



**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. It is also important to obtain current knowledge of Canadian law as it is dynamic to meet social and business changes. 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 “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 the effect of that legislation is?
- 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?
- Provide complete explanations for the legal terms in the Chapter

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 briefly how the systems of courts are organized in Canada.
- Discuss the procedures for using the courts and making out-of-court settlements.
- Outline alternative methods of resolving disputes.
- Discuss legal aid systems.
- Explain how the legal profession is organized and governed.
- Provide complete explanations for the legal terms in the Chapter

3. **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.**

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 the remedies provided under tort law.
- Provide complete explanations for the legal terms in the Chapter

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 the special duties owed by professionals to their clients and others.
- Discuss how the duties differ when they derive from contract, fiduciary relationships and tort.
- Examine the appropriate standard of care expected from professionals.
- Explain the application of causation.
- What is the role of professional organizations?
- Provide complete explanations for the legal terms in the Chapter

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.
- Why is a contract enforceable in law?
- Discuss the essential elements of an offer.
- Describe how an offer may be communicated.
- Discuss standard form contracts their benefits & dangers.
- 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.
- What are the consequences of a failed attempt to form a contract?
- Provide complete explanations for the legal terms in the Chapter

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 consideration and adequate consideration.
- Discuss a gratuitous promise and its significance in forming a contract.
- Explain injurious reliance.
- Discuss other means by which a promise made may become legally binding.
- Discuss what is meant by the phrase “intention to create legal relations.”
- Provide complete explanations for the legal terms in the Chapter

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.
- Discuss a minor’s obligations upon attaining the age of majority.
- 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 such contracts would be viewed by a court.
- Provide complete explanations for the legal terms in the Chapter

**8. Discuss the problems of applying existing laws to e-commerce and the entirely new legal issues arising from this rapidly growing sector of the economy.**

Potential Elements of Performance:

- Explain e-commerce.
- Discuss how contracts are made on the Internet.
- Outline the laws that govern contracts made on the internet.
- Discuss which courts have jurisdiction in Internet disputes.
- Explain how consumers involved in e-transactions may be protected.
- Discuss how trademarks and copy write laws apply to the Internet.
- Outline what other legal problems are raised by e-commerce.
- Discuss how can, or should, e-commerce be regulated by the government.
- Discuss to what extent international co-operation is necessary in order to devise an effective legal framework for e-commerce.
- Provide complete explanations for the legal terms in the Chapter

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

Potential Elements of Performance:

- Discuss why it is important to determine whether a misrepresentation is material.
- Explain the difference between “opinion” and “fact”.
- What are the implications of signing a document purporting to

contain all the terms of a contract when one party claims that one or more important terms have been unintentionally omitted?

- Discuss when the requirement of utmost good faith should be applied.
- Explain undue influence and duress.
- What remedy is available to the innocent party when the other party is found to have exerted undue influence or duress?
- Provide complete explanations for the legal terms in the Chapter

**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 which 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 and how it differs from the statute of Frauds.
- Discuss consumer protection legislation.
- Provide complete explanations for the legal terms in the Chapter

**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.
- Provide complete explanations for the legal terms in the Chapter

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

### III. TOPICS:

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

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

Principal Text: Smyth, J. E., Soberman, D. A., Easson, A. J., The Law and Business Administration in Canada, 11<sup>th</sup> Edition; Prentice-Hall Canada, Inc. 2004 ISBN: 0131969781

Support Material: 1. Periodicals and other appropriate material.

### V. Evaluation Process/Grading System

Students will be evaluated on the following basis:

• Test #1	Chapters 1,2,3,4	34%
• Test #2	Chapters 5,6,7	33%
• Test #3	Chapters 8,9,11	<u>33%</u>
	Total	100%

### **TESTS**

The tests will be comprised of multiple choice objective questions, application questions and short essay response questions. Dates of tests will be announced approximately one week in advance. **Students are required to write all tests as scheduled.**

Consideration for a **Supplementary Test** will be provided if a student misses a test during the regular semester. The student must have attended 80% of the classes during the semester in order to be considered for the Supplementary test. The comprehensive supplementary test will be administered at the end of the semester. The grade achieved on the supplementary test will be the grade assigned to the missed test.

### **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, where required.
2. Must write all tests. If a student misses a test, he/she will receive a mark of zero for that test/exam.
3. Must have an overall mark of 50%. This mark includes all work in the semester.

### **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%	4.00
B	70 - 79%	3.00
C	60 - 69%	2.00
D	50 - 59%	1.00
F (Fail)	49% 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 time to complete the requirements for a course
NR	Grade not reported to Registrar's office.
W	Student has withdrawn from the course without academic penalty.

## 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 the Special Needs office.

### **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” or the attempt to 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.

**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. 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 not acceptable.**

The professor will use attendance in considering student requests for special consideration in writing missed tests, submitting late assignments, etc.

**Return of Students' Work:**

Tests, quizzes, assignments, 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 of that class. Tests, etc. not picked up within the three weeks will be discarded. End of semester tests, etc. will be held for three weeks following the end of the semester. If they have not been picked up within that three-week period, they will be discarded.

**Classroom Decorum:**

Students will respect the diversity and the dignity of those in the classroom. Students will respect the professor's right and duty to teach and students' right to learn without interference. Students who cause any interference with the objectives of the class, or conduct themselves inappropriately will be asked to leave the classroom. The Student will not be permitted to return until he/she commits in writing, typed, (a formal letter) that he/she will conduct him/herself appropriately in the classroom. This letter will be dated, signed and addressed to the professor.

If a student is asked to leave the classroom a second time, he/she must make an appointment with the Dean. At that time a copy of the above letter will be submitted to the Dean. The Dean and/or the Professor will decide if the student will be permitted to return to class and what conditions will apply.