

**Course Outline**

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**COURSE:** LAWS 2202 A – Obligations**TERM:** Fall - 2022**PREREQUISITES:** LAWS 1001 and 1002**CLASS:** Day & Time: Fridays 8:35-11:25 am**Room:** Lectures will be delivered with an alternating hybrid format of one-week in-person and the following week remote (via Zoom, link will be posted). Both online and in-person classes will be held during regular class hours. The online classes will be live. Please check with Carleton Central for current room location.**INSTRUCTOR:** Professor Alberto R. Salazar V., PhD  
**(CONTRACT)****CONTACT:** Office: C470 Loeb Building  
Office Hrs: Fridays 12-1pm and by appointment  
Telephone: 613-520-2600 x. 3269  
Email: [alberto.salazar@carleton.ca](mailto:alberto.salazar@carleton.ca)

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**DEPARTMENT POLICIES AND REGULATIONS**

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements:  
<https://carleton.ca/law/student-experience-resources/>.

**PLAGIARISM**

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence. More information on the University's Academic Integrity Policy can be found at:  
<https://carleton.ca/registrar/academic-integrity/>.

## **ACADEMIC ACCOMMODATIONS**

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

### **Pregnancy Obligation**

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For accommodation regarding a formally-scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

### **Religious Obligation**

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details [click here](#).

### **Academic Accommodations for Students with Disabilities**

[The Paul Menton Centre for Students with Disabilities](#) (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or [pmc@carleton.ca](mailto:pmc@carleton.ca) for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

### **Survivors of Sexual Violence**

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and where survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/equity/sexual-assault-support-services>

### **Accommodation for Student Activities**

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit: <https://students.carleton.ca/services/accommodation/>.

## **COVID Update**

It is important to remember that COVID is still present in Ottawa. The situation can change at any time and the risks of new variants and outbreaks are very real. There are [a number of actions you can take](#) to lower your risk and the risk you pose to those around you including being vaccinated, wearing a mask, staying home when you're sick, washing your hands and maintaining proper respiratory and cough etiquette.

**Feeling sick?** Remaining vigilant and not attending work or school when sick or with symptoms is critically important. If you feel ill or exhibit COVID-19 symptoms do not come to class or campus. If you feel ill or exhibit symptoms while on campus or in class, please leave campus immediately. In all situations, you must follow Carleton's [symptom reporting protocols](#).

**Masks:** Carleton has paused the [COVID-19 Mask Policy](#), but continues to strongly recommend masking when indoors, particularly if physical distancing cannot be maintained. It may become necessary to quickly reinstate the mask requirement if pandemic circumstances were to change.

**Vaccines:** Further, while proof of vaccination is no longer required as of May 1 to attend campus or in-person activity, it may become necessary for the University to bring back proof of vaccination requirements on short notice if the situation and public health advice changes. Students are strongly encouraged to get a full course of vaccination, including booster doses as soon as they are eligible, and submit their booster dose information in [cuScreen](#) as soon as possible. Please note that Carleton cannot guarantee that it will be able to offer virtual or hybrid learning options for those who are unable to attend the campus.

All members of the Carleton community are required to follow requirements and guidelines regarding health and safety which may change from time to time. For the most recent information about Carleton's COVID-19 response and health and safety requirements please see the [University's COVID-19 website](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact [covidinfo@carleton.ca](mailto:covidinfo@carleton.ca).

## CALENDAR DETAILS

The concepts employed by the law for creating and enforcing legal obligations between persons within society, including contract, tort, fiduciary obligation and restitution. Consideration is given to the role of persons and the role of the state in ordering private legal obligations.

Precludes additional credit for LAWS 2003 (no longer offered).

## COURSE DESCRIPTION

This course examines the formation and enforcement of legal obligations in two private law areas, namely, contract law and tort law. The first section discusses the formation of contracts and the performance of contractual obligations. The second section analyzes the concept of tort, the principles of tort liability, and the obligation to compensate tort victims. The study of contract and tort obligations is also placed in the context of the challenges of the modern economy and the role of the state in shaping contract law and tort law.

## REQUIRED TEXTS:

Neil Sargent, Alberto Salazar, and Logan Atkinson, eds., *Just Between the Law and Us, Volume II: Obligations* (Toronto: Captus Press, 2017), available from the Carleton University Bookstore.

Logan Atkinson and Neil Sargent, *Private Law, Social Life* (Toronto: Lexis Nexis, Butterworths, 2d. Edition, 2007), available from the Carleton University Bookstore.

Materials outside the textbooks are provided via ARES. Please visit the Brightspace course website.

## TEACHING METHOD

This course will combine formal lectures and in-class discussions. A typical session will begin with a lecture. The second part of a session will create opportunities for students to review the key concepts and ideas through open discussions drawing on the course readings and case studies that will be provided. Students will be encouraged to share their ideas, findings, and questions. This method seeks not only to provide students with information about the topics, but also to engage them in the discussion of the materials as well as help them develop their critical and innovative thinking, writing, and speaking skills.

The first section of this course will focus on 'Contracts' and 'contract' issues will be discussed in the context of selected case studies. The primary examples will be consumer contracts. The second section of the course will examine obligations in tort law and will use individual and corporate tort examples.

## EVALUATION

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

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

- Mid-Term Exam (In-Class Test) (October 21<sup>st</sup>): 40% (a list of optional essay-type questions will be provided before the deadline)
- Final Exam (during the December exam period): 60%

## **LAPTOPS AND CELLPHONES IN CLASS**

Students are expected to use technology respectfully in class and to consider the impact of their actions on their fellow students and on my ability to deliver a lecture or conduct a class discussion. If a student is using technology in a way that interferes with the learning environment, I may ask the student to curtail the use of any technology.

## **SCHEDULE OF TOPICS**

### **September 9<sup>th</sup>: Introduction**

## **CONTRACT**

### **September 16<sup>th</sup>: Contract and Voluntary Obligation (I)**

- Just Between the Law and Us: Obligations Chapter 1 (p. 1-21);
- Private Law, Social Life, chapter 3 (p. 49-73)

### **September 23<sup>rd</sup>: Contract and Voluntary Obligation (II)**

- Just Between the Law and Us: Obligations Chapter 1 (p. 21-42);
- Private Law, Social Life, chapter 3 (p. 49-73)

### **September 30<sup>th</sup>: Judicial (and Legislative) Intervention in Contract**

- Just Between the Law and Us: Obligations Chapter 2 (p.43-67).
- *Uber Technologies Inc. v. Heller*, 2020 SCC 16 (CanLII), <<http://canlii.ca/t/j8dvvf>>

### **October 7<sup>th</sup>: Consequences of Non-Performance in Contract**

- Just Between the Law and Us: Obligations Chapter 3 (p.68-81);
- Private Law, Social Life, chapter 7 (p. 153-176)

### **October 14<sup>th</sup>: Smart Contracts and the New Technology**

- REQUIRED:
  - Tatiana Cutts, "Smart Contracts and Consumers", 122 W. Va. L. Rev. 389 (2019)
  - *Uber Technologies Inc. v. Heller*, 2020 SCC 16 (CanLII), <<http://canlii.ca/t/j8dvvf>>

- OPTIONAL:
  - Andrew Luesley, “Unravelling Smart Contracts: Smart Contracts and the Law of Rescission in Canada”, 2019 19 *Asper Review of International Business and Trade Law* 155, 2019 CanLIIDocs 4082, <http://canlii.ca/t/stm0>

**A list of optional essay-type questions will be provided as study sheet for the In-Class Test.**

**October 21<sup>st</sup>: IN-CLASS TEST**

**October 28<sup>th</sup>: NO CLASSES (Fall Break: October 24-28<sup>th</sup>)**

**TORT**

**November 4<sup>th</sup>: The Nature of Tort Law**

- Just Between the Law and Us: Obligations Chapter 4 (p. 82-105);
- Private Law, Social Life, chapter 4 (p.75-99)

**November 11<sup>th</sup>: Foundations of Liability in Tort (I)**

- Just Between the Law and Us: Obligations Chapter 5 (p.106-131)

**November 18<sup>th</sup>: Foundations of Liability in Tort (II)**

- Just Between the Law and Us: Obligations Chapter 5 (p. 131-148)

**November 25<sup>th</sup>: The Public/Private Distinction in Tort Law Revisited**

- Just Between the Law and Us: Obligations Chapter 6 (p.149-189)
- *Sharma by her litigation representative Sister Marie Brigid Arthur v Minister for the Environment* [2021] FCA 560, available online: <https://jade.io/article/812833>. A brief review of the main issues and reasons for finding that the Australian Minister for the Environment owes a duty of care to Australian children so that it must prevent injury or death due to carbon emissions.
- OPTIONAL:
  - Racist Governmental Algorithms: “Dutch Childcare Benefit Scandal an Urgent Wake-Up Call to Ban Racist Algorithms”, Amnesty (Oct. 25, 2021), <https://www.amnesty.org/en/latest/news/2021/10/xenophobic-machines-dutch-child-benefit-scandal/>

**December 2<sup>nd</sup>: Compensation in Tort Law. Preparation for the Final Exam (LAST CLASS)**

- Just Between the Law and Us: Obligations Chapter 7 (p. 190-214);
- Private Law, Social Life, chapter 7 (p.153-176)

**FINAL EXAM: December Examination Period**

