

Course Outline

COURSE:	LAWS 2202 B – Obligations
TERM:	Fall 2024
PREREQUISITES:	LAWS 1001 and LAWS 1002
CLASS:	Day & Time:
	Room:
	Please check Carleton Central for current Class Schedule
	This course is asynchronous and will run online on Brightspace. Please check the course page in the beginning of the term. It is your responsibility to keep track of the course materials posted on Brightspace. New content will be released weekly.
	Essential: you must have a computer and a high-speed Internet connection to complete this course. The instructor and the TA cannot troubleshoot technical issues for you.
INSTRUCTOR:	Dr. Ksenia Polonskaya
CONTACT:	Office Hrs:
	Office hours will run weekly via Zoom. The TA will be available to answer your questions. TA's contact information: Nicholas Binette, nicholasbinette@cmail.carleton.ca
	Telephone: N/A
	Email: Ksenia.polonskaya@carleton.ca
BRIGHTSPACE:	https://brightspace.carleton.ca/d2l/home/290236

CALENDAR COURSE DESCRIPTION

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.

COURSE DESCRIPTION

This course examines some aspects of theory and practice that pertain to legal obligations. In particular, it will focus on contracts, torts, unjust enrichment, and fiduciary duties. Typically, in Canadian law schools, students will spend at least a term studying each of these areas of law

separately. They are also likely to take some specialized courses to delve deeper into the subject matter. Given the time constraints, this course will provide a sketch of legal obligations to cover the foundations rather than a full detailed picture.

What to Expect?

This course will run online in an asynchronous format. It includes 12 modules. Each module includes approximately 1.5 - 2 hours of recorded materials. Some lectures can be shorter than others. This is intentional to ensure that you are not overwhelmed by the amount of content.

As a participant of this course, you are expected to review the recorded materials and mandatory readings, participate in the discussions on Brightspace, and complete quizzes, and other assignments in compliance with the deadlines specified in the Syllabus. For further particulars, please consult the section "Evaluation" and Brightspace.

My recommendation is to stick with the schedule as closely as possible to ensure timely completion of all course elements.

Time Zone

We follow local time in Ottawa. It is your responsibility to make sure you submit your assignments in a timely manner.

Technical Aspects of the Course

Please note that this course requires access to the high-speed Internet and a working computer. Please note that a phone and/or a tablet will not be sufficient to complete this course. In case of technical difficulties, please contact Carleton Technical Support. Your TAs and your instructor cannot provide any technical assistance.

Communications

Emails. I respond to emails within 48 hours during the regular working hours 8:30 am to 5 pm EST, Monday to Friday. I will not respond to your queries outside of the regular working hours even on the deadline days. If you send your email on the weekend, please wait until Monday to get a reply. I do not respond to emails during scheduled breaks and statutory holidays. The same policy applies to communications with the TAs. Please plan your communications accordingly.

Emails requesting extensions

Please send your extension requests at least two days in advance of the deadline specified in the Syllabus. Please send your request directly to me by email at ksenia.polonskaya@carleton.ca and to the TA, Nicholas Binette, nicholasbinette@cmail.carleton.ca

You must also fill out the [Academic Consideration for Coursework Form](#) where you should state the reasons for an extension. The extensions are not guaranteed and will be granted only on the basis of equitable circumstances. Please note that your requests will be processed only during normal working hours (8:30 am to 5 pm, Monday to Friday EST).

Brightspace Announcement Board

Please note that I will use the Announcement Board to communicate with the course participants. Please keep an eye on the announcement.

LEARNING OUTCOMES

- Understand, summarize, and analyze relevant case-law.
- Analyze legal issues through the application of the case-method.
- Evaluate relevant case-law in the appropriate socio-legal context.
- Critically analyze the key theoretical arguments in the field of legal obligations.

REQUIRED TEXTS

Canadian Guide to Uniform Legal Citation, 10th ed [The McGill Guide].

- Please make sure that you are using the 10th edition. You must purchase a copy of the McGill Guide. The Guide is available at Carleton Bookstore and via [Amazon](#).

Neil Sargent, Alberto Salazar & Logan Atkinson (eds), *Just Between Law and Us: Obligations* (Captus Press, 2017).

- You can find Captus books [here](#). It is also available via Carleton Bookstore.

Please consult the section “Schedule” to find other mandatory readings. Some readings (mostly cases, articles, and book chapters) will be available to you via ARES. However, some sources you will need to locate by yourself by using the website of Carleton Library. An excuse “it was not posted on ARES” will not be accepted.

EVALUATION

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.

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

Assignments	Mark	Deadline
Introduction Forum & Reply to Your Peer	2%	By 15 th September 2024, 5 PM
Please access Brightspace to review further particulars		It is a very easy mark! No extensions are possible.
Participation Marks	13%	Weekly deadlines. Please consult

<p>The students will obtain the participation marks throughout the course by completing participation questions on Brightspace. They will be evaluated based on participation basis only. Please consult the Syllabus for weekly deadlines.</p>		<p>Brightspace for further particulars. No extensions are possible for the participation marks.</p>
<p>Fact Pattern & Short Answer Questions Three short assignments (between 200 - 500 words each) that will require you to conduct some research to answer questions/ format citations. They will be evaluated based on correctness.</p>	<p>15% (3*5%)</p>	<p>Short Answer Question 1 – 26 September 2024, 5 PM</p> <p>Short Answer Question 2 – 26 October 2024, 5 PM</p> <p>Fact-Pattern 3 – 26 November 2024, 5 PM.</p> <p>Extensions longer than 5 days are impossible</p>
<p>Quizzes</p> <p>Quizzes will be based on your mandatory readings. Each quiz includes 6 questions. Please consult Brightspace for further particulars.</p>	<p>25%</p>	<p>Quiz 1 – 31 October 2024, 5 PM</p> <p>Quiz 2 - 31 October 2024, 5 PM</p> <p>Quiz 3 - 30 November 2024, 5 PM</p> <p>Quiz 4 – 30 November 2024, 5 PM</p> <p>Quiz 5 – 30 November 2024, 5 PM</p> <p>No extensions are possible for the quizzes.</p>
<p>Assignment 1 (Mid-Term Essay)</p> <p>The students will be required to write an essay by answering a pre-determined question posted on Brightspace. The word count will be between 1500 - 1800 words (excluding footnotes). Please note that submissions with the word count lower than 1000 words will likely not obtain any mark. Please access Brightspace to review further particulars. The Rubric will be posted on Brightspace.</p>	<p>20%</p>	<p>15 October 2024, 5 PM</p> <p>Extensions longer than 5 days are impossible.</p>

<p>Final Exam (online)</p> <p>The examination will be held online during the official examination period. The exam will include 27 questions (multiple-choice, true/false, multi-selection). In addition, the exam can include up to 3 open-ended short answer questions. The questions will be based on the video recordings & mandatory readings. You will have 90 minutes to complete the exam. This is a closed book exam.</p>	25%	<p>Online during the official examination period (December 9-21, 2024).</p>
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LATE PENALTIES AND REQUESTS FOR EXTENSIONS

[Deferred final exams](#), which must be applied for at the RO, are available ONLY if the student is in good standing in the course. To write a deferred final exam, the student must obtain at least C+ to write a deferred exam.

EXTENSIONS

The granting of extensions is determined by the instructor, who will confirm whether an extension is granted and the length of the extension. For requests for short-term extensions, please contact your instructor and TA via email, and also complete the online form at the following link and submit prior to the assignment due date: <https://carleton.ca/registrar/academic-consideration-coursework-form/>

For more information regarding academic consideration for short-term incapacitation (illness, injury, or extraordinary circumstances beyond a student's control), please visit the following link: <https://students.carleton.ca/course-outline/#academic-consideration-for-short-term-incapacitation>

Quizzes, Participation Marks, and Introductory Forum. Please note that this extension policy does not apply to quizzes, participation marks, and introductory forum. **No extensions are possible for the quizzes.**

Final exam deferrals must be applied for at the Registrar's Office. Please view the following link for more information and how to apply for a deferral: <https://carleton.ca/registrar/deferral/>

Penalties If you submit the tutorials and/or the midterm assignment late without securing an extension, **you will lose 2% of the mark PER DAY.** It does not matter if you are late by 1 second,

30 minutes or 12 hours. The standard is objective i.e., if you are late, you will lose 2%. I will accept the late submissions only within 3 days after the deadline specified in the Syllabus. The same policy applies to the forum posts with the due consideration of the relevant deadlines as applicable.

SCHEDULE

There are weekly participation deadlines. Please consult Brightspace for further particulars.

Week 1: September 2 – 8

Module 1: Introduction

Mandatory Readings

- Allison Christians, “Really Basic Rules for Writing Good Papers in Law School” (2020), [here](#)¹
- John McCamus, *The Law of Contracts* (Irwin, 2020), Chapter 1 (Introduction), section B only.
- Check Carleton Library Instructions on the McGill Guide, available on ARES.

Week 2: September 9 – 15 September

Module 2: Sources & Legal Writing

Mandatory Readings

- John McCamus, *The Law of Contracts* (Irwin, 2020), Chapter 1 (Introduction), sections C, E only.
- Richard Epstein, “Free Bargaining and Formalism” in F Buckley (ed), *Fall and Rise of Freedom of Contract* (Duke University Press, 1999). Please review the following sections “A Fallen Theory”, “Laissez-Faire Through the Eyes of Foe and Friend”.
- *Just Between Law and Us: Obligations*, Chapter 1, only two sections “The Essence of Contract” & “Contracts, Promises, and the Law of Obligations”.

Week 3: 16 – 22 September

Module 3: Offer, Acceptance, Consideration

Mandatory Readings

- *Just Between Law and Us: Obligations*, Chapter 1 “Contract and Voluntary Obligation” (everything except two previously assigned sections “The Essence of Contract” & “Contracts, Promises, and the Law of Obligations”).

¹ You might be required to register on SSRN to get access to this paper. The registration is free.

Week 4: 23 – 29 September

Module 4: Protection of Weaker Parties & Remedies

- *Just Between Law and Us: Obligations*, Chapter 3 “Consequences of Non-Performance in Contract”
- *Uber Technologies Inc v Heller* paras 47-92 (on unconscionability) + see this [link](#) for the summary of facts
- John McCamus, *The Law of Contracts* (Irwin, 2020), Remedies, Chapter 22 (only section C “Justifying the Expectancy Principle”).

Week 5: 30 September – 6 October

Module 5: Functions of Tort Law

Mandatory Readings

- *Just Between Law and Us: Obligations*, Chapter 4 “The Nature of Tort Law”
- Osborne, *The Law of Torts* 6th ed (Irwin, 2020), Chapter “Introduction” (only section D “The Objectives of Tort Law”)

Week 6: 7 – 13 October

Module 6: Negligence

Mandatory Readings

- *Just Between Law and Us: Obligations*, Chapter 5 “Foundations of Liability in Tort” (Donoghue to Pittman inclusive)
- *Private Law Social Life: An Introduction*, pp 92-101 (Liability in Negligence).

Week 7: 14 – 20 October

Module 7: Remedies in Tort Law & Standards of Care for Professionals

Mandatory Readings

- *Just Between Law and Us: Obligations*, Chapter 7 “Compensation in Tort Law”

- Osborne, *The Law of Torts* 6th ed (Irwin, 2020), Chapter “Special Topics in Negligence” (only section C “The Doctrine of Informed Consent to Medical Treatment”).

Reading Week: 21 – 25 October (Fall Break)

Week 8: 28 October – 3 November

Module 8: Unjust Enrichment

- John D McCamus, “Moore v Sweet - Four Lessons in Unjust Enrichment from the Supreme Court of Canada” (2020) 98:1 Canadian Bar Review 110.
- Please review a short case note on *Moore v Sweet*, [here](#)

Week 9: 4 – 10 November

Module 9: Fiduciary Relations

Mandatory Readings

- *Just Between Law and Us: Obligations*, Chapter 8 (Fiduciary Relationships)
- *BCE v 1976 Debentureholders* 2008 SCC 69 paras 36-42

Week 10: 11- 17 November

Module 10: Transnational Corporate Accountability

Mandatory Readings

- Julianne Hughes Jennett and Marjun Parcasio, “Corporate Civil Liability for Breaches of Customary International Law: Supreme Court of Canada Opens Door to Common Law Claims in *Nevsun v Araya* (2020), EJIL: Talk, available [here](#)
- *Nevsun Resources Ltd v Araya*, 2020 SCC 5
 - Summary of the *Nevsun* case available [here](#)

Week 11: 18 – 24 November

Module 11: Private Law & Comparative Law

Mandatory Readings

- Rosalie Jukier, “Good Faith in Contract: A Judicial Dialogue Between Common Law Canada and Québec” (2019) 1 *Journal of Commonwealth Law* 83.

Week 12: 25 November – 1 December**Module 12: Special Topic. Consumer Protection in Digital Age****Mandatory Readings**

- Melissa Indome, "A Commercial Law of Privacy and Security for the Internet of Things by Stacy-Ann Elvy" (2022) 59.3 Osgoode Hall Law Journal 817.

Week 13: 2- 8 December

No content this week. Please review all materials and prepare for the final exam.

Fall 2024 Sessional Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website: https://calendar.carleton.ca/academicyear/</i>	
September 4, 2024	Fall term begins.
September 17, 2024	Last day for registration and course changes (including auditing) for fall, and fall/winter courses.
September 30, 2024	Last day to withdraw from fall term and fall/winter courses with a full fee adjustment (financial withdrawal).
October 14, 2024	Statutory holiday. University closed.
October 21-25, 2024	Fall break. No classes.
November 15, 2024	Last day for academic withdrawal from fall courses.
	Last day to request formal exam accommodations for fall, and fall/winter examinations to the Paul Menton Centre for Students with Disabilities.
November 22, 2024	Last day for summative tests or examinations or formative tests or examinations totaling more than 15% of the final grade in the fall or fall/winter before the official examination period.
December 6, 2024	Fall term ends.
	Last day of fall term classes.
	Classes follow a Monday schedule.
	Last day for take home examinations to be assigned.
December 7-8, 2024	No classes or examinations take place.
December 9-21, 2024	Final examinations in fall term courses and mid-term examinations in fall/winter courses will be held.
December 21, 2024	All final take-home examinations are due on this day, with the exception of those conforming to the examination regulations in

	the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.
December 24, 2024 – January 2, 2025	University closed.

University and Departmental Policies**DEPARTMENT POLICIES AND REGULATIONS****Policy on Artificial Intelligence**

The use of AI in this class is prohibited.

Please note that you cannot reuse your previous work done for other courses in this course. All assignments must be completed individually.

PLAGIARISM

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.*” This 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, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another’s data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one’s own; and
- failing to acknowledge sources through the use of proper citations when using another’s work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course’s instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of “F” for the course.

STATEMENT ON STUDENT MENTAL HEALTH

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you. For more information, please consult <https://wellness.carleton.ca/>

Emergency Resources (on and off campus):

- <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>

Carleton Resources:

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Empower Me: 1-844-741-6389, https://studentcare.ca/rte/en/IHaveAPlan_CarletonUniversityUndergraduateStudentsCUSA_EmpowerMe_EmpowerMe
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

ACADEMIC ACCOMMODATIONS

Carleton is committed to providing academic accessibility for all individuals. You may need special arrangements to meet your academic obligations during the term. The accommodation request processes, including information about the Academic Consideration Policy for Students in Medical and Other Extenuating Circumstances, are outlined on the Academic Accommodations website (<https://students.carleton.ca/course-outline>).

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

Pregnancy Obligation and Family-Status Related Accommodations

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 about the accommodation policy, visit the [Equity and Inclusive Communities \(EIC\)](#) website.

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, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>.

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 for a formal evaluation. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

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/>.

Academic Consideration for Medical and Other Extenuating Circumstances

Due to medical and other extenuating circumstances, students may occasionally be unable to fulfill the academic requirements of their course(s) in a timely manner. The University supports

the academic development of students and aims to provide a fair environment for students to succeed academically. Medical and/or other extenuating circumstances are circumstances that are beyond a student's control, have a significant impact on the student's capacity to meet their academic obligations, and could not have reasonably been prevented.

Students must contact the instructor(s) as soon as possible, and normally no later than 24 hours after the submission deadline for course deliverables. If not satisfied with the instructor's decision, students can conduct an "informal appeal" to the Chair of the department within three (3) working days of an instructor's decision. We have created a webform specifically for appeals to the Chair, which can be found here: <https://carleton.ca/law/application-for-review-of-refusal-to-provide-academic-consideration/>. *Note: This form only applies to LAWS courses and is not the same as a formal appeal of grade.* More information about the academic consideration can be found [here](#).