
ACKNOWLEDGEMENT

UBC's Point Grey Campus is located on the traditional, ancestral, and unceded territory of the *xwməθkwəyəm* (Musqueam) people. The land it is situated on has always been a place of learning for the Musqueam people, who for millennia have passed on in their culture, history, and traditions from one generation to the next on this site.

COURSE INFORMATION

Course Title	Course Code Number	Credit Value
Canadian Private Law: Contractual Obligations & Remedies	LAW 515.001	5

CONTACTS

Course Instructor(s)	Contact Details	Office Location	Office Hours
Robert Russo	russo@allard.ubc.ca	ALRD 346	By Appointment, In-Person/via Zoom

COURSE STRUCTURE

This course will be taught in-person. Students should bring a laptop/tablet to class for in-class quizzes.

Class Dates: May 9 – June 8, 2023

Location: ALLARD Room 105

Class Time: Tuesdays & Thursdays, 9-5pm Classes will have morning and afternoon breaks and a lunch break.

Final Exam: June 13, 9am, ALLARD ROOMS 105 & 115

COURSE MATERIALS

The required textbooks for this course:

- B MacDougall, *Introduction to Contracts*, 5th ed. (Toronto: LexisNexis, 2022)
- S Ben-Ishai & D Percy, *Contracts: Cases and Commentaries*, 10th ed., (Toronto: Thomson Reuters, 2018)

The books may be purchased at UBC Bookstore for approximately \$330. Used copies may be available.

Prior editions of textbooks may be used but page numbers may differ and some newer cases may be omitted.

LEARNING OUTCOMES

This course will provide the foundation necessary to critically engage in legal issues arising from agreements voluntarily entered into by two or more parties. It will examine historical, contemporary and hypothetical cases, resulting in a thorough understanding of the formation of contracts, the factors affecting their continued existence and the remedies available for breach of contract. Students will become equipped for further work in many related areas of law.

LEARNING ACTIVITIES

Class format is primarily lecture and discussion of assigned topics and cases. Students will be expected to brief case law and engage in discussion of weekly topics. Weekly quizzes will be assigned and expected to be completed in-class. Completion of these quizzes also assists in learning the material. The quizzes are also designed to provide me with feedback on what topics may require more time and attention in class. Students should bring a laptop/tablet to class as quizzes will be completed on Canvas. Students should note that this course covers a semester's content in a much more compressed time period. There is a fair amount of reading although most cases have short excerpts.

ASSESSMENTS OF LEARNING

Students will be assessed according to the following scheme:

- Participation (student case briefs): (minus 5% from course grade for Incomplete)
- In-Class Quizzes (completed on Canvas): 10%
- Final Examination: 90%

For the Participation mark, each student is expected to brief/summarize at least one case to the class during the course. The instructor may call on students to give a case brief or ask for volunteers. The instructor will also brief a few cases at the beginning of the course as examples. The Participation component of the course is graded on a Complete/Incomplete basis. For students who do not give at least one case brief during the course, 5% will be deducted from the final course mark.

Quizzes (10%)

There will be weekly quizzes, consisting of multiple-choice, true/false type questions. The quizzes review the weekly topics and cases and will be completed in-class on Canvas. Completion of these quizzes also assists in learning the material. The marks from the quizzes will be scaled to 15% of the final course mark. Unless a student has an authorized absence, each quiz must be completed in class.

Final Exam (90%)

The final exam for the course will be an open-book exam, meaning you can use any written materials from the course such as your lecture notes or textbooks. Use of electronic notes, texts, or other materials are not permitted by Allard law exam rules. You will have three hours to write the exam.

SCHEDULE OF TOPICS

The references to MacDougall are to pages or chapters in the book Introduction to Contracts.

Date:	Topic	Text Readings
Week 1: May 3 & 5	Introduction to Law of Contracts Formation of the Contract – Offer & Acceptance	<ul style="list-style-type: none">• MacDougall, pp 1-18• MacDougall, Ch. 1 • MacDougall, Ch. 3 & 4
Week 2: May 10 & 12	Formation of the Contract – Terms & Legal Relations Enforceability Issues	<ul style="list-style-type: none">• MacDougall, Ch 7-8 • MacDougall, Ch 6• pp 67-69; 135-139
Week 3: May 17 & 19	Content of the Contract Extending & Limiting Liability	<ul style="list-style-type: none">• MacDougall, Ch. 10-11, 22 • MacDougall, Ch. 12, 14
Week 4: May 24 & 26	Excuses for Contractual Non-Performance	<ul style="list-style-type: none">• MacDougall, Ch 13, 15-16, 21 • MacDougall, Ch. 17-19

<p>Week 5: May 31 & June 2</p>	<p>Remedies</p>	<ul style="list-style-type: none"> • MacDougall, pp 351-354 • MacDougall, Ch. 23 • MacDougall, Ch. 24
---	-----------------	--

The following are weekly case law reading excerpts. Page references are to the Ben-Ishai & Percy casebook.

<p>Week 1</p> <ul style="list-style-type: none"> • <i>Canadian Dyers Assn. Ltd. v Burton</i> 20 • <i>Pharmaceutical Society v Boots</i> 23 • <i>Carlill v Carbolic Smoke Ball Co</i> 28 • <i>Williams v Carwardine</i> 48 • <i>R. v Clarke</i> 50 • <i>Byrne v Van Tienhoven</i> 103 • <i>Dickinson v Dodds</i> 99 • <i>Carlill v Carbolic Smoke Ball Co</i> 28 • <i>Errington v Errington and Woods</i> 104 • <i>Livingstone v Evans</i> 53 • <i>Barrick v Clark</i> 106 • <i>Butler Machine Tool v Ex-cell-o Corp</i> 56 • <i>Felthouse v Bindley</i> 73 • <i>Brinkibon v Stahag Stahl</i> 89 • <i>May & Butcher v R</i> 122 • <i>Hillas v Arcos (HL)</i> 124 • <i>Foley v Classique Coaches Ltd</i> 129 • <i>Empress v Bank of Nova Scotia</i> 136 • <i>Mannpar Enterprises v Canada</i> 138 • <i>Balfour v Balfour</i> 244 • <i>Rose and Frank v JR Crompton Bros</i> 248 <p>Week 2</p> <ul style="list-style-type: none"> • <i>Royal Bank v Kiska</i> 254 • <i>Thomas v Thomas</i> 173 • <i>B (D.C.) v Arkin</i> 175 • <i>Eastwood v Kenyon</i> 170 • <i>Lampleigh v Brathwait</i> 172 • <i>Pao On v Lau Yiu Long</i> 180 • <i>Gilbert Steel v University Constr</i> 185 • <i>Greater Fredericton Airport v NAV Canada</i> 198 • <i>Foakes v Beer</i> 190 • <i>Foot v Rawlings</i> 194 • <i>Central London Property v High Trees</i> 215 • <i>John Burrows v Subsurface Surveys</i> 218 • <i>D & C Builders v Rees</i> 221 • <i>Combe v Combe</i> 233 • <i>M(N) v A(AT)</i> 238 • <i>Tweddle v Atkinson</i> 286 • <i>Dunlop Pneumatic Tyre v Selfridge's</i> 287 • <i>Beswick v Beswick (CA)</i> 293 • <i>Beswick v Beswick (HL)</i> 295 • <i>London Drugs v Kuehne & Nagel</i> 309 • <i>Fraser River Pile v Can-Dive Services</i> 319 • <i>Gallen v Allstate Grain Co</i> 433 <p>Week 3</p> <ul style="list-style-type: none"> • <i>Heilbut, Symons & Co. v Buckleton</i> 376 • <i>Leaf v International Galleries</i> 383 • <i>Hong Kong Fir v Kawasaki Kisen Kaisha</i> 448 • <i>Wickman v Schuler</i> 456 • <i>Fairbanks v Sheppard</i> 475 	<p>Week 3 (cont'd)</p> <ul style="list-style-type: none"> • <i>Machtinger v Hoj</i> 521 • <i>Thornton v Shoe Lane Parking</i> 494 • <i>McCutcheon v David MacBrayne</i> 504 • <i>Tilden Rent-a-Car v Clendenning</i> 508 • <i>Karroll v Silver Star Mountain Resorts</i> 512 • <i>Photo Production v Securicor</i> 536 • <i>Tercon Contractors v BC</i> 537 <p>Week 4</p> <ul style="list-style-type: none"> • <i>Redgrave v Hurd</i> 359 • <i>Smith v Land and House Property Corp.</i> 363 • <i>Kupchak v Dayson Holdings</i> 368 • <i>Smith v Hughes</i> 554 • <i>Bell v Lever Bros.</i> 568 • <i>Solle v Butcher</i> 580 • <i>McRae v CDC</i> 573 • <i>Great Peace Shipping v Tsavlis Salvage</i> 583 • <i>Miller Paving v B Gottardo Constr</i> 589 • <i>Shogun Finance v Hudson</i> 594 • <i>Saunders v Anglia Bldg. Socy</i> 602 • <i>Marvco Color v Harris</i> 604 • <i>Sylvan Lake Golf v Performance Industries</i> 614 • <i>Canada v Fairmont Hotels</i> 623 • <i>Greater Fredericton Airport v NAV Canada</i> 686 • <i>Geffen v Goodman Estate</i> 701 • <i>Morrison v Coast Finance</i> 719 • <i>Harry v Kreutziger</i> 732 • <i>KRG Insurance Brokers v Shafron</i> 750 • <i>Still v Minister of National Revenue</i> 768 • <i>Paradine v Jane</i> 639 • <i>Taylor v Caldwell</i> 640 • <i>Davis Contractors v Fareham UDC</i> 645 • <i>Capital Quality Homes v Colwyn Const.</i> 650 • <i>Victoria Wood v Ondrey</i> 652 • <i>Maritime National Fish v Ocean Trawlers</i> 668 <p>Week 5</p> <ul style="list-style-type: none"> • <i>Hart v O'Connor</i> 744 • <i>Fuller and Purdue</i> 789 • <i>McRae v CDC</i> 799 • <i>Sunshine Vacation Villas v The Bay</i> 808 • <i>Attorney-General v Blake</i> 812 • <i>Chaplin v Hicks</i> 822 • <i>Groves v John Wunder</i> 824 • <i>Jarvis v Swans Tours</i> 843 • <i>Hadley v Baxendale</i> 883 • <i>Victoria Laundry v Newman</i> 885 • <i>Koufos v Czarnikow (The Heron II)</i> 892 • <i>Southcott Estates v Toronto Catholic School.</i> 911 • <i>Semelhago v Paramadevan</i> 905 • <i>Shatilla v Feinstein</i> 921 • <i>H.F. Clarke Ltd. v Thermidaire</i> 925
--	---

<ul style="list-style-type: none">• <i>Sumpter v Hedges</i> 479• <i>Bhasin v Hrynew</i> 462	<ul style="list-style-type: none">• <i>J.G. Collins Insurance v Elsley</i>..... 933• <i>Stockloser v Johnson</i>..... 935• <i>John Dodge Holdings v 805062 Ontario</i> 944• <i>Warner Bros. v Nelson</i>..... 951
--	--

UNIVERSITY POLICIES

UBC provides resources to support student learning and to maintain healthy lifestyles but recognizes that sometimes crises arise and so there are additional resources to access including those for survivors of sexual violence. UBC values respect for the person and ideas of all members of the academic community. Harassment and discrimination are not tolerated nor is suppression of academic freedom. UBC provides appropriate accommodation for students with disabilities and for religious observances. UBC values academic honesty and students are expected to acknowledge the ideas generated by others and to uphold the highest academic standards in all of their actions.

Details of the policies and how to access support are available on [the UBC Senate website](#).

OTHER COURSE POLICIES

When engaging in discussions keep in mind that an inclusive, respectful, and diverse environment for discussion is crucial to the work in this course. Please ensure that all class members feel welcomed and equally able to contribute to class discussions. I encourage vigorously exploring and explaining views, but always endeavour to be respectful in language, choice of examples, and the manner in which discussions are conducted.

LEARNING RESOURCES

UBC's Learning Commons is physically located in the Ike Barber building, but many of its resources are available online at: <http://learningcommons.ubc.ca/> . The Commons provides academic and wellness support to students, and has very specific support services for improving writing skills and citing sources. The Writing Centre, which is part of the Learning Commons, offers free writing support for all UBC students. The support includes: one-on-one tutoring, self-learning resources available online, and workshops. This is a great resource for those of you who may need assistance with basic writing skills.

COPYRIGHT

All materials of this course (course website materials, lecture slides, quizzes, etc.) are the intellectual property of the Course Instructor or licensed to be used in this course by the copyright owner. Redistribution of these materials by any means without permission of the copyright holder(s) constitutes a breach of copyright and may lead to academic discipline.

Students may record classes for course study use only.

Version: November 2022