

## Course Outline

**COURSE:** LAWS 3003 B – Contracts

**TERM:** Winter 2010-11

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

**CLASS:**           **Day & Time:** 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**

**CONTACT:**           **Office:** C476 LA Sessional Lecturers' Office  
                          **Office Hrs:** By Appointment  
                          **Telephone:** 613-941-8621  
                          **Email:** [s.waxman59@hotmail.com](mailto:s.waxman59@hotmail.com)

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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](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 **November 15, 2010 for Fall exams and March 12, 2011 for Winter exams**. 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 March 2, 2011

The final Examination will be held in April 2011

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

Jan 5            **INTRODUCTION**

Jan 12           **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)

Jan 19           **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 26           **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 2            **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 9**            **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)
- Ch. 5**    **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)
- Feb 16**            Reading Week-no class
- March 2**            **Mid-Term Examination**
- Mar 9**            **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 16**            **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)

- Mar 16**            **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)
- Mar 23**            **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 23**            **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)
- Mar 30**            **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)

**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)