

Course Outline

COURSE:	LAWS 2202 C – Obligations
TERM:	Winter – 2025
PREREQUISITES:	LAWS 1001 and LAWS 1002
CLASS:	Day & Time: Fridays 8:35 - 11:25 am In-person lecture
	Room: Please check with Carleton Central for current room location.
INSTRUCTOR:	Professor Alberto R. Salazar V., PhD
CONTACT:	Office: C470 Loeb Building Office Hrs: Fridays 12-1pm and by appointment Telephone: 613-520-2600 x. 3269 Email: alberto.salazar@carleton.ca
BRIGHTSPACE LINK:	https://brightspace.carleton.ca/d2l/home/285146

CALENDAR 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 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 digital 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: price \$41.25 (used) to \$54.75 (new).

Logan Atkinson and Neil Sargent, *Private Law, Social Life* (Toronto: Lexis Nexis, Butterworths, 2d. Edition, 2007), available from the Carleton University Bookstore: price \$127.68 (used) to \$149.50 (new).

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 the 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 and to develop their critical and innovative thinking, writing, and speaking skills.

The first section of this course will focus on contract law and contract issues will be discussed in the context of selected case studies. 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.

- IN-CLASS MID-TERM EXAM: 40%
 - Date: February 14th
 - A list of optional essay-type questions will be provided a week before
- CRITICAL RESPONSE: 20%
 - Write a critical response to the following reading:
 - S. Dadas, M. Kozłowski, R. Poświata, *et al.* "A support system for the detection of abusive clauses in B2C contracts" *Artificial Intelligence and Law* (2024), pp. 1-21, available online: <https://link.springer.com/article/10.1007/s10506-024-09408-8>
 - In examining the reading, your response must discuss the following question: What are the potential benefits and limitations of using AI for detecting abusive clauses in business-to-consumer contracts?
 - Length: 1500-2000 words.
 - Essay format. Some additional references or sources to support your claims are ideal.
 - **Deadline: Friday March 14th by 11:59pm** (upload your response paper to the Brightspace course website's tools/assignments/critical response folder)
- FINAL EXAM: 40%
 - Final Exam (during the April exam period)

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

January 10th: Introduction

CONTRACT LAW

January 17th: 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)

January 24th: 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)

January 31st: 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>>

February 7th: 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)

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

February 14th: IN-CLASS MID-TERM EXAM

February 21st: NO CLASS (Winter Break: Feb. 17-21st)

February 28th: Smart Contracts and Artificial Intelligence

- 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>

- S. Dadas, M. Kozłowski, R. Poświata, *et al.* “A support system for the detection of abusive clauses in B2C contracts” *Artificial Intelligence and Law* (2024), pp. 1-21, available online: <https://link.springer.com/article/10.1007/s10506-024-09408-8>

TORT LAW

March 7th: 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)

March 14th: Foundations of Liability in Tort (I)

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

March 21st: Foundations of Liability in Tort (II)

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

March 28th: The Public/Private Distinction in Tort Law Revisited: Governments’ Duty of Care

- 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.
 - While this decision was overturned in 2022, it offers ideas that shed light on this issue.
- OPTIONAL:
 - *Mathur v. Ontario*, 2024 ONCA 762 (CanLII), <<https://canlii.ca/t/k7c3v>> (discussing whether the alleged failure of Ontario to comply with its voluntarily imposed statutory obligations to combat climate change amounts to a breach of the appellants’ ss. 7 and 15 rights under the Canadian Charter of Rights and Freedom).
 - 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/>

April 4th: 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: April Examination Period

POLICY ON PERMISSIBILITY OF SUBMITTING SAME WORK MORE THAN ONCE, PERMISSIBILITY OF GROUP OR COLLABORATIVE WORK, AND PERMISSIBILITY OF USING GENERATIVE AI

Permissibility of Submitting Substantially the Same Piece of Work for Academic Credit

Students are allowed to re-use a portion of their own work from previous assignments or courses, provided they acquire necessary approvals from the instructor and acknowledge and properly cite the portions that were previously submitted. For instance, if a student has already written a paper on a similar topic, they may incorporate findings or arguments from that earlier work but must indicate where these come from. Students should seek approval from the instructor if they are unsure whether their submission meets the criteria. Submitting work without clear acknowledgment of reused material will be considered a violation of academic integrity.

Cooperation or Collaboration

Collaboration is permitted in specific instances where the instructor allows it. For example, group projects or collaborative assignments may be part of the course, in which case students are encouraged to work together and divide the tasks evenly. In all other cases (such as individual assignments), students must complete their work independently.

Use of Generative Artificial Intelligence (AI) Tools

Students may use AI tools like ChatGPT, but only in specific, limited ways. AI tools can be used to assist with tasks such as gathering ideas, researching initial sources, or proofreading a final draft for grammar and style. However, students are not allowed to use AI to organize or communicate their core ideas. The focus of the course is on developing original thought and critical thinking skills, so AI should not be relied upon for creating the main content of an assignment. Any use of AI must be clearly documented and cited, including the prompts used and how the tool assisted in the process.

UNIVERSITY AND DEPARTMENTAL POLICIES

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://wellness.carleton.ca/get-help-now/>

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/>
- 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 (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](#).