
SUMMER – 2020

‘ELEMENTS OF LAW: PART ONE’

(AP/ADMS 2610 C AND D- 3.0)

(NOTE: SUBJECT TO FURTHER REVISION)

COURSE OUTLINE

Faculty of Liberal Arts and Professional Studies
School of Administrative Studies
York University

Section C and Section D (Online)

Section C: Wednesdays from 7 – 10 pm (live online class)

Section D: You are invited to attend the live online classes on Wednesdays, from 7 – 10 pm

Course Director: L. Ling, BA (Hon), LL.B

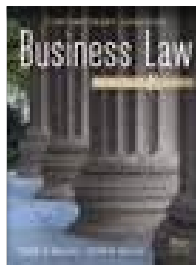
Office Hours: By Request

Classroom: Online (see course website for link to attend remote lectures)

Phone: (647) 352-5673

Email: lling@yorku.ca | Skype: LianaWSI

Required Texts: 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.



Important Dates: Please refer to:

<https://registrar.yorku.ca/enrol/dates/su20>

Add and Drop Deadline Information

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>

MID-TERM ASSIGNMENT: Will be assigned during Week 6 and will cover assigned material Weeks 1 – 5 (inclusive)/

INDIVIDUAL FEEDBACK: An opportunity for individual feedback on the completed assignment will be available to students upon request.

FINAL EXAM: Please refer to York University's Final Exam schedule for the date, time and location of the Final Exam. Closed Book, 3.0 hours, covers the assigned material from Sessions 1 to 12. A portion of the class on Week 12 will be for review. Please bring your student ID. to the examination room. Your final exam marks are NOT posted on Moodle. The University releases the marks, campus wide on specific dates set aside for that purpose. I am **NOT** permitted to release your official final exam mark nor your final grade to you.

LECTURE BREAKS: Every lecture has a 15 minute break normally between 8:30 – 8:45 pm.

Students who miss the mid-term assignment must provide a completed "Attending Physician's Statement"

http://www.yorku.ca/grads/forms/NEW/attending_physician_statement.pdf

within 5 business days of the mid-term to the School of Administrative Studies (Atkinson, Rm 282) which must include the name and phone number of a contact person who can verify the reason for absence. Failure to do so shall result in a grade of 0 for the mid-term assignment.

Students who for any reason do not attend the mid-term of the section they are enrolled in will not be permitted to write the mid-term. If a mid-term is written and the course is not dropped by the drop date, then the mid-term mark will count towards the final grade.

Weighting: **

Students who are unable to write the mid-term assignment on the scheduled date in the Course Outline, may, with appropriate and approved supporting documentation write a make-up mid-term test on an alternate date set by the University LA&PS Teaching & Learning Program Administration Office. The make-up mid-term is automatically re-weighted from 35% to 15% of the course grade for the semester. The final exam also is automatically re-weighted from 50% to 70% of the course grade for the semester.

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 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.**

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 Assessments and Grading:

Assessment	Grade Weight	Date
1) Participation	15%	
1) Mid-Term Assignment	35%**	Week Six
2) Final Exam	50%**	During the Final Exam Period
TOTAL	100%	

Participation: Participation marks may be earned by attending and participating in the remove lectures and leaving meaningful comments each week to the forum posts directed by the Course Director.

Section D Students: Students enrolled in Section D can earn participation marks by leaving meaningful comments each week to the forum posts directed by the Course Director. Class attendance on Wednesdays from 7 – 10 pm is optional.

Mid-Term: The Mid-term Assignment will cover materials discussed during Weeks 1 through 5 of the course. The Mid-term Assignment will take place during week 6. It will consist of a series of case analysis questions.

Final Exam: The final exam is **cumulative** of all of the material assigned in the course, closed book, and will take place during the final exam period. Students should bring with them their current identification card, and their York Card or one piece of photo identification at the exam.

Class Expectations and Participation

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. It is also important to read all the assigned cases beforehand so you will be prepared to discuss them in class. Moreover, 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.

For Section C: Attendance and participation each week in the live online classes lectures is expected.

Email Communication:

- When emailing ...
 - You may not receive a response. That is because ...
 - Your email has no name and / or student number
 - The information you are requesting cannot be provided, or has already been posted, or is already in Moodle / Course Outline, or will be posted or discussed in class
 - Be sure to use your own energies, creativity and initiative before engaging the professor
 - Do not request additional marks; none are available
 - Do not bother explaining to me why you could not attend a test / exam. Take it up with the University Administration at ATK 282
 - Do not write to me asking for information about a class you missed. Your responsibility is to obtain that information from a classmate
 - Do not write to me asking about the structure of a test / exam. That is well-discussed in class and it is your responsibility to be there, in attendance, to obtain that information for yourself.

ELEMENTS OF LAW

WEEKLY AGENDA

SUBJECT CODE

INSTRUCTOR

START DATE

AP/ADMS 2610

L. Ling

May 11, 2020

TOPICS COVERED

READINGS AND CASES

<p>PART ONE:</p> <p>INTRODUCTION CONTRACTS, TORTS, SECURITY FOR DEBT, NEGOTIABLE INSTRUMENTS AND INTERNATIONAL LAW</p> <p>WEEK 1</p>	<p>Sources:</p> <p>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</p> <p>Chapter 2</p> <p>Chapter 3 (pp. 50 – 51 / 53 – 57)</p>
<p>WEEK 2</p> <p>CONTRACTS</p> <p>PART 1</p>	<p>Contracts (1):</p> <ul style="list-style-type: none"> ▪ Introduction to Contracts ▪ The Elements of a Valid Contract and Intention to Create a Legal Relationship ▪ Offer and Acceptance ▪ The Requirement of Consideration ▪ Quantum Meruit ▪ The Legal Capacity to Contract and the Requirement of Legality ▪ The Requirement of Form and Writing 	<p>Chapter 7</p> <p>Chapter 8</p> <p>Chapter 9</p> <p>Chapter 10</p>
<p>WEEK 3</p> <p>CONTRACTS</p> <p>PART 2</p>	<p>Contracts (2):</p> <ul style="list-style-type: none"> ▪ The Failure to Create an Enforceable Contract; Mistake, Misrepresentation and Undue Influence ▪ The Extent of Contractual Rights; Privity; Assignment ▪ The Performance of Contractual Obligations; Discharge; ▪ Breach of Contract and Remedies for Breach; Fundamental Breach; Remedies; Damages; Mitigation; Specific Performance; Enforcement of Judgments 	<p>Chapter 11</p> <p>Chapter 12</p> <p>Chapter 13</p> <p>Chapter 14</p>

TOPICS COVERED

READINGS AND CASES

<p>WEEK 4</p> <p>TORTS AND PROFESSIONAL LIABILITY</p>	<p>Torts:</p> <p>Intentional Torts, Business and Related Torts & Crimes, Unintentional Torts, Vicarious Liability, Negligence, the Concept of Foreseeability, Manufacturer's Liability, Tort Defenses, Remedies, Professional Standards and Professional Obligations, Professional-Client Relationships</p>	<p>Chapter 4</p> <p>Chapter 5</p> <p>Chapter 6</p>
<p>PART TWO:</p> <p>SPECIAL LEGAL RIGHTS & RELATIONSHIPS</p> <p>WEEK 5</p> <p>SECURITY FOR DEBT, NEGOTIABLE INSTRUMENTS AND INTERNATIONAL LAW</p>	<ul style="list-style-type: none"> ▪ Security for Debt: Forms, Statutory Protection for Creditor Security, Priorities ▪ Negotiable Instruments: Bills of Exchange, Cheques, Promissory Notes, Defences, Consumer Protection and Negotiable Instruments ▪ 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* 	<p>Chapter 29</p> <p>Chapter 28</p> <p>Chapter 33</p>
<p>WEEK 6</p> <p>ASSIGNMENT</p>	<p>MID TERM ASSIGNMENT</p> <p>Assignment will be given out during Week 6.</p>	<p>This test will cover all the material discussed in Weeks 1 – 5 (above) including textbook, power points, lecture notes and any supplementary material assigned for study.</p>
<p>PART THREE:</p> <p>BUSINESS ORGANIZATIONS</p> <p>WEEK 7</p> <p>FORMS OF BUSINESS</p> <p>PART 1</p>	<p>Business Organizations Other Than Corporations:</p> <p>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</p>	<p>Chapter 16</p>
<p>WEEK 8</p> <p>FORMS OF BUSINESS</p> <p>PART 2</p>	<p>Business Organizations: The Corporation: Nature of a Corporation, Obtaining a Corporate Name, Methods of Incorporation, The Indoor Management Rule, Articles of Incorporation, The Incorporation Process, Shareholders' Agreements, Corporate Securities,</p>	<p>Chapter 17</p>

TOPICS COVERED

READINGS AND CASES

(CONT ...)	Division of Corporate Powers, The Taxation of Corporations, Duties and Responsibilities of Directors, Director's Liability, Defense of Due Diligence, <i>Sarbanes Oxley Act</i> , Shareholders' Rights, Purchase and Sale of a Corporation	
<p>PART THREE: MISCELLANEOUS BUSINESS LAW WEEK 9</p> <p>AGENCY, BAILMENT AND EMPLOYMENT LAW</p>	<ul style="list-style-type: none"> ▪ Employment Law: Contract of Employment, Dismissal and Wrongful Dismissal, Employer Misrepresentation, Employer Liability to Third parties, Employer Liability for Employee's Injuries ▪ 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 	<p>Chapter 9 (pp.166-168 only)</p> <p>Chapter 19</p> <p>Chapter 15</p> <p>Chapter 20</p>
<p>WEEK 10</p> <p>GOVERNMENT REGULATION OF BUSINESS: SALE OF GOODS CONSUMER PROTECTION RESTRICTIVE TRADE PRACTICES ENVIRONMENTAL LAW</p>	<ul style="list-style-type: none"> ▪ Sale of Goods: Codification of the Law, Nature of a Contract of Sale, Contractual Duties, Remedies, Electronic Sale of Goods ▪ 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 ▪ 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 ▪ Environmental Law: Common Law, Environmental Legislation, “The Polluter Pays” Principle, Responsibility for Contamination 	<p>Chapter 21</p> <p>Chapter 27</p> <p>Chapter 32</p> <p>Chapter 34</p>
<p>WEEK 11</p> <p>REAL PROPERTY LAW MORTGAGES</p>	<ul style="list-style-type: none"> ▪ Real Property Law: Easements, Restrictive Covenants, Title to Land, Registration of Property Interests ▪ Mortgages: Priorities, Rights and Duties of the Parties, Special Clauses, Discharge of Mortgage, Assignment, 	<p>Chapter 22</p> <p>Chapter 23</p>

TOPICS COVERED

READINGS AND CASES

LEASEHOLD INTERESTS	Sale of Mortgaged Property, Default: Foreclosure and Sale, Business Applications of Mortgage Security <ul style="list-style-type: none"> ▪ 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 	Chapter 24
WEEK 12 INTELLECTUAL PROPERTY LAW	Intellectual Property Law: Patents, Trademarks, the Trademarks Act, Franchises, Copyright, the Copyright Act	Chapter 26
EXAM PERIOD	FINAL EXAMINATION 3.0 hours The specific exam date for this class to be announced by Course Director. Please check Course Website regularly!	The final examination covers the entire course (all chapters)

RELEVANT UNIVERSITY REGULATIONS

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>

As communicated to the University community on March 13, 2020, Senate Executive has agreed to **waive until further notice the requirement for students to submit an Attending Physician's Statement in support of a request for deferred standing or petitions**

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

<https://sas.laps.yorku.ca/students/links/>

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

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.**