

**SAULT COLLEGE OF APPLIED ARTS AND TECHNOLOGY**

**SAULT STE. MARIE, ONTARIO**



Sault College

**COURSE OUTLINE**

**COURSE TITLE:** Business Law I

**CODE NO. :** BUS 1020                      **SEMESTER:** Two

**PROGRAM:** Accounting & General Education

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**DATE:** 2001/12/03      **PREVIOUS OUTLINE DATED:** 01/01/03

**APPROVED:**

_____	_____
<b>DEAN</b>	<b>DATE</b>

**TOTAL CREDITS:** Three

**PREREQUISITE(S):** N/A

**LENGTH OF COURSE:** 15 Weeks                      **TOTAL CREDIT HOURS:** 45

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*For additional information, please contact:*  
**Dean, School of Business, Hospitality & Natural Resources Programs**  
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**I. COURSE DESCRIPTION:**

The law and the administration of the law are extremely important if society is to live and progress in an orderly manner. This course will cover historical and contemporary issues of the law with a focus on the law of torts and the law of contracts.

**II. LEARNING OUTCOMES AND ELEMENTS OF PERFORMANCE:**

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

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

Potential Elements of Performance:

- What is the significance of the law to the business environment?
- How do we distinguish between the “laws of nature” and “laws of human conduct”?
- What is the relationship between the law and business ethics?
- How do courts decide whether the legislation is valid under the Constitution?
- How courts determine what is the effect of that legislation?
- How do courts interpret the Charter of Rights and Freedoms to protect our civil liberties?
- In settling disputes how do the courts interpret legislation originating both from Parliament and from provincial legislatures?
- How do courts act as arbiters of disputes between private parties?

2. **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 process of the legal system.**

Potential Elements of Performance:

- Discuss the differences between substantive and procedural law, public and private law, and civil and common law.
- Explain the theory of precedent, and how we meet the need for certainty as well as for flexibility and change in the law.
- Describe how the systems of courts are organized in Canada.
- Discuss procedures for using courts and out-of-court settlements.
- Outline alternative methods of resolving disputes.
- Explain how the legal profession is organized and governed.

3. **Discuss what tort law is; its nature and purpose; when wrongs are torts and when those who have suffered harm from the wrongdoing of others may recover compensation.**

Potential Elements of Performance:

- Discuss the nature and purpose of tort law.
- Explain the basis for tort liability.
- Explain the tort of negligence and what is required by way of proof.
- Discuss how the law of negligence applies to particular situations, such as the liability of manufacturers.
- Outline occupier's liability.
- Discuss several torts other than negligence.
- Explain remedies provided under tort law.

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

Potential Elements of Performance:

- Explain special duties owed by professionals to clients and others.
- Discuss how the duties differ when they derive from contract, fiduciary relationships and/or tort.
- Examine the standards set for professionals.
- Explain the application of causation.

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

Potential Elements of Performance:

- Provide an explanation of what a contract is.
- Discuss the essential elements of an offer.
- Describe how an offer may be communicated.
- Discuss standard form contracts.
- Discuss the ways in which an offer may be terminated.
- Explain the methods in which an offer may be accepted.
- Distinguish between bilateral and unilateral contracts.

6. **Discuss the formation of contracts as it relates to the elements of consideration and the intention to create legal relations.**

Potential Elements of Performance:

- Explain the legal meaning of the term "consideration".
- Outline the difference between valuable and adequate consideration

- Discuss a gratuitous promise and its significance in forming a contract.
- Explain injurious reliance.
- Discuss other ways by which a promise may become legally binding.
- Discuss what is meant by the phrase “intention to create legal relations.”

7. **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.**

Potential Elements of Performance:

- Explain who generally has the right to contract.
- Discuss a minor’s capacity to contract.
- Discuss others with limited capacity to contract.
- Explain “necessaries” for a minor and how are they determined.
- Outline what contracts are illegal and why.
- Explain the difference between a contract that is void and a contract that is illegal.
- Discuss agreements in restraint of trade and how a court would view such contracts.

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

Potential 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.
- Distinguish a *void* contract from a *voidable* contract.
- Discuss how the law of mistake affects third parties.
- Explain the defense of *non est factum* and when it applies.

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

Potential Elements of Performance:

- Discuss the difference between misrepresentation as a tort and as a contractual wrong.
- Explain the difference between “opinion” and “fact”.
- Discuss when the requirement of “utmost good faith” should be applied.
- Explain undue influence and duress.

10. **Discuss the various forms a contract may take, and in particular discuss whether the form a contract takes really matters in view of the Statute of Frauds.**

Potential Elements of Performance:

- Discuss the types of contracts that must be in writing to be enforceable.
- Describe the requirements that a written contract must meet to satisfy the Statute of Frauds.
- Explain the doctrine of past performance.
- Discuss the Sale of Goods Act.
- Discuss consumer protection legislation.

11. **Describe the methods used by the courts to interpret the terms of a contract.**

Potential Elements of Performance:

- Discuss the two main approaches to interpreting terms in a contract.
- Describe how courts choose between conflicting testimonies of the parties.
- Explain the parol evidence rule and how it works.
- Discuss implied terms and how they are recognized.

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

**III. TOPICS:**

1. Law and Society
2. The Machinery of Justice
3. The Law of Torts
4. Professional Liability
5. Formation of a Contract: Offer and Acceptance
6. Formation of a Contract: Consideration and Intention to Create Legal Relations
7. Formation of a Contract: Capacity to Contract and Legality of Object
8. Grounds upon Which a Contract may be Impeached: Mistake
9. Grounds upon Which a Contract may be Impeached: Misrepresentation, Undue Influence, and Duress
10. The Requirement of Writing
11. The Interpretation of Contracts

**IV. REQUIRED RESOURCES/TEXTS/MATERIALS:**

Principal Text: Smyth, J. E., Soberman, D. A., Easson, A. J., The Law and Business Administration in Canada, 9<sup>th</sup> Edition; Prentice-Hall Canada, Inc. 2001

Support Material: 1. Yates, R., Business Law in Canada, 4<sup>th</sup> 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:

- |               |     |
|---------------|-----|
| • Quizzes     | 10% |
| • First Test  | 30% |
| • Second Test | 30% |
| • Third Test  | 30% |

TOTAL	<u>100%</u>
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**TESTS**

The majority of marks on all tests will be based primarily on essay/short answer questions. Multiple choice (or other objective type questions) may be used to complement and extend the test areas. Dates of tests will be announced approximately 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 three tests. If a student misses a test, and has not made appropriate arrangements as outlined below, he/she will receive a mark of zero for that test.
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 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 &amp; 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 learners and availability of resources. Substitute course information is available in the Registrar's office.

**FURTHER SPECIAL NOTES:**

The law and its administration involve 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 course material and applying it directly to issues they may face. Individuals tend to see only one side of an 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, or serve as, a remedy for specific legal problems or a source of legal advice.

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 not able to write a test as scheduled, for medical reasons or some other emergency, that student is asked to contact the professor **prior** to the test and provide an explanation that is acceptable to the professor. Following the student's return to college, he/she must request, in writing, to write a makeup for the missed test, and must outline reasons for requesting special consideration. Making such a request does not guarantee that the student will receive permission to make up the test. 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 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 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 for 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. Attendance will be taken for each class on a sign-in basis starting shortly after the semester begins.

**Students must sign only themselves in!!**. While students are expected to attend all classes, it is understood that circumstances beyond their control may prevent them from doing so. Students who find themselves in this category should treat the classes as a job and take action accordingly. **In all cases, attendance of less than 80% of the scheduled classes is unacceptable.** The professor will use attendance in considering student requests for special consideration in writing missed tests, submitting late assignments, etc.

**Submitting Assigned Work:**

All assignments, projects, questions, etc. must be submitted to the professor at the beginning of class on the due date. Once the class starts, any assignment, etc. that has not been submitted will be considered late. 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 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.**

**Return of Students' Work:**

Tests, quizzes, assignments, etc. will be returned to students during one of the normal class times.

**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, have problems or concerns, see your professor. He will be more than happy to help!!**

Review classes may be held if 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. 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. It will provide students the opportunity to better apply the theory and to 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.