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|  | **School of Applied Science and Management** |
| **BLAW 300**  **Commercial Law** |
| **Fall, 2022**  **3.0 Credits** |
| **Course Outline** | |

**INSTRUCTOR: Peter Morawsky**

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**Classroom: A2601**

**Class times: Thursdays from 6:00 PM to 8:50 PM, September 8/22 to December 1/22**

**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 introduce - and provide 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.

**COURSE REQUIREMENTS**

Prerequisite(s):  None

**EQUIVALENCY OR TRANSFERABILITY**

Receiving institutions determine course transferability. Find further information at:

[https://www.yukonu.ca/admissions/transfer-credit](https://www.yukonu.ca/admissions/transfer-credit )

**LEARNING OUTCOMES**

Upon successful completion of the course, students will be able to describe the basic functioning of the Canadian legal system, 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 undergraduate level 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**.

Additionally, students will be assigned case law or Yukon statutes to read.

That material is publicly available on government web sites and has been chosen to illustrate concepts and principles developed from the text **and should be read by students in advance**.

Students will be responsible for obtaining and reading that material and will need internet access for that purpose.

**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:**

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| Quizzes (in Class) | 25% |
| Midterm Exam | 25% |
| Participation | 10% |
| Final Exam | 40% |
| **Total** | **100%** |

**COURSE WITHDRAWAL INFORMATION**

Refer to the YukonU website for important dates.

**TEXTBOOKS & LEARNING MATERIALS**

Smyth, J.E., Soberman, D.A. & Easson, A.J., McGill S.A., (2020): **The Law and Business Administration in Canada, 15th Edition**,Pearson Canada Inc., 837pp.

Internet access to obtain case law or Yukon statutes

**ACADEMIC INTEGRITY**

Students are expected to contribute toward a positive and supportive environment and are required to conduct themselves in a responsible manner. Academic misconduct includes all forms of academic dishonesty such as cheating, plagiarism, fabrication, fraud, deceit, using the work of others without their permission, aiding other students in committing academic offences, misrepresenting academic assignments prepared by others as one’s own, or any other forms of academic dishonesty including falsification of any information on any Yukon University document.

Please refer to Academic Regulations & Procedures for further details about academic standing and student rights and responsibilities.

**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 University Academic Regulations (available on the Yukon University website). It is the student’s responsibility to seek these accommodations by contacting the Learning Assistance Centre (LAC): [LearningAssistanceCentre@yukonu.ca](mailto:LearningAssistanceCentre@yukonu.ca).

**TOPIC OUTLINE**

Readings refer to the Smythe & Soberman text, 15th 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:** |
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| Sept 8/22 | 1 | **Introduction:**   * Review of course objectives   **Law in its Social and Business Context:**   * Law, Society and Business * Machinery of Justice * Government Regulation of Business | Chapters 1, 2 & 3 |
| Sept 15/22 | 2 | **Torts:**   * Law of Torts * Professional Liability   **Case:**  O’Neill v. City of Whitehorse, 2006 YKSM 1 | Chapters 4 & 5 |
| Sept 22/22 | 3  Quiz 1  Chapters 1 to 5 | **Contracts:**   * Formation:   + Offer & Acceptance   + Consideration & Intention   + Capacity & Legality   **Case:**  Ernewein v. Yankee Hat Minerals Ltd., 2011 YKSM 01  **Case:**  Duplisea v. Wilson, 2018 YKSM 3 | Chapters 6, 7, & 8 |
| Sept 29/22 | 4 | **Contracts:**   * Mistake & Misrepresentation * Writing & Interpretation * Privity   **Case:**  Mollet v. Craven, 2014 YKSM 6  **Case:**  40419 Yukon Inc. v. 365334 Alberta Limited, 2017 YKSM 8  **Case:**  Williams v. WildMan, 2008 YKSM 1 | Chapters 9, 10, & 11 |
| Oct 6/22 | 5  Quiz 2  Chapters 6 to 11 | **Contracts:**   * Discharge * Breach & Remedies   **Case:**  Cobalt v. Kluane FN, 2014 YKSC 40  **Case:**  Skky Hotel Inc. v. Yukon Gardens Ltd., 2017 YKSM 4 | Chapters 12, & 13 |
| Oct 13/22 | 6 | **Special Types of Contracts:**   * Sale of Goods * Bailment & Leasing * Insurance and Guarantee   **Case:**  Wilkinson v. Watson Lake Motors and  Aviva Insurance Company of Canada,  2010 YKSC 1  **Case:**  Volare Eurobar Inc. v. Sim, 2017 YKSM 1 | Chapters 14, 15, & 16 |
| Oct 20/22 | 7  Quiz 3  Chapters 12 to 16 | **Special Types of Contracts:**   * Agency & Franchising * Employment * Banking and Negotiable Instruments   **Case:**  Jones v. Yukon (Highways and Public Works), 2020 YKSM 1 | Chapters 17, 18 & 19 |
| **TAKE HOME EXAM:**  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. 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. | | | |
| Oct 27/22 | 8 | **Property:**   * Intellectual Property * Interests in land   **Case:**  Canivate Growing Systems Ltd. v. Brazier, 2020 BCSC 232  **Case:**  Jones v. Duval, 2020 YKSC 10 | Chapters 20, 21, |
| Nov 3/22 | 9  Mid-terms due  Quiz 4  Chapters 17 to 21 | **Property:**   * Landlord and Tenant * Mortgages   **Case:**  37504 Yukon Inc. (Sam n’ Andy’s) v. 46249 Yukon Inc., 2014 YKSM 4  **Business Organizations:**   * Proprietorships & Partnerships | Chapters 22, & 23  Chapter 24 |
| Nov 10/22 | 10 | **Business Organizations:**   * Companies:   + Nature & Formation   + Internal Governance   + External Responsibilities   **Case:**  Yukon Government (Registrar of Societies) v. Humane Society of Yukon, 2013 YKSC 8  **Case:**  Mao v. Grove, 2019 YKSC 6 | Chapters 25, 26 & 27 |
| Nov 17/22 | 11 | **Creditors and Debtors:**   * Secured Transactions * Creditor’s Rights   **Case:**  Whitehorse Wholesale Auto Centre Limited v. Tyerman, 2012 YKSM 2 | Chapters 28 & 29 |
| Nov 24/22 | 12  Quiz 5  Chapters 22 to 29 | **Modern Legal Environment for Business:**   * Government Regulation * Electronic Commerce * Privacy | Chapters 30, 31 & 32 |
| **TAKE HOME EXAM:**  At the end of class in Week 12, a final exam will be handed out. It will be a take home exam, returnable in two weeks’ time. It will cover everything that we have talked about to the end of Week 12, and it will be worth 40% of the total mark. | | | |
| Dec 1/22 | 13 | Review Class |  |
| Dec 8/21 | 14 | No Class - **Final Exam Due** |  |