideration may be given to students who miss a quiz but who made some arrangements in advance.

Final Grade:

The final grade will be based on the following scale:

- 90% and more	"A+"
- 80% to 89%	"A"
- 70% to 79%	"B"
- 60% to 69%	"C"
- 59% or less	"R"

Each student must meet the following requirements in order to complete this course successfully:

1. Must complete, in a fashion acceptable to the professor, all projects and other assignments.
2. Must write two tests and the final exam. If a student misses a test, or the final exam, and has not made appropriate arrangements as above, 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.

THERE WILL BE NO SUPPLEMENTARY TESTS.  
FINAL GRADES WILL BE RELEASED BY THE REGISTRAR'S OFFICE

RESOURCE MATERIAL:

Principal Text: J.E. Smyth, D.A. Soberman, A.J. Easson,  
The Law and Business Administration in Canada, 8<sup>th</sup> Edition;  
Prentice-Hall Canada, Inc., 1998

- Support Material:
1. Richard Yates, Business Law in Canada, Fourth Edition; Prentice-Hall Canada, Inc., 1995.
  2. D'Anne Davis, Business Law in Canada; Prentice-Hall Canada, Inc., 1995
  3. Periodicals and other appropriate material.

ASSIGNMENTS, PROJECTS, QUESTIONS, ETC.:

All assignments, projects, questions, etc. must be submitted to the professor at the beginning of class on the due date. If no class is scheduled on the due date, students are required to deliver the assignments to the professor's office, by the designated time. Assignments may be submitted in advance; normally assignments will not be accepted after the stated deadline. If assignments are accepted late, a penalty will be assessed. It is the student's responsibility to ensure the professor gets his/her completed assignment.

Questions assigned for homework must be completed promptly and be available at any time to be submitted for evaluation. They, too, will be collected at the beginning of class. Materials not submitted in accordance with these requirements and where no arrangements have been made, will be given a mark of zero.

RETURN OF STUDENTS' WORK:

Quizzes, tests, assignments, projects, etc. will be returned to students during one of the normal class times. Any student not present at that time must pick up his/her test, etc. at the professor's office within three weeks after that class. Tests, etc. not picked up within the three weeks will be discarded. End of semester tests, assignments, etc. will be held for three weeks. If they have not been picked up by students within that three-week period, the tests, assignments, etc. will be discarded.

Tests, etc. will be returned only to those students to whom they belong. In limited circumstances,

