

Course Outline

---

---

**COURSE:** LAWS 3003A  
**TERM:** Summer 2009  
**PREREQUISITES:** LAWS 2003  
**CLASS: Day & Time:** Monday & Thursday 6:00pm-9:00pm  
**Room:** Please check with Carleton Central for current room location  
**INSTRUCTOR:** Stephen Waxman  
**CONTACT: Office:** C476 LA (Loeb Building)  
**Office Hrs:** By appointment  
**Telephone:** 613-520-2600 x. 3693  
**Email:** stephenwaxman@hotmail.com

---

---

"Students with documented 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 include physical, mental, and learning disabilities, mental disorders, hearing or vision disabilities, epilepsy, drug and alcohol dependencies, environmental sensitivities, as well as other conditions. Registered PMC students are required to contact the PMC at 613-520-6608, early each term to ensure that your Instructor receives your Letter of Accommodation no later than two weeks before the first assignment is due or the first in-class test/midterm requiring accommodations. If you require accommodations for your formally scheduled exam(s) in this course, please submit your request for accommodations to the Paul Menton Centre as soon as possible." Also available at [http://www.carleton.ca/pmc/faculty/acom\\_statement.html](http://www.carleton.ca/pmc/faculty/acom_statement.html) . For Religious and Pregnancy accommodations, please contact Equity Services, 613-520-2600 x. 5622 or their website: [www.carleton.ca/equity](http://www.carleton.ca/equity)

---

---

**REQUIRED TEXTS** Christine Boyle and David R. Percy  
Contracts: Cases and Commentaries  
7th Edition (Toronto: Carswell, 1999)

**EVALUATION** (All components must be completed in order to get a passing grade)

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 Wednesday, June 3, 2009

The final Examination will be held in June 2009

ALL STUDENT WORK IS SUBJECT TO THE CONTRACTUAL PROVISIONS  
CONTAINED IN THE CARLETON UNIVERSITY UNDERGRADUATE CALENDAR  
(2008-2009) AND TO THIS COURSE OUTLINE.

**May 11**      **INTRODUCTION****May 13**      **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 20**      **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 25**      **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 27**      **THE FORMATION OF A CONTRACT:**

**Ch. 4**      **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)

**June 1 THE FORMATION OF A CONTRACT: The Enforcement of Promises**

- Ch. 4** 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)

**PRIVITY OF CONTRACT**

- Ch. 5** 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)

**June 3 MID-TERM EXAMINATION****June 8 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)

**June10 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 15**

**Mistake**

**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 17**

**Frustration**

**Ch. 10**

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 22**

The Protection of Weaker Parties  
Ch. 12 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 24**

**Damages**

**Ch. 14**

McRae v. Commonwealth (BP 834)  
Chaplin v. Hicks (BP 855)  
Hadley v. Baxendale (BP 901)  
Victoria Laundry v. Newman (BP 903)  
Koufos v. Czarnikow (BP 910)  
White and Carter v. McGregor (BP 923)  
Semelhago v. Paramadevan (BP 926)

**June 29**

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 3003B**

- . 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)