

Wk 11 review

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11:35 AM



Wk 11

- Property
 - Issue of property is important to our legal system
 - Issues in property can cover a wide variety of areas
 - Native people's and their rights to property claims
 - Many applications from bands to various courts to asking the courts to recognized a band's aboriginal rights to a piece of property
 - Marriage claims and property
 - What happens when people split up?
 - Property lying next to a commercial harvested area
 - There can be issues with respect to the contamination of the property that is owned by the commercial tenants next door
 - Property can mean different things
 - Tangible
 - Land itself - a building, and automobile, an oil tanker, a fire truck, a painting, brushes, equipment, a motor
 - All of these are forms of tangible property
 - Intangible property
 - It is no less significant when it comes to value and rights
 - Patents, trademarks, copyrights, software codes, commercial trade secrets
 - Property is owned through many ways
 - Tenants in Common
 - Common to business arraignments or situations where recreational places are left for children
 - Joint tenancy
 - The owner = landlord
 - Tenant = person who rents from the landlord
 - Tenant has certain rights which are contained under the lease that is signed with the landlord



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- Review for exam
 - Exam is 3 questions - straight forward, extremely direct
 - **DON'T NEED TO REMEMBER CASE LAW**
 - "Explain the following concepts..."

- It would be smart to create an outline for the answers
- No specified length...
- Can use a combination of point form and long form answers
- **CHAPTER 2 - personhood and establishment of legal relations**
 - The idea of persons being artificial beings in law
 - The legal dependancy and the family
 - ◆ Women in family
 - ◆ Children in family
 - Differences between corporations and individuals
 - ◆ Running a business as an individual
 - ◆ Establishing a corporation as individual
 - ◆ Differences between corporations and sole proprietorships
 - ◇ Liabilities of corporations
 - ▶ Employees?
 - ◇ How is a corporation run
 - ▶ Board of directors
 - Is the mind of the corporation
 - In law, board of directors and officers may be responsible for actions of employees
 - ◇ Corporations and what statutes regulate the products they may create
 - ▶ Hazardous products act?
 - ◇ The need for training of corporate officers - **CORPORATE RESPONSIBILITY**
 - ▶ So that they know what their doing
 - ▶ So they can plan for emergencies
 - ▶ So they can react properly to accidents
 - **LEGAL DEPENDANCY AND THE FAMILY pg 35 of txt book**
 - ◆ Women's rights in the past contrasted with today
 - ◇ Be prepared to discuss these issues on exam
 - ◇ How has the evolution occurred in the law and the common law?
 - ▶ How does the common law view marriage?
 - ◇ Husband delegates legal responsibility of his wife
 - ◇ **ONTARIO LAW REFORM ACT - IMPORTANT FOR CHANGING THIS AREA**
 - ◆ Separation and divorce
 - ◇ Children of young years were always given to mother on dissolution of marriage
 - ◆ Family and people as status as legal persons
 - ◇ Cases about blood transfusions - the right to refuse a transfusion on grounds to religious beliefs
 - ◆ Parents don't have rights to make decisions on behalf of their children
 - ◇ The state can step in and make decisions - they can stand in position of the parents
 - ▶ *Parens Patriae*
- **CHAPTER 3 - CONTRACTS AND EXCHANGE RELATIONSHIPS**
 - The general nature of contracts - what is a contract?
 - ◆ Set of promises that the law would enforce
 - ◆ Contracts create rights and obligations that can be enforced in courts
 - What are the formal elements of contract?
 - ◆ Offer
 - ◇ Different types of offers

- ▶ Invitation to treat?
 - ▶ Offer?
 - ◆ Acceptance of offer
 - ◇ Communication of acceptance of offer
 - ▶ Internet?
 - ▶ Post office?
 - Acceptance is made when the mail is taken at post office
 - ◆ Agreement
 - ◆ Consideration
 - ◇ Money or moneys worth
 - ◆ Intention to create legal obligations between the parties
 - ◆ Form
 - ◇ Contracts had to be in writing when in its land
 - ◆ Legal capacity to contract
 - ◇ Age?
 - ◇ Mental deficiency?
 - ◆ Was the contract entered into under free will?
 - ◇ Duress?
 - ◆ Purpose of contract must be for a LEGAL purpose
- Classifications of contract
 - ◆ Contract by deed
 - ◇ Transferring property
 - ◆ Simple contracts
 - ◇ Can be made in writing, orally, or made in conduct
 - ◆ Bilateral contracts
 - ◆ Unilateral contract
 - ◇ Something where one party does something so that another party does something back
 - ◇ Entering into a parking garage case?
 - ▶ Fine print on the ticket?
- Excuses for non performance
- Contracts and family life
 - ◆ Balfour v Balfour?
 - ◇ Dispute between husband and issue of spousal support (in private law social life)

▪ **Chapter 4: Tort law and the concept of duty**

- The torts classification torts
 - ◆ Intentional vs unintentional torts
 - ◇ Unintentional torts
 - ▶ Nuisance
 - ▶ Negligence
 - ◆ Assault?
 - ◇ What does assault amount to under the criminal code of canada?
 - ◆ Battery?
 - ◆ Trespass to land
 - ◇ Occurs when there is an interference with use of someone's land
 - ◆ Tort of conversion of someone's property
 - ◆ Donoghue v Stephenson
 - ◇ Duty of Care?