

Course Outline

COURSE: LAWS 3003 B – Contracts

TERM: Winter 2007-08

PREREQUISITES: LAWS 2003

CLASS: Day & Time: Monday - 6:00-9:00 pm
Room: 236 TB (Tory)

INSTRUCTOR: Stephen Waxman, B.A. LL.B.
(CONTRACT) Of the Bar of Ontario
Department of Justice
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Students with disabilities needing academic accommodations in this course are required to contact a coordinator at the Paul Menton Centre to complete the necessary *letters of accommodation*. The student must then make an appointment to discuss their needs with the instructor at least two weeks prior to the first class or ITV test. This is to ensure sufficient time is available to make the necessary accommodation arrangement. Please note the deadline for submitting completed forms to the PMC for formally scheduled exam accommodations is March 14, 2008 for April examinations. For further information, please see, http://www.carleton.ca/pmc/students/accom_policy.html

REQUIRED TEXT:

Christine Boyle & David R. Percy, *Contracts: Cases and Commentaries*, 7th 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 February 25, 2008

The final Examination will be held in April 2008

ALL STUDENT WORK IS SUBJECT TO THE CONTRACTUAL PROVISIONS CONTAINED IN THE CARLETON UNIVERSITY UNDERGRADUATE CALENDAR (2007-2008) AND TO THIS COURSE OUTLINE.

Jan 7 INTRODUCTION**Jan 14 THE FORMATION OF A CONTRACT OFFER AND ACCEPTANCE**

- Ch. 2** Canadian Dyers Association Ltd v. Burton (BP 17)
Pharmaceutical Society v. Boots (BP 17)
Rose & Frank Co. (BP 263)
Carlillo v. Carboloc 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)

Jan 21 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)

Jan 28 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)

Feb 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)

Feb 11 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)

Feb 18 Reading Week-no classes

Feb 25 **MID-TERM EXAMINATION**

Mar 3 **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)

Mar 10 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)

March 17 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)

March 24 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)

Mar 31 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)

Apr 7 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)

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)
- . 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)