



School of Business & Creative Design

Business and Business Administration Department

Course Outline – WINTER 2014

Course Code LAW 1003

Course Title: BUSINESS LAW

Prepared By: DOUGLAS BEATTY

Date: January 1999

Revised By: DOUGLAS BEATTY

Date: December 2013

Approved By: Yvonne Clarke, Associate Dean

Prerequisite: None

Corequisite: None

1. Course Description

This course deals with the impact of law upon business. It is intended that the student will learn about sources of law, legal methods and procedures, principles of tort liability, contract law, and special areas of law such as insurance, employment law, intellectual property and legal forms of business organization.

2. General Education and Essential Employability Skills

This course provides the following provincial Essential Employability Skills:

#1: Communication

#3: Critical Thinking and Problem Solving

#6: Personal

Is this course approved as a General Education course?

☒ **No**

☐

Yes

Students should refer to their program's restricted General Education courses for final determination.

3. Learning Outcomes

Upon successful completion of this course, the learner will be able to:

1. Identify the sources of law and outline the basic procedures used when law is applied to business situations
2. Explain the potential liability of a business for various wrongful acts and omissions and describe measures which can be taken to reduce this liability
3. Outline the requirements for creating an enforceable contract and explain the principles related to legal issues which can create challenges to the enforceability of a contract
4. Identify and explain the principles related to how a contract may end, describe the concept of breach of contract, and outline the remedies available for breach of contract
5. Explain and apply the various common law and statutory rules relating to the sale of goods, and outline important consumer protection legislation relating to the sale of goods and the sale of services
6. Explain certain relevant issues related to utilizing the internet to create contracts, including issues related to privacy and computer related intellectual property

7. Describe the basic common law and statutory rules that apply to the interests of debtors and creditors
8. Explain the basic legal concepts related to real, personal, and intellectual property, and the rights and obligations associated with them.
9. Explain the basic principles of employment law.
10. Explain the features, advantages, and disadvantages of various forms of business organization.
11. Apply the basic principles of the various principles of law covered in this course to business situations in order to facilitate improved decision making

4. Course Objectives

(The number in brackets at the end of each objective refers to the learning outcome from section 3.)

*Learning
Outcome
Reference
Number*

Unit 1 *Introduction to Law and the Legal System*

- | | | |
|-----|---|-----|
| 1.1 | 1 Define law and identify the various types of law | [1] |
| 1.2 | Explain the role and function of the lawyer in business situations | [1] |
| 1.3 | Identify and explain the sources of law and differentiate the various legal jurisdictions | [1] |
| 1.4 | Identify and apply the rules of natural justice as they relate to Administrative tribunals | [1] |
| 1.5 | Apply the principles of legal method and analysis to examining legal issues that might arise in a business situation | [1] |
| 1.6 | Explain the basic rules and procedures involved in commencing and prosecuting a civil suit in the Province of Ontario | [1] |

Unit 2 *Intentional Torts*

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|-----|---|-----|
| 2.1 | Define tort law, and differentiate tort law from criminal law and contract law | [2] |
| 2.2 | Explain the elements and principles related to the intentional torts which are relevant to a business | [2] |
| 2.3 | Apply the basic principles of tort law to situations which arise in business situations | [2] |

Unit 3 Negligence

- 3.1 Define negligence, explain the necessary elements of negligence, and the remedies available to a plaintiff [2]
- 3.2 Explain the possible defenses to a negligence action [2]
- 3.3 Describe the remedies for negligence available to a plaintiff [2]
- 3.4 Describe the liability of an occupier of property [2]
- 3.5 Describe the liability of a manufacturer of products [2]
- 3.6 Describe the liability for negligent misstatement and distinguish from fraudulent statements [2]

Unit 4 Insurance

- 4.1 Explain the purpose and functioning of a contract of Insurance [2]
- 4.2 Define the basic concepts and terminologies associated with a contract of insurance [2]
- 4.3 Describe the basic philosophies and procedures applied in settling a basic insurance claim. [2]

Unit 5 The Formation of Enforceable Contracts

- 5.1 Explain the concept of a legally enforceable contract, and distinguish from a tort situation [3]
- 5.2 Explain the concept of a legal offer and apply the legal principles which relate to an offer [3]
- 5.3 Explain the concept of a legal acceptance of an offer and apply the legal principles which relate to an acceptance [3]
- 5.4 Explain and the principles of consideration as they relate pply to a contract [3]
- 5.5 Explain and apply the concepts related to contract [3]
- 5.6 Apply the basic principles of contract formation to business situations [3]

Unit 6 The Form of the Contract

- 6.1 Identify the most relevant and applicable statutory requirements for written contracts [3]
- 6.2 Apply the requirements for writing to business contract situations [3]

Unit 7	Issues That Affect the Enforceability of the Contract	
7.1	Identify and apply the principles of mistake to contract situations	[4]
7.2	Identify and apply the principles of misrepresentation to contract situations	[4]
7.3	Identify and apply the principles of duress, undue influence, and unconscionable transactions to business law situations	[4]
Unit 8	The End of the Contract	
8.1	Explain the concept of discharge of a contract and identify and explain the various ways that a contract may be discharged	[4]
8.2	Explain the rules relating to the concept of substantial performance of a contract	[4]
8.3	Define breach of contract and explain the difference between a condition and a warranty in a contract	[4]
8.4	Explain and apply the rules relating to remedies for breach of contract	[4]
8.5	Explain the concept of an exclusion/exemption clause in a contract, and the legal principles that might be applied to negate such a clause	[4]
8.6	Explain and apply the legal principles of frustration to contract situations	[4]
Unit 9	The Sale of Good Act	
9.1	Identify a sale of goods and distinguish from other types of contract	[5]
9.2	State when the provisions in the Sale of Goods Act apply	[5]
9.3	Explain the concept and of and the limitations on contracting out of the implied terms and conditions in the <u>Sale of Goods Act</u>	[5]
9.4	Explain the concept of risk, and apply the basic rules relating to the transfer of risk from the seller to the buyer	[5]
9.5	Explain the various remedies afforded the buyer and the seller under the <u>Sale of Goods Act</u> for breaches of contract	[5]
Unit 10	The Consumer Protection Act	
10.1	Define a consumer transaction	[5]
10.2	Explain the fundamental provision of the <u>Consumer Protection Act</u> regarding any attempt by a vendor to exclude the implied conditions of the <u>Sale of Goods Act</u>	[5]
10.3	Describe the provisions of the <u>Consumer Protection Act</u> which prohibit and regulate unfair business practices in consumer	[5]

	transactions	
10.4	Describe the basic Federal statutory provisions related to consumer protection and false advertising	[5]
Unit 11	Contracts And The Internet	
11.1	Briefly explain the unique legal issues which arise with respect to using the internet to create enforceable contracts	[6]
11.2	Explain the fundamental statutory and common law principles which currently exist in order to facilitate commerce using the internet	[6]
Unit 12	Forms of Business Organization	
12.1	Define the concept of a sole proprietorship, and explain the advantages and disadvantages of sole proprietorship as a form of business organization.	[10]
12.2	Define the concept of a partnership, and explain the advantages and disadvantages of partnership it a form of business organization.	[10]
12.3	Identify the important provisions of the Partnership Act, R.S.O. that apply if there is no partnership agreement in place.	[10]
12.4	Outline the need for a partnership agreement, and summarize the critical provisions that it should contain.	[10]
12.5	Define the concept of limited partnership, and explain the advantages and disadvantages of it as a form of business organization.	[10]
12.6	Define the concept of a corporation, and explain the advantages and disadvantages of the corporation as a form of business organization.	[10]
12.7	Identify a business's tort liability for the actions of employees.	[10]
12.8	Explain the restrictions on the use of a particular business name and the need for registration of a business name.	[10]
Unit 13	Securing debt on Real, and Personal, Property	
13.1	Distinguish between real and personal property	[7]
13.2	Explain the concept of a land mortgage, and the rights associated with it	[7]
13.3	Explain the meaning and purpose of security and a security interest in personal property	[7]
13.4	Define a guarantee	[7]
13.5	Outline the requirements for a guarantee and explain the rights and obligations of the creditor, debtor and guarantor	[7]

Unit 14 Intellectual Property

- 14.1 Explain the rights protected by patents, how patents are obtained and remedies for violation of patents. [8]
- 14.2 Explain the rights protected by patents, how patents are obtained and remedies for violation of patents. [8]
- 14.3 Explain the rights protected by trademarks, how trademarks are obtained and remedies for violation of trademarks. [8]
- 14.4 Briefly explain the legal issues arising with respect to computers, the internet, and intellectual property law. [8]

Unit 15 Employment, Agency, and Partnership

- 15.1 Distinguish between a contract of employment and other contractual relationships involving work done [9]
- 15.2 State when an employment contract must be in writing [9]
- 15.3 Outline the duties of the employer [9]
- 15.4 Outline the duties of the employee [9]
- 15.5 Describe the liability of the employer and the employee for torts committed by the employee during employment [9]
- 15.6 Explain reasonable notice and the factors that determine reasonable notice [9]

5. Resources and Supplies

A. Required

TEXT: DuPlessis, O'Byrne, Enman, Gunz. *Canadian Business and the Law*, Fifth Edition, Nelson Education , Toronto Ontario, 2011

B. Supplemental

None

6. Methodology

Independent Study of course learning materials and in class case studies and discussion.

7. Student Evaluation

The following elements will determine the student's final grade:

Test 1	10%
Test 2	15%
Test 3	25%
Test 4	25%
Test 5	25%
Total	100%

The round off mathematical principle will be used. Percentages are converted to letter grades and grade points as follows:

Mark (%)	Grade	Grade Point	Mark	Grade	Grade Point
94-100	A+	4.0	67-69	C+	2.3
87-93	A	3.7	63-66	C	2.0
80-86	A-	3.5	60-62	C-	1.7
77-79	B+	3.2	50-59	D	1.0
73-76	B	3.0	0-49	F	0.0
70-72	B-	2.7			

Missed Evaluation Policy

Only exceptional circumstances create exemptions to the requirement that evaluations such as tests, quizzes or assignments are to be completed at the designated time and in the designated location. It is the student's responsibility to be available to attend scheduled evaluations. Without an approved exemption for extenuating circumstances, or if there is an unreasonable delay in contacting the Dean's office, or the faculty member regarding an exemption from the schedule, or if satisfactory proof of the extenuating circumstances is not provided, the result for a missed evaluation will be a mark of zero on the evaluation. Documented illness and circumstances such as the death or illness of family members, family conflict, jury duty, and bona fide legal or medical appointments may be considered as valid reasons for a missed or late evaluation. Consideration may also be granted for job interviews.

At the discretion of the faculty member missed evaluations may be written at the earliest opportunity after the original date and time, or may be deferred until the end of the teaching portion of the term.

Students should be aware that tests and evaluations written subsequent to a missed test or evaluation may or may not be in the same format as the original. Test or evaluations (E.G. written answers or multiple choice questions.)

There are no supplementary tests, quizzes, or assignments available to improve a course grade.

Student Responsibility In The Event Of A Missed Evaluation

If a legitimate and anticipated event interferes with a scheduled evaluation, alternate arrangements must be made with the faculty member prior too, and as far as possible in advance of the scheduled date. In the event of an unscheduled extenuating circumstance or legitimate emergency, the student must communicate to the faculty member at the earliest opportunity, and in no event later than 24 hours after the scheduled time and date of the evaluation. E-mail messages, voicemail, and contact from a designated representative are acceptable methods of contact if contact cannot be made with the faculty member directly.

If the faculty member refuses the opportunity to complete a missed evaluation this decision may be appealed under the Academic Appeal Policy. Student Responsibility In The Event Of A Missed Evaluation

If a legitimate and anticipated event interferes with a scheduled evaluation, alternate arrangements must be made with the faculty member prior too, and as far as possible in advance of the scheduled date. In the event of an unscheduled extenuating circumstance or legitimate emergency, the student must communicate to the faculty member at the earliest opportunity, and in no event later than 24 hours after the scheduled time and date of the evaluation. E-mail messages, voicemail, and contact from a designated representative are acceptable methods of contact if contact cannot be made with the faculty member directly.

If the faculty member refuses the opportunity to complete a missed evaluation this decision may be appealed under the Academic Appeal Policy.

Disclaimer

This course is intended to provide a basic understanding of business law, and is not a substitute for legal advice. The course and the instructor do not purport to offer legal advice, and any discussion of fact situations presented or arising within or outside of the course and the application of legal principles to them shall not be construed as legal advice.

Recording of Lectures and Classroom Presentations

Video and/or audio recording or electronic transmission of any of the lectures and classroom presentations in this course without the express written permission of the

person delivering the course is expressly prohibited. However, no reasonable request for permission to record for the legitimate purpose of review and study, or for the purpose of special needs assistance will be refused, subject to the limitation that any permission given is specifically and exclusively for those limited purposes only and any other use of such recordings is forbidden and outside the scope of the permission.

8. Academic Integrity

Lambton College is committed to high ethical standards in all academic activities within the College, including research, reporting and learning assessment (e.g. tests, lab reports, essays).

The cornerstone of academic integrity and professional reputation is principled conduct. All scholastic and academic activity must be free of all forms of academic dishonesty, including copying, plagiarism and cheating.

Lambton College will not tolerate any academic dishonesty, a position reflected in Lambton College policy. Students should make themselves familiar with the [Students Rights and Responsibilities Policy](#), located on the MyLambton website for details concerning academic dishonesty and the penalties for dishonesty and unethical conduct.

Questions regarding this policy, or requests for additional clarification, should be directed to the [Lambton College Centre for Academic Integrity](#)

9. Related Items

Students with Disabilities

If you are a student with a disability please identify your needs to the professor and/or the Accessibility Centre so that support services can be arranged for you. You can do this by making an appointment at the Accessibility Centre, Room L103 ext.3427 or by arranging a personal interview with the professor to discuss your needs.

Student Rights and Responsibility Policy

Acceptable behaviour in class is established by the instructor and is expected by all students. Any form of harassment or violence will not be tolerated. Action will be taken as outlined in Lambton College policy.

Cheating and plagiarism are serious academic offences subject to disciplinary action. It is the student's responsibility to be aware of the cheating policy as described in the Lambton College Student Rights and Responsibilities policy. For

further information on all of these policies, links may be found on the Lambton College website.

Prior Learning Assessment Statement

This course is eligible for Prior Learning Assessment

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Yes

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No

If yes has been selected, you may choose to contact the Counselling Department for advice on Prior Learning Assessment.

Date of Withdrawal without Academic Penalty

Please consult the Academic Regulations and Registrar's published dates.

Waiver of Responsibility

Every attempt has been made to ensure the accuracy of this information as of the date of publication. The content may be modified, without notice, as deemed appropriate by the College.

Note: It is the student's responsibility to retain course outlines for possible future use to support applications for transfer of credit to other educational institutions.