

**Course Outline**

**COURSE:** LAWS 3003 A - Contracts

**TERM:** Summer 2012

**PREREQUISITES:** See Undergraduate Calendar

**CLASS:** **Day & Time:**  
**Room:** Please check with Carleton Central for current room location

**INSTRUCTOR:** Stephen Waxman, B.A. LL.B.  
**(CONTRACT)** Of the Bar of Ontario  
Department of Justice

**CONTACT:** **Office:** B442 Loeb  
**Office Hrs:** By Appointment  
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Students with disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities (PMC) for a formal evaluation of disability-related needs. Documented disabilities could include but are not limited to mobility/physical impairments, specific Learning Disabilities (LD), psychiatric/psychological disabilities, sensory disabilities, Attention Deficit Hyperactivity Disorder (ADHD), and chronic medical conditions. Registered PMC students are required to contact the PMC, **613-520-6608**, every term to ensure that I receive your Letter of Accommodation, no later than two weeks before the first in-class test/midterm requiring accommodations. If you only require accommodations for your formally scheduled exam(s) in this course, please submit your request for accommodations to PMC by the deadlines published on the PMC website. <http://www1.carleton.ca/pmc/students/dates-and-deadlines/>. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: [www.carleton.ca/equity](http://www.carleton.ca/equity)

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**REQUIRED TEXT:** Christine Boyle and David R. Percy  
Contracts: Cases and Commentaries  
8th Edition (Toronto: Carswell, 1999)

**EVALUATION:** Mid-term Examination 50%  
Final Exam 50%

Each examination will be two hours in length. Each examination will be closed book.

The mid-term examination will be held on May 30, 2012

The final Examination will be held in June 2012

ALL STUDENT WORK IS SUBJECT TO THE CONTRACTUAL PROVISIONS  
CONTAINED IN THE CARLETON UNIVERSITY UNDERGRADUATE CALENDAR  
(2011/2012) AND TO THIS COURSE OUTLINE.

**May 07            INTRODUCTION****May 9            THE FORMATION OF A CONTRACT  
Ch. 2            OFFER AND ACCEPTANCE**

Canadian Dyers Association Ltd v. Burton (BP 17)

Pharmaceutical Society v. Boots (BP 17)

Rose & Frank Co. (BP 263)

Carlillo v. Carbolic Smoke Ball Co. (BP 25)

Goldthorpe v. Logan (BP 30)

Blair v. Western Mutual Benefit Assn. (BP 48)

Livingstone v. Evans (BP 57)

Balfour v. Balfour (BP 258)

Thornton v. Shoelane (BP 514)

Harvela Investments (BP 33)

R. v. Ron Engineering (BP 35)

MJP Enterprises (BP 39)

Williams v. Carwardine (BP 51)

R. v. Clarke (BP 52)

**May 14            THE FORMATION OF A CONTRACT  
Ch. 2**

Butler Machine Tool Co. v. Ex-Cell-O Corp. (BP 59)

Tywood Industries v. St. Anne-Nackawic Pulp and Paper Co. Ltd. (BP 61)

Felthouse v. Bindley (BP 76)

St. John Tug Boat Co. V. Irving Refinery Ltd. (BP 79)

Re Reitzel (BP 123)

**May 16            THE FORMATION OF A CONTRACT  
Ch. 2**

Brinkibon Ltd. v. Stanug Strahl (BP 89)

Household v. Grant (BP 98)

Holwell Severities v. Hughes (BP 103)

Byrne v. Van Tienhoven (BP 106)

Dickenson v. Dodds (BP 108)

Errington v. Errington (BP 112)

Barrick v. Clark (BP 114)

**May 23**  
**Ch. 4**

**THE FORMATION OF A CONTRACT:**

**Certainty of Terms and the Enforcement of Promises**

R. v. Cae Industries Ltd. (BP 126)

Hillasand Co. Ltd. v. Acros Ltd. (BP 134)

Empress Towers Ltd. v. Bank of Nova Scotia (BP 158)

Lampleigh v. Brathwait (BP 185)

Thomas v. Thomas (BP 186)

B (D.C.) v. Arkin (BP 189)

Pao On v. Lau Yiu Long (BP 193)

Gilbert Steel Ltd. v. University Construction Ltd. (BP 197)

Williams v. Roffey (BP 202)

**May 28**  
**Ch. 4**

**THE FORMATION OF A CONTRACT: The Enforcement of Promises**

Foakes v. Beer (BP 207)

Re Selectmove Ltd. (BP 210)

High Trees (BP 216)

D & C Builders Ltd v. Rees (BP 222)

Saskatchewan River v. Maritime (BP 225)

International Knitware v. Kabob (BP 230)

W. J. Alan & Co. v. (BP 232)

Societe Italo v. Palm (BP 236)

Petridis v. Shabinsky (BP 239)

Robichaud v. Caisse Populaire (BP 242)

Combe v. Combe (BP 243)

Royal Bank v. Kiska (BP 272)

Delglman v. Guaranty Trust (BP 282)

Thompson v. Guaranty Trust (BP 288)

**May 30 Ch5**

**PRIVITY OF CONTRACT**

Tweedle v. Atkinson (BP 298)

Dunlop v. Selfridge (BP 299)

Beswick v. Beswick (BP 305)

London Drugs v. Kuehne & Nagel International Ltd. (BP 320)

Edgeworth Construction Ltd. v. N.D. Lea and Associates Ltd. (BP 330)

Fraser River Pile v. Can-Drive (BP 332)

**May 30 CH 7****May 30 CONTRACT: Representations and Terms**

Redgrave v. Hurd (BP 379)

Smith v. Land and House Property Corp. (BP 382)

Bank of Montreal v. Wren (BP 384)

Kupchak v. Dayson (BP 387)

Redican v. Nesbitt (BP 394)

Heilbut, Symons and Co. v. Buckleton (BP 398)

Leaf v. International Galleries (BP 404)

Dick Bentley v. Harold Smith (BP 402)

B.C. Hydro and Power Authority v. B.G. Checo International Ltd. (BP 421)

Hawrish v. Bank of Montreal (BP 438)

Bauer v. Bank of Montreal (BP 441)

Gallen v. Butterley (BP 448)

**May 30 STANDARD FORM CONTRACTS AND EXCLUSION CLAUSES**

Thornton v. Shoe Lane Parking Ltd. (BP 514)

Interfoto v. Stiletto (BP 517)

McCutcheon v. David Mac Brayne Ltd. (BP 522)

Tilden Rent-a-Car Co. v. Clendenning (BP 527)

Delaney v. Carcade River Holidays Ltd. (BP 531)

Photo Sales v. Securicor (BP 545)

Hunter Engineering Co. Inc. v. Syncrude Canada Ltd. (BP 552)

Davidson v. Three Spruces Realty Ltd. (BP 577)

Fraser Jewellers Ltd. v. Dominion Electric (BP 577)

**June 4 Mid-Term Examination****June 6****Ch. 9**

Glasner v. Royal LePage Real Estate Services Ltd. (BP 595)

R. v. Ron Engineering & Construction Ltd. (BP 596)

Calgary v. Northern Construction Co. (BP 600)

Bell v. Lever Brothers Ltd. (BP 607)

**Ch. 9**

Toronto Dominion Bank v. Fortin (No. 2) (BP 618)

Solle v. Butcher (BP 626)

Lewis v. Avery (BP 629)

Saunders v. Anglia Building Society (BP 637)

Marvco Color Research Ltd. v. Harris (BP 639)

Bercouici v. Palmer (BP 649)

- June 13**  
**Ch. 10**            **Frustration**  
Paradine v. Jane (BP 667)  
Taylor v. Caldwell (BP 668)  
Claude Neon Gen. v. Sing (BP 672)  
Maritime Fish v. Ocean Trawlers (BP 668)  
Atlantic Paper v. St-Anne (BP 696)
- June 13**  
**Ch. 12**            **The Protection of Weaker Parties**  
Pao on v. Yiu Long (BP 716)  
Gordon v. Roebuck (BP 718)  
Geffen v. Goodman Estate (BP 724)  
Morrison v. Coast Finance Ltd. (BP 741)  
Hart v. O'Connor (BP 766)
- June 18**  
**Ch. 14**            **Damages**  
McRae v. Commonwealth (BP 834)  
Chaplin v. Hicks (BP 855)  
Hadley v. Baxendale (BP 901)  
Victoria Laundry v. Newman (BP 903)  
Koufos v. Czarников (BP 910)  
White and Carter v. McGregor (BP 923)  
Semelhago v. Paramadevan (BP 926)
- June 18            Exam review

## READING LIST

The following list contains a selection of the major monographs and textbooks about the Law of Contract which are available in the MacOdrum Library. Although not required reading, students may find these books of use in researching topics of particular interest.

### **I. History and Theory of the Law of Contract:**

- Peter Benson (ed.), The Theory of Contract Law. New Essays, (Cambridge U.P., 2001)
- Roger Brownsword, Contract Law. Themes for the Twenty-First Century, (Butterworths, 2000)
- Hugh Collins, The Law of Contract, 4<sup>th</sup> ed., (Butterworths, 2003)
- Charles Fried, Contract As Promise, (Harvard U.P., 1981)

### **LAWS 3003A**

- A.T. Kronman and R.A. Posner, The Economics of Contract Law, (Little, Brown & Co., 1979)
- O.L.R.C., Report on Amendment of the Law of Contract, 1987
- Barry J. Reiter and John Swan, Studies in Contract Law, (Butterworths, 1980)
- Stephen Waddams, Dimensions of Private Law. Categories and Concepts in Anglo-American Legal Reasoning, (Cambridge U.P., 2003)

### **II. Textbooks:**

#### (a) English:

- Cheshire, Fifoot and Furmston's Law of Contract, 14<sup>th</sup> ed., (Butterworths, 2001)
- Chitty on Contracts, 28<sup>th</sup> ed., (Sweet and Maxwell, 1999)
- G.H. Treitel, The Law of Contract, 11<sup>th</sup> ed., (Sweet and Maxwell, 2003)

#### (b) Canadian:

- G.H.L. Fridman, The Law of Contract, 4<sup>th</sup> ed., (Carswell 1999)
- S.M. Waddams, The Law of Contracts, 4<sup>th</sup> ed., (Canada Law Book, 1999)