



School of Business & Leadership

BLAW 300

Commercial Law

Fall, 2021

3.0 Credits

Course Outline

INSTRUCTOR: Peter Morawsky
E-MAIL: pmorawsky@yukonu.ca
Classroom: A2103
Class times: Wednesdays from 6:00 PM to 8:50 PM, September 8/21 to December 1/21
Office Hours: By Appointment

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 introduce - 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.

COURSE REQUIREMENTS

Prerequisite(s): None

EQUIVALENCY OR TRANSFERABILITY

Receiving institutions determine course transferability. Find further information at:

<https://www.yukonu.ca/admissions/transfer-credit>

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 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.

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.**

Additionally, students will be assigned case law or Yukon statutes to read.

That material is publicly available on government web sites and has been chosen to illustrate concepts and principles developed from the text **and should be read by students in advance.**

Students will be responsible for obtaining and reading that material and will need internet access for that purpose.

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.

EVALUATION:

Quizzes (in Class)	25%
Midterm Exam	25%
Participation	10%
Final Exam	40%
Total	100%

COURSE WITHDRAWAL INFORMATION

Refer to the YukonU website for important dates.

TEXTBOOKS & LEARNING MATERIALS

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.

Internet access to obtain case law or Yukon statutes

www.yukonu.ca

ACADEMIC INTEGRITY

Students are expected to contribute toward a positive and supportive environment and are required to conduct themselves in a responsible manner. Academic misconduct includes all forms of academic dishonesty such as cheating, plagiarism, fabrication, fraud, deceit, using the work of others without their permission, aiding other students in committing academic offences, misrepresenting academic assignments prepared by others as one's own, or any other forms of academic dishonesty including falsification of any information on any Yukon University document.

Please refer to Academic Regulations & Procedures for further details about academic standing and student rights and responsibilities.

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 by contacting the Learning Assistance Centre (LAC): LearningAssistanceCentre@yukonu.ca.

TOPIC OUTLINE

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 8/21	1	Introduction: <ul style="list-style-type: none">• Review of course objectives Law in its Social and Business Context: <ul style="list-style-type: none">• Law, Society and Business• Machinery of Justice• Government Regulation of Business	Chapters 1, 2 & 3

Class Date:	Week:	Topic:	References:
Sept 15/21	2	Torts: <ul style="list-style-type: none"> • Law of Torts • Professional Liability Case: O’Neill v. City of Whitehorse, 2006 YKSM 1	Chapters 4 & 5
Sept 22/21	3	Contracts: <ul style="list-style-type: none"> • Formation: <ul style="list-style-type: none"> ○ Offer & Acceptance ○ Consideration & Intention ○ Capacity & Legality Case: Ernewein v. Yankee Hat Minerals Ltd., 2011 YKSM 01 Case: Duplisea v. Wilson, 2018 YKSM 3	Chapters 6, 7, & 8
Sept 29/21	4 Quiz 1 Chapters 1 to 5	Contracts: <ul style="list-style-type: none"> • Mistake & Misrepresentation • Writing & Interpretation • Privity Case: Mollet v. Craven, 2014 YKSM 6 Case: 40419 Yukon Inc. v. 365334 Alberta Limited, 2017 YKSM 8	Chapters 9, 10, & 11
Oct 6/21	5 Quiz 2	Contracts: <ul style="list-style-type: none"> • Discharge • Breach & Remedies Case:	Chapters 12, & 13

Class Date:	Week:	Topic:	References:
	Chapters 6 to 11	Cobalt v. Kluane FN, 2014 YKSC 40 Case: Skky Hotel Inc. v. Yukon Gardens Ltd., 2017 YKSM 4	
Oct 13/21	6	Special Types of Contracts: <ul style="list-style-type: none"> • Sale of Goods • Bailment & Leasing • Insurance and Guarantee Case: Wilkinson v. Watson Lake Motors and Aviva Insurance Company of Canada, 2010 YKSC 1 Case: Volare Eurobar Inc. v. Sim, 2017 YKSM 1	Chapters 14, 15, & 16
Oct 20/21	7 Quiz 3 Chapters 12 to 16	Special Types of Contracts: <ul style="list-style-type: none"> • Agency & Franchising • Employment • Banking and Negotiable Instruments Case: Jones v. Yukon (Highways and Public Works), 2020 YKSM 1 Case: Jones v. Yukon (Highways and Public Works), 2020 YKSM 1	Chapters 17, 18 & 19
TAKE HOME EXAM:			

Class Date:	Week:	Topic:	References:
		Mao v. Grove, 2019 YKSC 6	
Nov 17/21	11	Creditors and Debtors: <ul style="list-style-type: none"> • Secured Transactions • Creditor's Rights Case: Whitehorse Wholesale Auto Centre Limited v. Tyerman, 2012 YKSM 2	Chapters 28 & 29
Nov 24/21	12 Quiz 5 Chapters 22 to 29	Modern Legal Environment for Business: <ul style="list-style-type: none"> • Government Regulation • Electronic Commerce • Privacy 	Chapters 30, 31 & 32
TAKE HOME EXAM: At the end of class in Week 12, 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 Week 12 and it will be worth 40% of the total mark.			
Dec 1/21	13	Review Class	
Dec 8/21	14 Final Exams due	No Class	