



## COURSE OUTLINE

### **BLAW300 COMMERCIAL LAW**

**3.0 CREDITS**

PREPARED BY: Peter Morawsky, Instructor

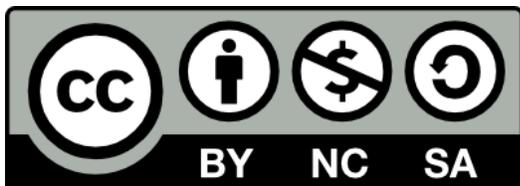
DATE: September 21, 2020

APPROVED BY: Ernie Prokopchuk, Interim Dean

DATE: September 24, 2020

APPROVED BY SENATE: Click or tap to enter a date

RENEWED BY SENATE: Click or tap to enter a date



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## COMMERCIAL LAW

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**INSTRUCTOR:** Peter Morawsky  
**OFFICE LOCATION:** N/A  
**E-MAIL:** [pmorawsky@yukonu.ca](mailto:pmorawsky@yukonu.ca)  
**TELEPHONE:** N/A

**OFFICE HOURS:** By appointment  
**CLASSROOM:** On-Line Platform  
**TIME:** 6:00 to 8:55pm  
**DATES:** Tuesdays (Sept. 1 to Dec. 8)

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### 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 give an introduction to - and 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.

### PREREQUISITES

None

### RELATED COURSE REQUIREMENTS

This course is online and requires a computer with internet access.

### EQUIVALENCY OR TRANSFERABILITY

Receiving institutions always determine course transferability. Further information and assistance with transfers may be available from the School of Business and Leadership.

### LEARNING OUTCOMES

Upon successful completion of the course, students will be able to describe 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 college 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 online 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.

The link to the weekly class can accessed here: <https://yukonu-ca.zoom.us/j/92513769131>

### **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.**

Assignments

Additionally, students will be assigned case law or Yukon statutes to read. That material will be sourced from publicly available web sites and will be illustrative of concepts and principles developed from the text. **Students will be responsible for obtaining and reading the case law or Yukon statutes.**

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

Other

**EVALUATION:**

Participation	10%
Quizzes	25%
Midterm Exam	25%
Final Exam	40%
Total	100%

**REQUIRED TEXTBOOKS AND MATERIAL**

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.

**ACADEMIC AND STUDENT CONDUCT**

Information on academic standing and student rights and responsibilities can be found in the current Academic Regulations that are posted on the Student Services/ Admissions & Registration web page.

**PLAGIARISM**

Plagiarism is a serious academic offence. Plagiarism occurs when a student submits work for credit that includes the words, ideas, or data of others, without citing the source from which the material is taken. Plagiarism can be the deliberate use of a whole piece of work, but more frequently it occurs when students fail to acknowledge and document sources from which they have taken material according to an accepted manuscript style (e.g., APA, CSE, MLA, etc.). Students may use sources which are public domain or licensed under Creative Commons; however, academic documentation standards must still be followed. Except with explicit permission of the instructor, resubmitting work which has previously received credit is also considered plagiarism. Students who plagiarize material for assignments will receive a mark of zero (F) on the assignment and may fail the course. Plagiarism may also result in dismissal from a program of study or the University.

### **YUKON FIRST NATIONS CORE COMPETENCY**

Yukon University recognizes that a greater understanding and awareness of Yukon First Nations history, culture and journey towards self-determination will help to build positive relationships among all Yukon citizens. As a result, to graduate from ANY Yukon University program, you will be required to achieve core competency in knowledge of Yukon First Nations. For details, please see [www.yukonu.ca/yfnccr](http://www.yukonu.ca/yfnccr).

### **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. If a student requires an academic accommodation, they should contact the Learning Assistance Centre (LAC): [lac@yukonu.ca](mailto:lac@yukonu.ca).

**TOPIC OUTLINE**

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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:
Sept 8/20	1	<b>Introduction:</b> <ul style="list-style-type: none"> <li>• Review of course objectives</li> </ul> <b>Law in its Social and Business Context:</b> <ul style="list-style-type: none"> <li>• Law, Society and Business</li> <li>• Machinery of Justice</li> <li>• Government Regulation of Business</li> </ul>	Chapters 1, 2 & 3
Sept 15/20	2	<b>Torts:</b> <ul style="list-style-type: none"> <li>• Law of Torts</li> <li>• Professional Liability</li> </ul> <b>Case:</b> O'Neill v. City of Whitehorse, 2006 YKSM 1	Chapters 4 & 5
Sept 22/20	3	<b>Contracts:</b> <ul style="list-style-type: none"> <li>• Formation:                             <ul style="list-style-type: none"> <li>○ Offer &amp; Acceptance</li> <li>○ Consideration &amp; Intention</li> <li>○ Capacity &amp; Legality</li> </ul> </li> </ul>	Chapters 6, 7, & 8

**DIVISION OF APPLIED SCIENCE AND MANAGEMENT****BLAW300****Commercial Law****3.0 Credits****Fall, 2020**

<b>Class Date:</b>	<b>Week:</b>	<b>Topic:</b>	<b>References:</b>
		<b>Case:</b> Ernewein v. Yankee Hat Minerals Ltd., 2011 YKSM 01  <b>Case:</b> Duplisea v. Wilson, 2018 YKSM 3	
Sept 29/20	4  Quiz 1 Chapters 1 to 5	<b>Contracts:</b> <ul style="list-style-type: none"><li>• Mistake &amp; Misrepresentation</li><li>• Writing &amp; Interpretation</li><li>• Privity</li></ul> <b>Case:</b> Mollet v. Craven, 2014 YKSM 6  <b>Case:</b> 40419 Yukon Inc. v. 365334 Alberta Limited, 2017 YKSM 8	Chapters 9, 10, & 11
Oct 6/20	5  Quiz 2 Chapters 6 to 11	<b>Contracts:</b> <ul style="list-style-type: none"><li>• Discharge</li><li>• Breach &amp; Remedies</li></ul> <b>Case:</b> Cobalt v. Kluane FN, 2014 YKSC 40  <b>Case:</b> Skky Hotel Inc. v. Yukon Gardens Ltd., 2017 YKSM 4	Chapters 12, & 13
Oct 13/20	6	<b>Special Types of Contracts:</b> <ul style="list-style-type: none"><li>• Sale of Goods</li><li>• Bailment &amp; Leasing</li><li>• Insurance and Guarantee</li></ul> <b>Case:</b> Wilkinson v. Watson Lake Motors and Aviva Insurance Company of Canada, 2010 YKSC 1	Chapters 14, 15, & 16

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<b>Class Date:</b>	<b>Week:</b>	<b>Topic:</b>	<b>References:</b>
		<b>Case:</b> Volare Eurobar Inc. v. Sim, 2017 YKSM 1	
Oct 20/20	7  Quiz 3 Chapters 12 to 16	<b>Special Types of Contracts:</b> <ul style="list-style-type: none"> <li>• Agency &amp; Franchising</li> <li>• Employment</li> <li>• Banking and Negotiable Instruments</li> </ul> <b>Case:</b> Jones v. Yukon (Highways and Public Works), 2020 YKSM 1  <b>Case:</b> Jones v. Yukon (Highways and Public Works), 2020 YKSM 1	Chapters 17, 18 & 19
<p><b>TAKE HOME EXAM:</b></p> <p>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.</p>			
Oct 27/20	8	<b>Property:</b> <ul style="list-style-type: none"> <li>• Intellectual Property</li> <li>• Interests in land</li> </ul> <b>Case:</b> Canivate Growing Systems Ltd. v. Brazier, 2020 BCSC 232  <b>Case:</b> Jones v. Duval, 2020 YKSC 10	Chapters 20, 21,
Nov 3/20	9	<b>Property:</b> <ul style="list-style-type: none"> <li>• Landlord and Tenant</li> </ul>	Chapters 22, & 23

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<b>Class Date:</b>	<b>Week:</b>	<b>Topic:</b>	<b>References:</b>
	Mid-terms due  Quiz 4 Chapters 17 to 21	<ul style="list-style-type: none"> <li>• Mortgages</li> </ul> <p><b>Case:</b> 37504 Yukon Inc. (Sam n' Andy's) v. 46249 Yukon Inc., 2014 YKSM 4</p> <p><b>Business Organizations:</b></p> <ul style="list-style-type: none"> <li>• Proprietorships &amp; Partnerships</li> </ul>	Chapter 24
Nov 10/20	10	<p><b>Business Organizations:</b></p> <ul style="list-style-type: none"> <li>• Companies:                             <ul style="list-style-type: none"> <li>○ Nature &amp; Formation</li> <li>○ Internal Governance</li> <li>○ External Responsibilities</li> </ul> </li> </ul> <p><b>Case:</b> Yukon Government (Registrar of Societies) v. Humane Society of Yukon, 2013 YKSC 8</p> <p><b>Case:</b> Mao v. Grove, 2019 YKSC 6</p>	Chapters 25, 26 & 27
Nov 17/20	11	<p><b>Creditors and Debtors:</b></p> <ul style="list-style-type: none"> <li>• Secured Transactions</li> <li>• Creditor's Rights</li> </ul> <p><b>Case:</b>  Whitehorse Wholesale Auto Centre Limited v. Tyerman, 2012 YKSM 2</p>	Chapters 28 & 29
Nov 24/20	12  Quiz 5 Chapters 22 to 29	<p><b>Modern Legal Environment for Business:</b></p> <ul style="list-style-type: none"> <li>• Government Regulation</li> <li>• Electronic Commerce</li> <li>• Privacy</li> </ul>	Chapters 30, 31 & 32

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Class Date:	Week:	Topic:	References:
<b>TAKE HOME EXAM:</b>  At the end of class in week twelve, 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 Class 12 and it will be worth 40% of the total mark.			
Dec 1/20	13	Review Class	
Dec 8/20	14 Final Exams due	No Class	

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