

*Federation of Law Societies
of Canada*



*Fédération des ordres professionnels
de juristes du Canada*

NATIONAL COMMITTEE ON ACCREDITATION

SYLLABUS

CONTRACTS

JANUARY 2010

Contracts

Casebook

The assigned material on which candidates will be examined comprises a substantial portion of Ben Ishai & Percy, Contracts: Cases and Commentaries, 8th ed. (Toronto: Carswell, 2009). (See below for modifications).

Candidates should be familiar with these materials to the extent of enabling them to answer problem-type questions on a three hour, open book, final examination.

Supplementary Texts

In addition to the prescribed Casebook and supplementary materials, candidates may also wish to consult:

McCamus, Law of Contracts, (Toronto: Irwin Law, 2005)

Swan, Canadian Contract Law (Markham: LexisNexis, 2006) and First Edition Supplement (2008)

Waddams, The Law of Contracts, 5th ed. (Aurora: Canada Law Book, 2005) as supplemented.

Fridman, The Law of Contract in Canada, 5th ed. (Scarborough: Carswell, 2006).

Hall, Canadian Contractual Interpretation Law (Markham: LexisNexis, 2007).

Objectives

As well as knowledge of the principles and rules of the Canadian law of Contract, candidates will be expected to display an aptitude for the application of that knowledge in the context of specific fact situations. That will involve an ability to analyse and distill relatively complex facts, to relate the law as identified to the salient facts, and to reason towards a conclusion in the form of advice to a client or the likely judgment of a court confronted by such a problem.

Modifications to Ben Ishai & Percy

Omit all of Chapter 6 as well as Chapter 11, Part 5 ("Incapacity").

Add:

Tendering Contracts (see Casebook, page 46 particularly)

Double N Earthmovers Ltd. v. Edmonton (City), [2007] 1 S.C.R. 116; 2007 SCC 3.

Design Services Ltd. v. Canada, [2008] 1 S.C.R. 737; 2008 SCC 22.

Anticipation of Formalization (see page 151 particularly)

Wallace v. Allen, 2009 ONCA 36; 93 O.R. (3d) 723.

Discharge by Abandonment, Agreement and Conduct (see pages 181 and 460 particularly)

Jedfro Investments (U.S.A.) Ltd. v. Jacyk, [2007] 3 S.C.R. 679; 2007 SCC 55,

Negligent Misrepresentation in Contract and Tort and Entire Agreement Clauses (see pages 403 and 422 particularly)

No. 2002 Taurus Ventures Ltd. v. Intrawest Corp., 2007 BCCA 228; 281 D.L.R. (4th) 420.

Rectification and Restraint of Trade (see pages 613 and 749 particularly)

Shafron v. KRG Insurance Brokers (Western Inc.), 2009 SCC 6.

Cost of Completion or Difference in Value Damages (see page 824 particularly)

514953 B.C. Ltd. (C.o.b. Gold Key Corporation) v. Leung, 2007 BCCA 114; 64 B.C.L.R. (4th) 76.

Damages for Mental Distress for Breach of Contract (see pages 825 and 845 particularly)

Fidler v. Sun Life Assurance Co. of Canada, [2006] 2 S.C.R. 3; 2006 SCC 30.

Punitive Damages for Breach of Contract (see page 849 particularly)

Honda Canada Inc. v. Keays, [2008] 2 S.C.R. 362; 2008 SCC 39.

Remoteness (see page 871 particularly)

Mustapha v. Culligan of Canada Ltd., [2008] 2 S.C.R. 114; 2008 SCC 27 (at para. 19 particularly).

RBC Dominion Securities Inc. v. Merrill Lynch Canada Inc., [2008] 3 S.C.R. 79; 2008 SCC 54 (at paras. 8-13 particularly).

Mitigation (see page 879 particularly)

Evans v. Teamsters Local Union No. 31, [2008] 1 S.C.R. 61; 2008 SCC 20.

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Internet Sites for Provincial Legislation

www.canlii.org

This is a listing for all the provinces and is highly recommended

Ontario:

<http://www.attorneygeneral.jus.gov.on.ca/english/legis/>

British Columbia (Queen's Printer):

<http://www.bclaws.ca/>

Alberta (Queen's Printer):

<http://www.qp.alberta.ca/>

Supreme Court Judgments:

<http://scc.lexum.umontreal.ca/en/index.html>