



academic accommodation at <http://www2.carleton.ca/equity/>

## Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at:  
<http://www.carleton.ca/studentaffairs/academic-integrity/>

## Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://www.carleton.ca/law/student-resources/department-policies/>

---

## COURSE DESCRIPTION

This course examines the formation and application of legal obligations in two private law areas, namely, contract law and tort law. The first section discusses the formation of contracts and the performance of contractual obligations. The second section analyzes the concept of tort, the principles of tort liability and the obligation to compensate tort victims. The study of contract and tort obligations is also placed in the context of the challenges of the modern economy and the role of the state in shaping contract law and tort law.

## REQUIRED TEXTS:

Neil Sargent and Logan Atkinson, eds., *Just Between the Law and Us, Volume II: Obligations* Toronto: Captus Press, 2010 (Available from the Carleton University Bookstore)

Logan Atkinson and Neil Sargent, *Private Law, Social Life*. Toronto: Lexis Nexis, Butterworths, 2d. Edition, 2007 (Available from the Carleton University Bookstore)

## TEACHING METHOD

This course will combine formal lectures and in-class group discussions. A typical session will begin with a lecture. The second part of a session will be devoted to provide students with an opportunity to

review the key concepts and ideas in small groups drawing on the course readings and discuss their applications in the context of case studies that will be provided. A session will usually end with the sharing of some of the ideas, findings and questions that students may have after the in-class group discussions. This method seeks not only to provide students with information about the topics but also to engage them in the discussion of the materials, understand the relevance of the class topics and help students develop their critical academic skills.

The first section of this course will focus on 'Contracts' and 'contract' issues will be discussed in the context of selected case studies. The primary case study will be consumer contracts as applied to food labeling and sugar-related lawsuits. The second section of the course will examine the theme of 'Tort' and will use a corporate tort example (i.e. *Choc v Hudbay Minerals Inc.* 2013 Ont. SC).

## **EVALUATION**

**All components must be completed in order to get a passing grade.**

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

- In-Class Test (February): 40% (a list of optional essay-type questions will be provided a week before the day of the test)
- Final Examination (April): 60%

## **LAPTOPS AND CELLPHONES IN CLASS**

Students are expected to use technology respectfully in class and to consider the impact of their actions on their fellow students and on my ability to deliver a lecture or conduct a class discussion. If a student is using technology in a way that interferes with the learning environment, I may ask the student to curtail the use of cell phones or laptops in class.

## **SCHEDULE OF TOPICS**

**Jan 9<sup>th</sup> Week 1: Introduction**

### **CONTRACT**

**Jan 16<sup>th</sup> Week 2: Contract and Voluntary Obligation (I)**

Just Between the Law and Us: Obligations Chapter 1 (p. 1-20); Private Law, Social Life, chapter 3 (p. 49-73)

**Jan 23<sup>rd</sup> Week 3: Contract and Voluntary Obligation (II)**

Just Between the Law and Us: Obligations Chapter 1 (p. 21-43); Private Law, Social Life, chapter 3 (p. 49-73)

**Jan 30<sup>th</sup> Week 4: Judicial Intervention in Contract**

Just Between the Law and Us: Obligations Chapter 2 (p.44-69)

**Feb. 6<sup>th</sup> Week 5: Consequences of Non-Performance in Contract**

Just Between the Law and Us: Obligations Chapter 3 (p.70-85); Private Law, Social Life, chapter 7 (p. 153-176)

- a list of optional essay-type questions will be provided as study sheet for the In-Class Test

**Feb. 13<sup>th</sup> Week 6: IN-CLASS TEST**

**Feb. 20<sup>th</sup> NO CLASSES - WINTER BREAK (Feb 16<sup>th</sup>-20<sup>th</sup>)**

**Feb. 27<sup>th</sup> Week 7: Standard Form Contracts, Unfair Terms & Inequality of Bargaining Power**

Union des Consommateurs, “Ending Abuse Clauses in Consumer Contracts” (Montreal, 2011), pp. 6-45 and 51-54, online: [http://uniondesconsommateurs.ca/docu/protec\\_conso/EndAbusiveClauses.pdf](http://uniondesconsommateurs.ca/docu/protec_conso/EndAbusiveClauses.pdf)

**TORT**

**March 6<sup>th</sup> Week 8: The Nature of Tort Law**

Just Between the Law and Us: Obligations Chapter 4 (p. 86-110); Private Law, Social Life, chapter 4 (p.75-99)

**March 13<sup>th</sup> Week 9: Foundations of Liability in Tort (I)**

Just Between the Law and Us: Obligations Chapter 5 (p.111-147)

**March 20<sup>th</sup> Week 10: Foundations of Liability in Tort (II)**

Just Between the Law and Us: Obligations Chapter 5 (p. 147-171)

**March 27<sup>th</sup> Week 11: Compensation in Tort Law ( LAST CLASS)**

Just Between the Law and Us: Obligations Chapter 6 (p. 172-183); Private Law, Social Life, chapter 7 (p. 153-176)

**April 3<sup>rd</sup> NO CLASSES – STATUTORY HOLIDAY**

**April 8<sup>th</sup> Wednesday –WINTER TERM ENDS**

**FINAL EXAMINATION: April Examination Period**