

**YORK UNIVERSITY  
SCHOOL OF ADMINISTRATIVE STUDIES  
AP/ADMS 3820 3.0, SECTION M, REAL ESTATE LAW  
WINTER 2024**

Day: Tuesday  
Time: 7:00 p.m. to 10:00 p.m.  
Office Hours: Tuesday – After Class

Course Director: Professor J. Jung  
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### **COURSE DESCRIPTION**

This course introduces students to the world of real property law by studying the concepts of contracts related to purchase agreements, leases, mortgages and condominiums. Also covered are topics of property interest, like easements and fixtures; the impact of concerns, such as, zoning procedures, environmental problems and expropriation.

### **COURSE OVERVIEW**

In one's lifetime, the most expensive investment and single largest legal transaction one will be involved in is the purchase of a house. For some, real estate becomes an attractive investment, either through speculation on the capital increased value of a property or through a rental property which will provide an income and possible capital appreciation.

Many people take it for granted that it is a simple process to buy and sell real estate (residential, commercial or industrial). Little do they appreciate the complexities of the law as it applies to a real estate transaction. From understanding the rules of contract to the increasing role of the State through environmental, planning and consumer protection legislation does one start to understand the minefields which potentially can impact upon and affect real estate.

This course will attempt to make the student appreciate the complexity of real estate transactions from how to structure the deal to the specialty transactions of rural properties and new residential homes.

What questions and concerns should be considered and why the real estate and construction industry and its offshoots play a significant role in our economy and employ thousands of people should stimulate one's interest in the potentials involved with real estate.

**REQUIRED TEXT**

Contemporary Canadian Business Law 12<sup>th</sup> Edition, John A. Willes and John H. Willes

Article on Condominiums by John Zeiler, from Readings in Canadian Real Estate 4<sup>th</sup> edition, Gavin Arbuckle and Henry Bartel

**MARKING SCHEME**

Attendance/Participation	10%
Midterm Exam	40%
Final Exam	<u>50%</u>
Total	100%

## LECTURE 1

JAN. 9<sup>th</sup>

Historical roots of Canadian real estate

Understanding real estate

Laws-its role as it relates to Real Property

Government-- tiered power and its role as it relates to real property

Historical roots of the development of the law of real property

Estates in Land

***Contemporary Canadian Business Law 12<sup>th</sup> Edition, John A. Willes and John H. Willes – Ch.1, pages 2-27 and Ch. 22, pages 499-504***

## LECTURE 2

JAN 16<sup>th</sup>

A further analysis of the composition of real estate interests

joint tenancy and tenancy in common

other real property interests

–easements, restrictive covenants, rights of ways

–chattels and fixtures

***Contemporary Canadian Business Law 12<sup>th</sup> Edition, John A. Willes and John H. Willes Ch. 22, pages 511-513 and 517-520***

**LECTURE 3, 4, 5, and 6**

**JAN. 23<sup>rd</sup>, JAN 30<sup>th</sup>, FEB.6<sup>th</sup>, FEB 13<sup>th</sup>**

How do I-buy real estate-the agreements you confront

listing agreement  
agreement of purchase and sale

understanding contracts-from its formation to its performance or breach from the perspective of a real estate transaction

offer  
acceptance  
consideration  
intention  
legality  
capacity  
fraud and mistake  
remedies

***Contemporary Canadian Business Law 12<sup>th</sup> Edition, John A. Willes and John H. Willes – Ch.7, pages 134-157; Ch.8, pages158-168; Ch.9, pages 176-184; Ch.10, pages 204-208, 212-218; Ch.11, 224-245; Ch. 12, 246-252; Ch. 13, 262-281; Ch. 14, pages 282-307***

**LECTURE 7**

**FEB 27<sup>th</sup>**

MID TERM EXAM

rights and obligations for various ways title is held to real property  
partnership  
corporation  
personal

***Contemporary Canadian Business Law 12<sup>th</sup> Edition, John A. Willes and John H. Willes – Ch. 16, pages331-340; Ch. 17, 353-357***

## LECTURE 8

MAR 5<sup>th</sup>

Law of Agency  
Listing Agreements/  
dual agency Principal/ agent/  
third party

how established agreement; conduct; law/necessity; ratification  
duties of the agent—  
disclosure  
loyalty  
conflicts  
non delegation  
accountability for funds  
perform to standards

third parties and agency relationships

liability of principal and  
agent vicarious liability

terminating principal/agency relationship

***Contemporary Canadian Business Law 12<sup>th</sup> Edition, John A. Willes and  
John H. Willes – Ch. 15, pages 310-324***

## LECTURE 9

MAR. 12<sup>th</sup>

Leases

how created  
residential/non residential

types of leases

how to terminate a lease  
surrender  
notice to quit  
contract

assignment/ sub tenancy

rights and duties of the landlord

quiet enjoyment

tenant's duties

rights of landlord in breach-distress  
re-entry  
damages

rights of tenant in breach

***Contemporary Canadian Business Law 12<sup>th</sup> Edition, John A. Willes and John H. Willes – Ch. 24, pages 548-561***

## LECTURE 10

MAR. 19<sup>th</sup>

Condominiums units/ common elements  
documents involved  
declaration  
description  
by-laws  
house rules

maintenance and repairs

insurance

budget and reserve funds

condominium corporation and board of directors

enforcing the rules

status certificate

purchasing and transferring a condo unit

creating the condo-consumer rights —protecting the  
buyer commercial co-ops how they differ from  
condominiums

**Article on Condominiums by John Zeiler, from Readings in *Canadian Real Estate 4th* edition, Gavin Arbuckle and Henry Bartel**

***Contemporary Canadian Business Law 12<sup>th</sup> Edition, John A. Willes and John H. Willes – Ch. 22, pages 504-508***

## LECTURE 11

MAR. 26<sup>th</sup>

Government's role in real property transferring an interest in land

Teraview-electronic  
registration land titles/  
registry system

***Contemporary Canadian Business Law 12<sup>th</sup> Edition, John A. Willes and John H. Willes – Ch. 22, pages 508-511***

## LECTURE 12

APR. 2<sup>nd</sup>

Financing the deal  
mortgages

duties of the mortgagor  
privileges to negotiate  
priorities  
assignment/assumption of a mortgage  
discharge of a mortgage types of payments

default  
acceleration  
clause

power of sale  
foreclosure  
judicial sale  
possession  
other remedies

caveat emptor

some environmental concerns

types of compensation

***Contemporary Canadian Business Law 12<sup>th</sup> Edition, John A. Willes and John H. Willes – Ch. 23, pages 526-540; Ch.34 pages 769-779***

## Course Policies

All students are expected to familiarize themselves with the following information:

- [Student Rights & Responsibilities](#)
- [Academic Accommodation for Students with Disabilities](#)

**Please also review the following course policies:**

### Academic Integrity

As a student at York University, you have a responsibility to both understand and uphold the integrity of the academic experience. The Faculty of Liberal Arts & Professional Studies supports the International Center for Academic Integrity's [definition of academic integrity](#). That is, you will be committed to acting in all academic matters, even in the face of adversity, with honesty, trust, fairness, courage, respect and responsibility. Here is how you can demonstrate academic integrity in the completion of this course:

- **Respect the ideas of others:** Your course work should represent your own knowledge and ideas. [You should not falsely claim credit for ideas that are not your own, by presenting another's work as yours](#). If you are quoting, paraphrasing, or summarizing another person's work in order to support your own ideas, identify the work and the author through proper citation practices. For more information about how to cite properly, use the [Student Papers and Academic Research Kit](#) (SPARK). You can improve your writing, research, and personal learning abilities through the [Learning Commons](#), or by visiting the [Writing Centre](#) or [ESL Open Learning Centre](#).
- **Respect your peers:** [Know when you are allowed to collaborate](#). Ask your instructor about what group work entails when it comes to the [sharing of work](#). In test situations and assignments, don't steal or give answers to your peers, whether in-person or online (e.g., in group chats and/or on [third-party content-sharing websites](#), such as Chegg, Course Hero, etc.). Both cheating and aiding in a breach of academic honesty are violations of York University's academic honesty policy.
- **Respect your course instructor(s):** Understand what your instructors are asking of you in class, as well as on assignments, tests and/or exams. If you are unsure, ask your professor or teaching assistant. They are committed to making you feel supported and want to assess you fairly and with integrity. Please do not submit the same piece of work for more than one course without your instructor's permission. That can be considered an act of cheating.
- **Respect yourself:** When you act with integrity, you know that your work is yours and yours alone. You do not allow others to take tests for you. [You do not buy or otherwise obtain term papers or assignments](#). You do the work. As a result, you know that you *earned* the grades that you receive, so you can be proud of your York degree. By acting with integrity in your course work, you are also practising a valuable professional skill that is important in all workplaces.
- **Take responsibility:** If you have acted in an academically dishonest way, you can demonstrate courage and take responsibility for your mistake. You can admit your mistake to your course instructor as soon as possible.

Students who engage in academic dishonesty can be subject to disciplinary action under the [Senate Policy on Academic Honesty](#). Your lack of familiarity with the Senate Policy does not constitute a defense against its application. Some academic offences can also constitute offences under the [Criminal Code of Canada](#), which means that you may also be subject to criminal charges.

### **Accessibility**

While all individuals are expected to satisfy the requirements of their program of study and to aspire to achieve excellence, the University recognizes that persons with disabilities may require reasonable accommodation to enable them to perform at their best. The University encourages students with disabilities to register with [Student Accessibility Services](#) to discuss their accommodation needs as early as possible in the term to establish the recommended academic accommodations that will be communicated to Course Directors through their Letter of Accommodation (LOA).

Please let your instructor know as early as possible in the term if you anticipate requiring academic accommodation so that we can discuss how to consider your accommodation needs within the context of this course. Sufficient notice is needed so that reasonable steps for accommodation can be discussed. Accommodations for tests/exams normally require three (3) weeks (or 21 days) before the scheduled test/exam to arrange.

### **Religious Observance Accommodation**

York University is committed to respecting the religious beliefs and practices of all members of the community, and making reasonable and appropriate [accommodations to adherents for observances of special significance](#). Should any of the dates specified in this syllabus for course examinations, tests, or deadlines conflict with a date of religious significance, please contact the instructor within the first three (3) weeks of class. If the date falls within the formal examination periods, you must complete and submit a [Religious Accommodation for Examination Form](#) at least three (3) weeks before the start of the exam period.

### **Intellectual Property**

Course materials are designed for use as part of this particular course at York University and are the intellectual property of the instructor unless otherwise stated. Third-party copyrighted materials (such as book chapters, journal articles, music, videos, etc.) have either been licensed for use in this course or fall under an exception or limitation in Canadian copyright law. Students may not publish, post on an Internet site, sell, or otherwise distribute any course materials or work without the instructor's express permission. Course materials should only be used by students enrolled in this course.

Copying this material for distribution (e.g., uploading material to a commercial third-party website) may lead to a charge of misconduct according to York's [Code of Student Rights and Responsibilities](#), the [Senate Policy on Academic Honesty](#), and/or legal consequences for copyright violations.

## Student Conduct in the Learning Environment

York University is committed to fostering teaching and learning environments that are free of disruptive and/or harassing behaviour, are physically safe, and conducive to effective teaching and learning. Students and instructors are expected to maintain a professional relationship characterized by courtesy, civility, and mutual respect and to refrain from actions disruptive to such a relationship. Individuals who fail to adhere to such standards and who violate University or public law may be subject to disciplinary action by the University.

For more information, see the policies on [Disruptive and/or Harassing Behaviour in Academic Situations](#) and [Student Conduct and Responsibilities](#), as well as the [Code of Student Rights & Responsibilities](#).

## Student Support and Resources

To help you succeed academically, York University offers a wide range of resources and services. Everything from writing workshops and peer mentorship to wellness support and career guidance is available to fulfill our LA&PS students' needs. Explore the links below to access these on-campus resources:

- [Academic Advising](#) is available to provide students support and guidance in making academic decisions and goals.
- [Student Accessibility Services](#) are available for support and accessibility accommodation when required.
- [Student Counselling, Health & Wellbeing](#) offers workshops, resources, and counselling to support your academic success.
- [Peer-Assisted Study Sessions \(PASS\) Program](#) provides student study sessions for students to collaborate and enhance their understanding of course content in certain courses.
- [Student Numeracy Assistance Centre at Keele \(SNACK\)](#) supports students in courses involving math, stats, and Excel.
- [The Writing Centre](#) provides multiple avenues of writing-based support including drop-in sessions, one-to-one appointments, a Multilingual Studio, and an Accessibility Specialist.
- [ESL Open Learning Centre \(OLC\)](#) supports students with building proficiency in reading, writing, and speaking English.
- [Learning Skills Services](#) provides tips for time management, effective study and learning habits, keeping up with coursework, and other learning-related supports.
- [Learning Commons](#) provides links to supports for time management, writing, study skills, preparing for exams, and other learning-related resources.

- [Roadmap to Student Success](#) provides students with timely and targeted resources to help them achieve academic, personal, and professional success.
- [Office of Student Community Relations \(OSCR\)](#) is responsible for administering the [Code of Student Rights & Responsibilities](#) and provides critical incident support.
- [goSAFE](#) is staffed by York students and can accompany York community members to and from any on-campus location, such as the Village Shuttle pick-up hub, parking lots, bus stops, or residences.

For a full list of academic, wellness, and campus resources visit [Student Support & Resources](#).