

## Course Outline

**COURSE:** LAWS 3003 B - Contracts

**TERM:** Winter 2008/09

**PREREQUISITES:** LAWS 2003

**CLASS:** Day & Time: Wednesday - 1805-2055  
Room: 3165 ME (Mackenzie Engineering Bldg)

**INSTRUCTOR:  
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"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 PMC by March 6, 2009 for April exams." 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)

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

**EVALUATION:** Mid-term Examination 50% - To be held on on February 25, 2009  
Final Exam 50% - To be held in April 2009

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

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

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

- Jan 7**                    **INTRODUCTION**
- Jan 14**  
**Ch. 2**                    **THE FORMATION OF A CONTRACT**  
**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)
- Jan 21**  
**Ch. 2**                    **THE FORMATION OF A CONTRACT**  
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**  
**Ch. 2**                    **THE FORMATION OF A CONTRACT**  
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**  
**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)
- Feb 11**  
**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)

**Ch. 5 PRIVACY 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)

Feb 18 Reading Week-no classes

**Feb 25 MID-TERM EXAMINATION**

**Mar 4 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 11 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 18 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 25**      **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)
- April 1**      **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 1**      **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, 4<sup>th</sup> 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, 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)