

York University
Elements of Law: Part One
(AP/ADMS 2610 3.0 Section B)

Faculty of Liberal Arts and Professional Studies
School of Administrative Studies

Faculty of Liberal Arts & Professional Studies

School of Administrative Studies

Course Days, Time and Location:

Days and time: Thursday 4pm
Location: CLH M

Instructor:

Rudi Lof, BA, BCom, JD, MBA
Email: rlof@yorku.ca
Office Hours: After class or by appointment

This Course Outline

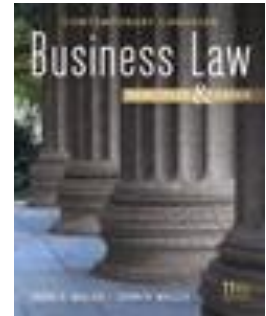
In general, the readings each week for the course will be quite heavy, but it is important that you take the time to do the readings and not fall behind. This will help with one's understanding of the material presented during the lectures. The volume of readings decreases a bit as the course progresses. If you fall behind in the readings, do not stop reading altogether. Focus on the material for the upcoming class and set aside time to skim the readings you were unable to complete. Students that are familiar with the text and complete most of the readings do much better in this course than students who rely on lecture notes only.

Attendance at each session is expected. The accreditation provided by external professional bodies to this course is contingent on satisfying all elements of this course outline (hours of classes, topics, materials to read, and evaluations).

Please note that this course cannot be taken under a Pass/Fail option and it is not open for assessed grades.

Required Text

The required text for the course is ***Contemporary Canadian Business Law, Principles and Cases***, (2015) 11th Edition, J.A. Willes & J.H. Willes, McGraw-Hill Ryerson (“Textbook”) which is available in the York University Bookstore.



Overview of this Course

Course Description: This course is intended to provide students with the basic legal principles and frameworks that are necessary when one is operating within a business context. The course will introduce students to the fundamental building blocks of business law, contracts and torts (e.g. negligence). This will be followed by a discussion of the legal aspects of the different forms of business organization including: sole proprietorships; partnerships; and corporations. Other important areas of business law to be covered include: employment law; consumer law; competition law; environmental law; bailment; real estate law (including mortgages); as well as intellectual property. The course is not designed to turn students into lawyers, but to provide them with the basic knowledge and understanding of legal principles so that they are more fully aware of the legal implications of their actions in business and can more easily navigate within the Canadian legal system.

***Note that not only does Law have its own language, but its concepts and terms are more commonly expressed in formal legal English language and grammar, which students will have to understand and apply for examination purposes.**

This course is designed for students of business and others with a general interest in the subject matter. No prior experience or prerequisite academic background is expected or necessary to do well in the course, other than the academic prerequisites set by the Faculty of Liberal Arts and Professional Studies.

About the Instructor

Rudi is a JD/MBA graduate who practiced law at a national full service law firm before moving into education. He currently teaches post-secondary students at York University and (formerly at) Sheridan College where he has received instructor ratings above 4 out of 5. As well, Rudi received a Recognition of Excellence in Teaching award from York University. Rudi also teaches debate and public speaking where his students have won provincial, national, and international competitions.

Add and Drop Deadline Information

Students may withdraw from a course using the registration and enrolment system after the drop deadline until the last day of class for the term associated with the course. When students withdraw from a course, the course remains on their transcript without a grade and is notated as "W". The withdrawal will not affect their grade point average or count towards the credits required for their degree.

There are deadlines for adding and dropping courses, both academic and financial. Since, for the most part, the dates are different, be sure to read the information carefully so that you understand the differences between the lecture dates below and the Refund Tables.

You are strongly advised to pay close attention to the "Last date to enroll without permission of course instructor" deadlines. These deadlines represent the last date students have unrestricted access to the registration and enrolment system.

After that date, you must contact the professor/department offering the course to arrange permission.

You can drop courses using the registration and enrolment system up until the drop deadline. After that, you will receive a grade for the course.

You can find a calendar which contains all the relevant dates at this location:

<http://www.registrar.yorku.ca/index.php>

About the Course

Course Materials:

In addition to the course text, students will have access to all of the course powerpoint presentations via the course Moodle.

Course Learning Objectives:

The primary learning objectives of this course are as follows:

- a. To have a basic understanding of the key legal concepts and principles that relate to business activity, whether as an owner, professional, employee, manager, executive, or director.

- b. To become more aware of the legal implications that can arise while engaged in business activity in order to know when to engage the assistance of a lawyer, as well as how to be a more informed and knowledgeable legal client.
- c. To develop critical decision-making skills via the application of concepts and legal principles to business cases.

Student Assignments and Grading:

Assignment	Grade Weight	Date
1) Mid-Term Exam	40%	Session Six
2) Final Exam	60%	During the Final Exam Period
TOTAL	100%	

Mid-Term: The Mid-term Examination will cover materials discussed during Sessions 1 through 5 of the course. The Mid-term Examination will be closed book and will take place during session six in the regular classroom. Students are not allowed to use dictionaries but can ask the course director to explain any words they do not understand, provided these are not legal terms from the course. Students should bring their York Card with them.

Final Exam: The final exam is cumulative of all of the material covered in the course, is closed book, and will take place during the final exam period (date and location to be determined). Students are not allowed to use dictionaries but can ask the course director to explain any words they do not understand, provided these are not legal terms from the course. Students should bring their York Card with them.

Use of Devices and Social Media During Class

Lectures may not be recorded. Devices and the use of the Internet, including but not limited to social media and checking of emails, may not be used for non-class purposes, other than in an emergency.

Questions and Out-of-Class Communication

Please direct questions to Rudi Lof at any time. He can be reached at rlof@yorku.ca. Emails will typically be answered within one business day. If it is not urgent or is a wider class concern, please consider raising it in person before or after class.

Weighting:

Students who are unable to write the mid-term test on the scheduled date in the Course Outline, may, with appropriate and approved supporting documentation write a make-up mid-term examination on an alternate date set by the University LA&PS Teaching & Learning Program Administration Office. The make-up mid-term exam is automatically re-

weighted from 40% to 15% of the course grade for the semester. The final exam also is automatically re-weighted from 60% to 85% of the course grade for the semester. For example, if you scored 73/100 on the make-up mid-term and 64/100 on the final exam, the net effect of the applicable weighting would be a final course grade of approximately 65/100.

Notes:

It is your responsibility as a student to ensure that you are available to sit for examinations during the entire exam period for the term corresponding to your course. We strongly recommend that you do not make any travel arrangements prior to the end of the term's examination schedule.

Course Outline and Schedule

TOPICS COVERED

READINGS

<p>SESSION ONE SEPT. 5, 2019 INTRODUCTION</p>	<p>Sources of Law: Sources of Law, Constitution, Charter of Rights and Freedoms, Judicial System, Civil Court Procedure, Administrative Tribunals, Alternative Dispute Resolution (ADR) Legal Profession</p>	<p>Chapter 1 (optional) Chapter 2 Chapter 3</p>
<p>SESSION TWO SEPT. 12, 2019 CONTRACTS PART 1</p>	<p>Contracts (1): Elements of a valid contract: Intention, Offer and Acceptance, Consideration, Quantum Meruit, Debtor-Creditor, Capacity, Legality, Form and Writing, the <i>Statute of Frauds</i></p>	<p>Chapter 7 Chapter 8 Chapter 9 Chapter 10</p>
<p>SESSION THREE SEPT. 19, 2019 CONTRACTS PART 2</p>	<p>Contracts (2): Mistake, Misrepresentation, Undue Influence, Duress, Contractual Privity, Assignment, Performance, Breach, Duty to Mitigate, Remedies</p>	<p>Chapter 11 Chapter 12 Chapter 13 Chapter 14</p>
<p>SESSION FOUR SEPT. 26, 2019 TORTS AND PROFESSIONAL LIABILITY</p>	<p>Torts: Intentional Torts, Business and Related Torts & Crimes, Unintentional Torts, Vicarious Liability, Negligence, the Concept of Foreseeability, Manufacturer's Liability, Tort Defences, Remedies, Professional Standards and Professional Obligations, Professional-Client Relationships</p>	<p>Chapter 4 Chapter 5 Chapter 6</p>

TOPICS COVERED

READINGS

	Guest Lecturer on Tort by Law Allan Cocunato of Lofranco Corriero Personal Injury Lawyers (Schedule Pending)	
SESSION FIVE OCT. 3, 2019 SECURITY FOR DEBT, NEGOTIABLE INSTRUMENTS AND INTERNATIONAL LAW	Security for Debt: Forms, Statutory Protection for Creditor Security, Priorities Negotiable Instruments: Bills of Exchange, Cheques, Promissory Notes, Defences, and Consumer Protection International Business Law: Importing and Exporting Goods to and from Canada, International Trade Regulation, International Trading Relationships and Contracts of Sale, International Trade Dispute Arbitration	Chapter 29 Chapter 28 Chapter 33 Note: The second half of this lecture will be a review in preparation for the Mid-Term Examination.
SESSION SIX OCT. 10, 2019 TEST	MID TERM EXAMINATION (1.5 hours), Closed Book	This test will cover the material discussed in Sessions 1 – 5 (above)
NO CLASS OCT. 17, 2019	FALL READING WEEK	
BUSINESS ORGANIZATIONS SESSION SEVEN OCT. 24, 2019 FORMS OF BUSINESS	Business Organizations Other Than Corporations: Sole Proprietorship, Partnership, Partnership Liability for Acts of Employees, Rights and Duties of Partners to One Another, Dissolution of Partnership, Limited Partnership, Limited Liability Partnership The Corporation: Nature of a Corporation, Methods of Incorporation, Articles of Incorporation, Shareholders' Agreements, Corporate Securities, Duties and Responsibilities of Directors, Director's Liability, Defence of Due Diligence, <i>Sarbanes Oxley Act</i> , Shareholders' Rights, Purchase and Sale of a Corporation	Chapter 16 Chapter 17
MISCELLANEOUS BUSINESS LAW SESSION EIGHT OCT. 31, 2019 AGENCY, BAILMENT AND EMPLOYMENT LAW	Agency: Role of an Agent, Agency by Express Agreement, Duties of Parties, Agency by Conduct or Estoppel, Agency by Operation of Law, Ratification of contracts by the Principal, Agency Relationship Bailment: Nature and Types of Bailment, Bailor-Bailee Employment Law: Contract of Employment, Dismissal and Wrongful Dismissal, Employer Misrepresentation, Employer Liability to Third parties, Employer Liability for Employee's Injuries	Chapter 15 Chapter 20 Chapter 19

TOPICS COVERED

READINGS

	<p>Guest Lecturer on Employment Law Aaron Rousseau of Rousseau Mazzuca LLP (http://www.rousseaumazzuca.com/lawyers/aaron-rousseau/) (Schedule Pending)</p>	
<p>SESSION NINE NOV. 7, 2019</p> <p>GOVERNMENT REGULATION OF BUSINESS: SALE OF GOODS CONSUMER PROTECTION RESTRICTIVE TRADE PRACTICES ENVIRONMENTAL LAW</p>	<p>Sale of Goods: Codification of the Law, Nature of a Contract of Sale, Contractual Duties, Remedies, Electronic Sale of Goods</p> <p>Consumer Protection Legislation: Consumer Safety, Consumer Information, Consumer – Product Quality and Performance Protection, Consumer Protection Related to Business Practices, Credit-Granting Consumer Protection, Credit Reporting Consumer Protection</p> <p>Restrictive Trade Practices: Mergers, Conspiracies and Combinations in Restraint of Trade, Offences Relating to the Distribution and Sale of Products, Civil Actions under the Competition Act</p> <p>Environmental Legislation: Environmental Responsibility</p> <p>Guest Lecturer on Competition Law Paul-Erik Veel of Lenczner Slaght LLP (http://litigate.com/PaulErikVeel) (Schedule Pending)</p>	<p>Chapter 21 Chapter 27 Chapter 32 Chapter 34</p>
<p>SESSION TEN NOV. 14, 2019</p> <p>REAL PROPERTY LAW MORTGAGES LEASEHOLD INTERESTS</p>	<p>Real Property Law: Easements, Restrictive Covenants, Title to Land, Registration of Property Interests</p> <p>Mortgages: Priorities, Rights and Duties of the Parties, Special Clauses, Discharge of Mortgage, Assignment, Sale of Mortgaged Property, Default: Foreclosure and Sale, Business Applications of Mortgage Security</p> <p>Leasehold Interests: the Creation of a Tenancy, Rights and Duties of the Landlord and the Tenant, Rights of the Landlord for Breach of the Lease, Rights of the Tenant for Breach of the Lease</p>	<p>Chapter 22 Chapter 23 Chapter 24</p>
<p>SESSION ELEVEN NOV. 21, 2019</p> <p>INTELLECTUAL PROPERTY LAW</p>	<p>Intellectual Property Law: Patents, Trademarks, the Trademarks Act, Franchises, Copyright, the Copyright Act</p>	<p>Chapter 26</p>
<p>SESSION TWELVE NOV. 30, 2019</p>	<p>Exam Review</p>	

TOPICS COVERED

READINGS

DEC. 5-20, 2019

FINAL EXAMINATION

Closed Book – 3.0 hours

The final examination covers the entire course.

Relevant University Regulations

There are deadlines for adding and dropping courses, both academic and financial. Since, for the most part, the dates are different, be sure to read the information carefully so that you understand the differences between the lecture dates below and the Refund Tables.

You are strongly advised to pay close attention to the "Last date to enroll without permission of course instructor" deadlines. These deadlines represent the last date students have unrestricted access to the registration and enrolment system.

After that date, you must contact the department offering the course to arrange permission.

You can drop courses using the registration and enrolment system up until the drop deadline. After that, you will receive a grade for the course.

Deferred Exams: Deferred standing may be granted to students who are unable to write their final examination at the scheduled time or to submit their outstanding course work on the last day of classes. Details can be found at <http://myacademicrecord.students.yorku.ca/deferred-standing>

Any request for deferred standing on medical grounds must include an Attending Physician's Statement form; a "Doctor's Note" will not be accepted.

DSA Form: http://www.registrar.yorku.ca/pdf/deferred_standing_agreement.pdf

Attending Physician's Statement form: <http://registrar.yorku.ca/pdf/attending-physicians-statement.pdf>

In order to apply for deferred standing, students must register at

<http://apps.eso.yorku.ca/apps/adms/deferredexams.nsf>

Followed by handing in a completed DSA form and supporting documentation directly to the main office of the School of Administrative Studies (282 Atkinson) and add your ticket number to the DSA form. The DSA and supporting documentation must be submitted no later than five (5) business days from the date of the exam. These

requests will be considered on their merit and decisions will be made available by logging into the above mentioned link. No individualized communication will be sent by the School to the students (no letter or e-mails).

Students with approved DSA will be able to write their deferred examination during the School's deferred examination period. No further extensions of deferred exams shall be granted. The format and covered content of the deferred examination may be different from that of the originally scheduled examination. The deferred exam may be closed book, cumulative and comprehensive and may include all subjects/topics of the textbook whether they have been covered in class or not. Any request for deferred standing on medical grounds must include an Attending Physician's Statement form; a "Doctor's Note" only will not be accepted.

Academic Honesty: The Faculty of Liberal Arts and Professional Studies considers breaches of the Senate Policy on Academic Honesty to be serious matters. The Senate Policy on Academic Honesty is an affirmation and clarification for members of the University of the general obligation to maintain the highest standards of academic honesty. As a clear sense of academic honesty and responsibility is fundamental to good scholarship, the policy recognizes the general responsibility of all faculty members to foster acceptable standards of academic conduct and of the student to be mindful of and abide by such standards. Suspected breaches of academic honesty will be investigated and charges shall be laid if reasonable and probable grounds exist.

Students should review the York Academic Honesty policy for themselves at:

<http://www.yorku.ca/secretariat/policies/document.php?document=69>

Students might also wish to review the interactive on-line Tutorial for students on academic integrity, at:

<https://spark.library.yorku.ca/academic-integrity-what-is-academic-integrity/>

Grading Scheme and Feedback Policy: The grading scheme (i.e. kinds and weights of assignments, essays, exams, etc.) shall be announced, and be available in writing, within the first two weeks of class, and, under normal circumstances, graded feedback worth at least 15% of the final grade for Fall, Winter or Summer Term, and 30% for 'full year' courses offered in the Fall/Winter Term be received by students in all courses prior to the final withdrawal date from a course without receiving a grade, with the following exceptions:

Note: Under unusual and/or unforeseeable circumstances which disrupt the academic norm, instructors are expected to provide grading schemes and academic feedback in the spirit of these regulations, as soon as possible. For more information on the Grading Scheme and Feedback Policy, please

visit: <http://www.yorku.ca/univsec/policies/document.php?document=86>

In-Class Tests and Exams - the 20% Rule: For all Undergraduate courses, except those which regularly meet on Friday evening or on a weekend, tests or exams worth more than 20% will not be held in the two weeks prior to the beginning of the official examination period. For further information on the 20% Rule, please visit: <http://secretariat-policies.info.yorku.ca/policies/limits-on-the-worth-of-examinations-in-the-final-classes-of-a-term-policy/>

Reappraisals: Students may, with sufficient academic grounds, request that a final grade in a course be reappraised (which may mean the review of specific pieces of tangible work). Non-academic grounds are not relevant for grade reappraisals; in such cases, students are advised to petition to their home Faculty. Students are normally expected to first contact the course director to discuss the grade received and to request that their tangible work be reviewed. Tangible work may include written, graphic, digitized, modeled, video recording or audio recording formats, but not oral work. Students need to be aware that a request for a grade reappraisal may result in the original grade being raised, lowered or confirmed. For reappraisal procedures and information, please visit the Office of the Registrar site at: <http://myacademicrecord.students.yorku.ca/grade-reappraisal-policy>

Accommodation Procedures: LA&PS students who have experienced a misfortune or who are too ill to attend the final examination in an ADMS course should not attempt to do so; they must pursue deferred standing. Other students should contact their home Faculty for information. For further information, please visit: <http://ds.info.yorku.ca/academic-support-accomodations/>

Religious Accommodation: York University is committed to respecting the religious beliefs and practices of all members of the community, and making accommodations for observances of special significance to adherents. For more information on religious accommodation, please visit: <https://w2prod.sis.yorku.ca/Apps/WebObjects/cdm.woa/wa/regobs>

Academic Accommodation for Students with Disabilities (Senate Policy)

The nature and extent of accommodations shall be consistent with and supportive of the integrity of the curriculum and of the academic standards of programs or courses. Provided that students have given sufficient notice about their accommodation needs, instructors shall take reasonable steps to accommodate these needs in a manner consistent with the guidelines established hereunder. For more information, please visit the Counselling and Disability Services website at <http://www.yorku.ca/dshub/>

York's disabilities offices and the Registrar's Office work in partnership to support alternate exam and test accommodation services for students with disabilities at the Keele campus. For more information on alternate exams and tests please visit <http://www.yorku.ca/altexams/>

Please alert the Course Director as soon as possible should you require special accommodations.

Alternate Exams:

Alternate Exam and test requests must be submitted **at least three (3) weeks in advance of the scheduled test dates**. Late requests to book tests or exams will not be accepted by the Alternate Exams online request system. It is your responsibility to check your e-mail regularly for notifications regarding changes or updates concerning Alternate Exam and Test Scheduling services.

To reschedule an exam or test for students currently registered with Counselling & Disability Services, follow these steps.

- I. **Contact** your course instructor for permission to reschedule the exam or test. Please note that permission to reschedule is at the discretion of the course instructor and is not guaranteed. **Scheduling is dependent on space availability**. If you have been corresponding with your course instructor by e-mail and have confirmation of their approval to reschedule, you may upload, attach or send a copy of the e-mail as an electronic signature from the course instructor.
- II. If permission is granted by your instructor, **complete and submit** a signed [Alternate Exam and Test Rescheduling Request Form](#) **at least five (5) business days in advance of the rescheduled exam/test date**.
- III. Review the [Policies and Procedures](#) for writing your rescheduled exam/test.
 - *Please use Microsoft Internet Explorer, Google Chrome, Apple Safari or Adobe Acrobat to fill out the online form in your browser or save it and open with Adobe Acrobat.*
- IV. **Note:** If you are requesting to reschedule an exam/test as a religious accommodation, ensure that you check the box located on the top of the form. Information regarding religious observance policy and accommodation can be found in the [York Courses Web site](#).
- V. If you are submitting a request to write an exam or test on a date that falls **after the Faculty deadlines for submission of deferred final grades**, you must [petition for deferred standing](#) through your home Faculty. In this circumstance, **submit an Alternate Exam and Test Rescheduling Request Form only if your petition is granted**.