

COURSE INFORMATION

Course title:	Commercial Law	Credits:	1.5
Course code:	BALA 503	Class location:	HA 132
Session, term, period:	2019W T2 – Period 5	Class times:	T/Th 10am-12pm
Section(s):	MM1	Pre-requisites:	N/A
Course duration:	April 21-May 30, 2020.	Co-requisites:	N/A
Division:	Law		
Program:	MM		

INSTRUCTOR INFORMATION

Instructor:	Barbara Cox, BPE, JD,	Office location:	HA464
Phone:	none	Office hours:	To be posted on Canvas or by appointment
Email:	Barbara.cox@sauder.ubc.ca		

COURSE DESCRIPTION

This course examines the Common Law and statutory rules that govern commercial transactions. We begin by learning how cases are decided in Common Law courts. Students then examine the elements of contract law to become prudent, moral and ethical contract negotiators. The course also examines the professional liability and fiduciary duties of business persons to their clients and others. Course components include reviewing relevant statutes, analyzing judicial decisions and engaging in critical thinking about legal, moral and ethical problems in business.

COURSE FORMAT

This course is taught lecture –style, with student discussion of posted cases and participation in discussions, as well as through case problems.

NOTE: We will use the “Collaborate Ultra” tool on Canvas to have our classes during the scheduled class times

LEARNING OBJECTIVES

This course will equip business students with an introduction to the legal environment in which business operates in Canada. By the end of the course students will recognize many of the legal issues they will encounter in business, develop strategies to avoid legal problems, think critically about legal, moral and ethical issues, and develop an understanding of the principles used by the courts to resolve legal issues. The overall objective of the course is to cultivate and enhance legal, moral and ethical discernment for right action in the business world.

ASSESSMENTS

Summary

<u>Component</u>	<u>Weight</u>
Assignments (2)	40%
Assignment 1 due April 28 (20%)	
Assignment 2 or 3 due May 12 (20%)	
Group Project due May 19	10%
Participation	10%
Class participation diary due May 19	
Final exam	40%
Total	<u>100%</u>

Details of Assessments

The first assignment is based on a segment from a video we will watch in class. It is to be done as an individual assignment, and will incorporate facts learned about the legal system. Details about the assignment will be discussed in class.

There is an option to do either the second or third assignment. The second assignment is a written assignment. It should be about 2 pages long (double spaced). It will involve applying legal principles learned in class and from selected readings to realistic business situations in order to practice reaching well-reasoned, legal, moral and ethical decisions. This assignment will be done individually however it is certainly recommended that you discuss the assignment with your classmates. More information regarding this assignment will be provided in class.

The third assignment involves making a trip to the Supreme Court of British Columbia (777 Hornby Street Vancouver), and watching a trial in progress, then preparing a brief summation of what transpired while you were there. Details of the assignment are posted on Canvas.

The final assignment is to be done in a group and it involves preparing a memo to management regarding a claim made by an injured party. Details will again be provided in class. This assignment cannot be completed until later in the course as it will involve an understanding of the laws of negligence.

Students are asked to note on a class participation diary what they did during every class, and hand this diary in on May 19th. Because this course relies heavily on applications and discussions of case materials, a percent of your grade will be determined from active learning activities. Active learning means that you take responsibility both for your learning, and helping others to learn more about the material. A critical component of the course is spirited, informed discussion. This means that you should be familiar with assigned materials **prior to class**; reading the textbook and the cases and preparing case briefs for each case will enable you to contribute constructively in class. Readings will normally not be fully reviewed separately - you are assumed to have read and understood them. Excellent participation incorporates the materials that you have studied on your own and also builds on what your classmates have said to move the conversation forward. Attendance in class is not the same thing as class participation.

In the past students who have prepared cases in a study group before class have benefited greatly from the advance preparation. It is strongly encouraged for you to do so.

The **final exam** will be similar to assignments #2 in style and purpose, as well as similar to the former exam questions which we will frequently do in class as a way to review the course content. Students must earn a mark of at least 50% on the final exam to pass the course.

LEARNING MATERIALS

1. **TEXTBOOK:** ISBN 9780135906446 - Smyth & Soberman, The Law and Business Administration in Canada Loose Leaf Version plus MyLab Business law with Pearson eText Access Card, 15/e (**Textbook**) (www.pearson.com/mylab) **course ID cox97741**. Further registration instructions are posted to **CANVAS**.
2. **BALA 503 CASES and STATUTES (CB) (CANVAS)**
3. Other Learning Resources: **CANVAS**

COURSE-SPECIFIC POLICIES AND RESOURCES

Missed or late assignments, and regrading of assessments

Late submissions will not be accepted and will receive a grade of zero.

Academic Concessions

If extenuating circumstances arise, please contact the RHL Graduate School program office as early as reasonably possible, and submit an [Academic Concession Request & Declaration Form](https://webforms.sauder.ubc.ca/academic-concession-rhlee) <https://webforms.sauder.ubc.ca/academic-concession-rhlee>. If an academic concession is granted during the course, the student will be provided options by RHL, or by the instructor in consultation with RHL, per [UBC's policy on Academic Concession](#).

POLICIES APPLICABLE TO COURSES IN THE ROBERT H. LEE GRADUATE SCHOOL

Attendance

Excepting extenuating circumstances, students are expected to attend 100% of their scheduled class hours. Absent students limit their own academic potential, and that of their classmates, and cause unnecessary disruption to the learning environment. Students missing more than 20% of the total scheduled class hours for a course (including classes held during the add/drop period) without having received an academic concession will be withdrawn from that course. Withdrawals, depending on timing, could result in a "W" or an "F" standing on the transcript.

Punctuality

Students are expected to arrive for classes and activities on time and fully prepared to engage. Late arrivals may be refused entry at the discretion of the instructor or activity lead. Students arriving later than halfway through a scheduled class will be treated as absent for that class.

Electronic Devices

Devices such as laptops, tablets, and cell phones are not permitted to be used in class unless directed by the instructor for in-class activities. Students who do not follow the School's policy in this regard may be required to leave the room for the remainder of the class, so that they do not distract others. Research shows that students' use of laptops in class has negative implications for the learning environment, including reducing their own grades and the grades of those sitting around them.

Citation Style

Please use the American Psychological Association (APA) reference style to cite your sources.

Details of the above policies and other RHL Policies are available at:

<http://www.calendar.ubc.ca/vancouver/index.cfm?tree=12,199,506,1625>

UNIVERSITY POLICIES AND RESOURCES

UBC provides resources to support student learning and to maintain healthy lifestyles but recognizes that sometimes crises arise and so there are additional resources to access including those for survivors of sexual violence. UBC values respect for the person and ideas of all members of the academic community. Harassment and discrimination are not tolerated nor is suppression of academic freedom. UBC provides appropriate accommodation for students with disabilities and for religious observances. UBC values academic honesty and students are expected to acknowledge the ideas generated by others and to uphold the highest academic standards in all of their actions. Details of the policies and how to access support are available on the UBC Senate website at <https://senate.ubc.ca/policies-resources-support-student-success>.

Academic Integrity

The academic enterprise is founded on honesty, civility, and integrity. As members of this enterprise, all students are expected to know, understand, and follow the codes of conduct regarding academic integrity. At the most basic level, this means submitting only original work done by you and acknowledging all sources of information or ideas and attributing them to others as required. This also means you should not cheat, copy, or mislead others about what is your work. Violations of academic integrity (i.e., misconduct) lead to the breakdown of the academic enterprise, and therefore serious consequences arise and harsh sanctions are imposed. For example, incidences of plagiarism or cheating may result in a mark of zero on the assignment or exam and more serious consequences may apply if the matter is referred to the President's Advisory Committee on Student Discipline. Careful records are kept in order to monitor and prevent recurrences.

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All materials of this course (course handouts, lecture slides, assessments, course readings, etc.) are the intellectual property of the instructor or licensed to be used in this course by the copyright owner. Redistribution of these materials by any means without permission of the copyright holder(s) constitutes a breach of copyright and may lead to academic discipline. Audio or video recording of classes are not permitted without the prior approval of the Instructor.]

ACKNOWLEDGEMENT

UBC's Point Grey Campus is located on the traditional, ancestral, and unceded territory of the xwməθkwəyəm (Musqueam) people, who for millennia have passed on their culture, history, and traditions from one generation to the next on this site.

COURSE SCHEDULE

Class#	CLASS TOPICS	ACTIVITIES / READINGS	ASSIGNMENTS / DELIVERABLES
Tues April 21 and Thurs April 23	<p><u>The Law in Its Social & Business Context</u></p> <p><u>Court Systems and Procedures</u></p> <p><u>Sources of Law</u></p> <ul style="list-style-type: none"> • Common law vs. Civil law • Statute, precedent and the Charter • Constitutional Law & The Charter <p><u>Alternate Dispute Resolution</u></p>	<p>Text: 26-38</p> <p>Text: 22-26, 1-17, 21-45</p> <p>LIEBMANN v. CANADA</p> <p>Watch Video in class for Assignment #1</p>	<p>Assignment #1: Information & Discussion</p>
Tues April 28 and Thurs April 30	<p><u>Formation of the Contract</u></p> <p><u>Intent, Offer, Acceptance and the Writing Requirement</u></p> <p><u>Consideration</u></p> <p><u>Capacity</u></p> <p><u>Legality, Restrictive Covenants in Employment Contracts</u></p>	<p>Text 127-129, 97-112, 177-183,</p> <p>RUDDER v. MICROSOFT CORP</p> <p>DOUEZ V FACEBOOK INC (Canvas)</p> <p>Text:116-129</p> <p>Text: 137-140</p> <p>RE COLLINS</p> <p>INFANTS ACT, Section 19 – CONNECT</p> <p>Text: 140-157</p> <p>MAKSYMETZ v. KOSTYK</p> <p>PHOENIX RESTORATIONS LTD. v. BROWNLEE</p>	<p>Knight & Archer problem</p> <p>Perry & Robyn problem</p> <p>Rhodes problem</p> <p>Assignment #1 due in class</p>

Class#	CLASS TOPICS	ACTIVITIES / READINGS	ASSIGNMENTS / DELIVERABLES
Tues May 5	<p><u>Formation of the Contract</u></p> <p>Unconscionability, Duress, Undue Influence</p> <p><u>Inside the Contract</u></p> <p><u>Interpretation</u></p> <p><u>Outside the Contract</u></p> <p><u>Parol Evidence Rule</u></p>	<p>Text: 169-173</p> <p>BUCKWOLD WESTERN LTD V SAGAR</p> <p>Text: 188-190, 194-196</p> <p>BKDK HOLDINGS LTD. v. 692831 B.C. LTD.</p> <p>Text:191-193</p> <p>GENERAL TIRE CANADA INC. v. AYLWARDS LTD</p>	Wishlow & Derow problem
Thurs May 7	<p><u>Misrepresentation</u></p> <p><u>Consequences of the Contract</u></p> <p><u>Discharge of Contract</u></p> <p><u>Breach of Contract and Damages</u></p>	<p>Text:166-168</p> <p>WERLE v. SASK. ENERGY INC. – on Canvas</p> <p>Text: 223-237</p> <p>SATURLEY v. LUND</p> <p>JEDFRO INVESTMENTS LTD. v. JACYK- analysis only, para 12-23</p> <p>Text: 243-250, 252-262</p> <p>BLACKCOMB SKIING ENTERPRISES v. SCHNEIDER</p> <p>WESTCOAST TRANSMISSION v. CULLEN pages 626-627 only</p>	Wong problem April 2016 exam question

Class#	CLASS TOPICS	ACTIVITIES / READINGS	ASSIGNMENTS / DELIVERABLES
Thurs May 21	<p><u>Business Associations</u></p> <p><u>Agency</u></p> <p><u>Sole proprietorships</u></p> <p><u>Partnerships</u></p> <p><u>Corporations</u></p>	<p>Text 295-308 PEMBERTON BENCHLANDS</p> <p>Text: 345-346</p> <p>Text: 346-366 LANZ v. LANZ</p> <p>PEN-BRO HOLDINGS v. DEMCHUK – read Analysis, para 40 onwards</p> <p>SCRAGG V. LOTZKAR</p> <p>Text: 369-388</p> <p>FINANCIAL NETWORK INC. DATA BUSINESS FORMS LTD. v. MACINTOSH</p> <p>CANADIAN SPORTS SPECIALISTS V. PHILLIPPON</p> <p>SPC HOLDINGS V GABRIEL- on Canvas</p>	Review
Exam Week	May 25-30		Exam