

Division of Applied Science and Management  
School of Business and Leadership  
Fall, 2017



**Course Outline**

**Business 311**

**Commercial Law**

**45.0 Hours**

**3.0 Credits**

PREPARED BY: Peter Morawsky, Instructor DATE: September, 2017

APPROVED BY: Margaret Dumkee, Dean DATE: September, 2017

APPROVED BY ACADEMIC COUNCIL



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**BUS 311 - COMMERCIAL LAW**

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<b>INSTRUCTOR:</b>	Peter Morawsky
<b>CLASS DATES &amp; TIMES:</b>	Tuesday 6:30 to 9:30 p.m.
<b>ROOM NUMBER:</b>	A2103
<b>TELEPHONE:</b>	TBA
<b>FAX:</b>	TBA

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**COURSE DESCRIPTION**

The Canadian economy rests on a structure of legal institutions derived from both common-law and civil-law roots. This course is designed to give an introduction to - and an overview of - the major areas of law generally encountered in business and commercial law in the common-law provinces and territories. Additionally, it offers an opportunity to consider underlying considerations of social policy - the reasons behind the rules made by both by the courts and by legislative bodies.

**PREREQUISITES**

NONE

**EQUIVALENCY OR TRANSFERABILITY**

This course is BCCAT transferable

**LEARNING OUTCOMES**

Upon successful completion of this course, students will be able to describe the Canadian legal system, and will be able to identify the basic principles of the law of contracts, torts, agency, and property, and will be able to identify the various forms of business organization available in Canada.

The study of law as a subject places different demands on the student than would otherwise be encountered in the more traditional college course. It is essential that the student be able to communicate clearly and effectively when dealing with factual situations in which there is not always a clearly right or wrong answer.

## COURSE FORMAT

The course will be taught primarily through formal lecture, but will also involve question and answer, and group discussion. Students will meet the objectives of the course by reading the text, reading assigned case law, attending classes and through discussing issues, and participating in class.

## ASSESSMENTS

### Attendance & Participation

Class participation and attendance will account for 10% of the final mark.

It is important to attend the class sessions having read the assigned sections of the text in advance.

### Assignments

Additionally, students will be assigned case law or Yukon statutes to read. That material will be sourced from publicly available web sites and will be illustrative of concepts and principles developed from the text. **Students will be responsible for obtaining and reading the case law or Yukon statutes.**

### Tests

Students will be regularly given quizzes in class based on the assigned readings (text, case law and statutes). Quizzes will account for 25% of the final mark.

There will also be a take home mid-term examination and a take home final examination, both will be assigned in class

## EVALUATION

Final Exam (take home):	40%
Mid-term Exam (take home):	25%
Quizzes (in class):	25%
Class Participation:	10%
<b>Total:</b>	<b>100%</b>

## REQUIRED TEXT

Smyth, J.E., Soberman, D.A. & Easson, A.J., McGill S.A., (2016): *The Law and Business Administration in Canada, 14th Edition*: Pearson Canada Inc., 822 pp.

## **ACADEMIC AND STUDENT CONDUCT**

Information on academic standing and student rights and responsibilities can be found in the Academic Regulations:

[http://www.yukoncollege.yk.ca//downloads/Yukon\\_College\\_Academic\\_Regulations\\_and\\_Procedures\\_-\\_August\\_2013\\_final\\_v1.pdf](http://www.yukoncollege.yk.ca//downloads/Yukon_College_Academic_Regulations_and_Procedures_-_August_2013_final_v1.pdf)

## **PLAGIARISM**

Plagiarism is a serious academic offence. Plagiarism occurs when students present the words of someone else as their own. Plagiarism can be the deliberate use of a whole piece of another person's writing, but more frequently it occurs when students fail to acknowledge and document sources from which they have taken material. Whenever the words, research or ideas of others are directly quoted or paraphrased, they must be documented according to an accepted manuscript style (e.g., APA, CSE, MLA, etc.). Resubmitting a paper which has previously received credit is also considered plagiarism. Students who plagiarize material for assignments will receive a mark of zero (F) on the assignment and may fail the course. Plagiarism may also result in dismissal from a program of study or the College.

## **YUKON FIRST NATIONS CORE COMPETENCY**

Yukon College recognizes that a greater understanding and awareness of Yukon First Nations history, culture and journey towards self-determination will help to build positive relationships among all Yukon citizens. As a result, to graduate from ANY Yukon College program, you will be required to achieve core competency in knowledge of Yukon First Nations. For details, please see [www.yukoncollege.yk.ca/yfnccr](http://www.yukoncollege.yk.ca/yfnccr).

## **ACADEMIC ACCOMMODATION**

Reasonable accommodations are available for students requiring an academic accommodation to fully participate in this class. These accommodations are available for students with a documented disability, chronic condition or any other grounds specified in section 8.0 of the Yukon College Academic Regulations (available on the Yukon College website). It is the student's responsibility to seek these accommodations. If a student requires an academic accommodation, he/she should contact the Learning Assistance Centre (LAC) at (867) 668-8785 or [lassist@yukoncollege.yk.ca](mailto:lassist@yukoncollege.yk.ca).

## SYLLABUS

Readings refer to the Smythe & Soberman text, 14th Edition.

Case law is identified by case name and court. Statutes are identified by name.

Yukon case law can be obtained at: <http://www.yukoncourts.ca/courts/>.

BC case-law can be obtained at: <http://www.courts.gov.bc.ca/>.

Yukon statutes can be obtained at: <http://www.gov.yk.ca/legislation/>.

Class Date:	Week:	Topic:	References:
Sept 12/17	1	<b>Introduction:</b> <ul style="list-style-type: none"><li>• Review of course objectives</li></ul> <b>Law in its Social and Business Context:</b> <ul style="list-style-type: none"><li>• Law, Society and Business</li><li>• Machinery of Justice</li></ul>	Chapters 1, 2 & 3
Sept 19/17	2	<b>Torts:</b> <ul style="list-style-type: none"><li>• Law of Torts</li><li>• Professional Liability</li></ul> <b>Case:</b> O'Neill v. City of Whitehorse, 2006 YKSM 1  Knapp v. O'Neill, 2015 YKSC 22	Chapters 4 & 5
Sept 26/17	3  Quiz 1	<b>Contracts:</b> <ul style="list-style-type: none"><li>• Formation:<ul style="list-style-type: none"><li>○ Offer &amp; Acceptance</li><li>○ Consideration &amp; Intention</li><li>○ Capacity &amp; Legality</li></ul></li></ul> <b>Case:</b> Ernewein v. Yankee Hat Minerals Ltd., 2011 YKSM 01	Chapters 6, 7, & 8
Oct 3/17	4	<b>Contracts:</b> <ul style="list-style-type: none"><li>• Mistake &amp; Misrepresentation</li><li>• Writing &amp; Interpretation</li><li>• Privity</li></ul>	Chapters 9, 10, & 11

Class Date:	Week:	Topic:	References:
		<b>Case:</b> Mollet v. Craven, 2014 YKSM 6	
Oct 10/17	5  Quiz 2	<b>Contracts:</b> <ul style="list-style-type: none"> <li>• Discharge</li> <li>• Breach &amp; Remedies</li> </ul> <b>Case:</b> Cobalt v. Kluane FN, 2014 YKSC 40	Chapters 12, & 13
Oct 17/17	6	<b>Special Types of Contracts:</b> <ul style="list-style-type: none"> <li>• Sale of Goods</li> <li>• Bailment &amp; Leasing</li> <li>• Insurance</li> </ul> <b>Case:</b> Wilkinson v. Watson Lake Motors and Aviva Insurance Company of Canada, 2010 YKSC 1	Chapters 14, 15, & 16
Oct 24/17	7  Quiz 3	<b>Special Types of Contracts:</b> <ul style="list-style-type: none"> <li>• Agency &amp; Franchising</li> <li>• Employment</li> <li>• Negotiable Instruments</li> </ul>	Chapters 17, 18 & 19
<b>TAKE HOME EXAM:</b>			
<p>At the end of class in week seven, a mid-term exam will be handed out. It will be a take home exam, returnable in two weeks' time. The exam answers should be word processed and double-spaced. It will cover everything that we have talked about to the end of Week 7 and it will be worth 25% of the total mark.</p>			
Oct 31/17	8	<b>Property:</b> <ul style="list-style-type: none"> <li>• Intellectual Property</li> <li>• Interests in land</li> </ul>	Chapters 20, 21,
Nov 7/17	9  Mid-terms due	<b>Property:</b> <ul style="list-style-type: none"> <li>• Landlord and Tenant</li> <li>• Mortgages</li> </ul>	Chapters 22, & 23

<b>Class Date:</b>	<b>Week:</b>	<b>Topic:</b>	<b>References:</b>
		<b>Case:</b> 37504 Yukon Inc. (Sam n' Andy's) v. 46249 Yukon Inc., 2014 YKSM 4  <b>Business Organizations:</b> <ul style="list-style-type: none"> <li>• Proprietorships &amp; Partnerships</li> </ul>	Chapter 24
Nov 14/17	10  Quiz 4	<b>Business Organizations:</b> <ul style="list-style-type: none"> <li>• Companies:               <ul style="list-style-type: none"> <li>○ Nature &amp; Formation</li> <li>○ Internal Governance</li> <li>○ External Responsibilities</li> </ul> </li> </ul> <b>Case:</b> Yukon Government (Registrar of Societies) v. Humane Society of Yukon, 2013 YKSC 8	Chapters 25, 26 & 27
Nov 21/17	11	<b>Creditors and Debtors:</b> <ul style="list-style-type: none"> <li>• Secured Transactions</li> <li>• Creditor's Rights</li> </ul> <b>Case:</b> Whitehorse Wholesale Auto Centre Limited v. Tyerman, 2012 YKSM 2	Chapters 28 & 29
Nov 28/17	12  Quiz 5	<b>Modern Legal Environment for Business:</b> <ul style="list-style-type: none"> <li>• Government Regulation</li> <li>• Electronic Commerce</li> <li>• Privacy</li> </ul>	Chapters 30, 31 & 32

**TAKE HOME EXAM:**

At the end of class in week twelve, a final exam will be handed out. It will be a take home exam, returnable in two weeks' time. The exam answers should be word processed and double-spaced. It will cover everything that we have talked about to the end of Class 12 and it will be worth 40% of the total mark.



<b>Class Date:</b>	<b>Week:</b>	<b>Topic:</b>	<b>References:</b>
Dec 5/17	13	Review Class	
Dec 12/17	14 Final Exams due	No Class	