

Course Outline

COURSE: LAWS 3003 A– Contracts

TERM: Summer 2011

PREREQUISITES: LAWS 2003 [1.0] (no longer offered) or LAWS 2202

CLASS: Day & Time: Monday & Wednesday 1805-2055
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

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"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: http://www.carleton.ca/pmc/students/accom_policy.html . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by June 10, 2011 for Spring term exams and July 29, 2011 for Summer term exams. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

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

EVALUATION: (Both components must be successfully completed in order to pass this course)

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 June 6, 2011
The final Examination will be held in June 2011

ALL STUDENT WORK IS SUBJECT TO THE CONTRACTUAL PROVISIONS
CONTAINED IN THE CARLETON UNIVERSITY UNDERGRADUATE CALENDAR (2010-
2011) AND TO THIS COURSE OUTLINE.

May 9 INTRODUCTION**May 11 Ch. 2 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 16 Ch. 2 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 18 Ch. 2 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 18 Ch. 4 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)

May 23 VICTORIA DAY – UNIVERSITY CLOSED

- May 25** **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)
- May 30** **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)
- 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)
- June 1** **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 6** **REVIEW**
- June 8** **MID-TERM EXAMINATION**

- June 13** **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 15** **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 15** **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 20** **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 20** **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, 4th ed., (Butterworths, 2003)
- . Charles Fried, Contract As Promise, (Harvard U.P., 1981)

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- . 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, 14th ed., (Butterworths, 2001)
- . Chitty on Contracts, 28th ed., (Sweet and Maxwell, 1999)
- . G.H. Treitel, The Law of Contract, 11th ed., (Sweet and Maxwell, 2003)

(b) Canadian:

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