



CAPILANO UNIVERSITY

COURSE OUTLINE		
TERM: Fall 2023	COURSE NO: LAW 440	
INSTRUCTOR:	COURSE TITLE: Real Property	
OFFICE: LOCAL: E-MAIL: @capilanou.ca	SECTION NO(S):	CREDITS: 3.0
OFFICE HOURS:		
COURSE WEBSITE:		

Capilano University acknowledges with respect the Lil'wat7úl (Lil'wat), xʷməθkʷəy̓əm (Musqueam), shísháhl (Sechelt), Skwxwú7mesh (Squamish), and Səlílwətaʔ/Selilwitulh (Tsleil-Waututh) people on whose territories our campuses are located.

COURSE FORMAT

Three hours of class time, plus an additional hour delivered through on-line or other activities for a 15-week semester, which includes two weeks for final exams. In addition to work done in the classroom, it is expected that students will do required reading and some assignments at home and will use on-line resources and materials provided in class.

COURSE PREREQUISITES

LAW 101, LAW 110, LAW 210, and LAW 200 or LAW 300

CALENDAR DESCRIPTION

This course introduces students to the fundamental principles governing the law of real property using the case study method and through a review of legislation affecting real property, including *the Land Title Act*, *Property Law Act* and *Law and Equity Act*. Students will become familiar with the BC Torrens registry land title system and its application in a common law jurisdiction.

REQUIRED TEXTS AND/OR RESOURCES

None

Recommended Texts and Resources

Bruce Ziff, *Principles of Property Law*, 7th ed (Toronto: Carswell, 2018)

Also a good second resource:

Bruce Ziff et al, *A Property Law Reader: Cases, Questions & Commentary*, 3d ed (Toronto: Carswell, 2012)

COURSE STUDENT LEARNING OUTCOMES

On successful completion of this course, students will be able to do the following:

- Describe common law principles and statutory rules as they pertain to the law of real property
- Explain exceptions to rules with reference to case law and statutory materials
- Identify different forms of ownership
- Recognize and use the appropriate communication tools for arranging examinations for discovery and trial dates in a civil litigation proceeding
- Understand the formation of mortgages, their creation, enforcement, registration and discharge
- Understand how Aboriginal Title co-exists with common law principle of ownership of land and recognize the cultural sensitivities and aspects of ownership in each research charges and interests that can affect title
- analyse the rights of the vendor and purchaser as they relate to the transfer of land and in particular in light of priorities and registration
- Identify, understand, and apply the relevant cases involving fraud
- Understand the various implications of transfers and future interests
- Analyze the various cases and concepts relating to leases
- Demonstrate an understanding of co-ownership in different situations with different types of relationships, roles, rights and obligations of parties involved
- Garner an understanding of the impact of current legislative proposals and initiatives to improve housing affordability in the community

COURSE CONTENT

WEEK	CONTENT	
1	Introduction to Property	Chapters 1 & 2
2	Boundaries	Chapter 3
3	Contract of Purchase & Sale and Transfers	Chapter 4
4	Common Law Estates and Aboriginal Title	Chapter 5
5	Priorities and Registration	Chapter 12
6	Fraud	Chapter 12
7	MIDTERM EXAM	
8	Transfers & Future Interests	Chapter 7
9	Leases	Chapter 8
10	Shared Ownership	Chapter 9
11	Servitudes	Chapter 10
12	Mortgages	Chapter 11
13	Review	
14 – 15	FINAL EXAM PERIOD: FINAL EXAM	

EVALUATION PROFILE

Method	%	Ind/Grp
Midterm Exam	35%	I
Final Exam	30%	I
Partner Project	20%	G
Group Project	10%	G
Participation*	5%	I
TOTAL	100%	

***Participation**

Class and online activities will involve participation in presenting cases to the class, isolating the main facts and issues of the case presented.

GRADING PROFILE

A+ = 90-100	B+ = 77-79	C+ = 67-69	D = 50-59
A = 85-89	B = 73-76	C = 63-66	F = 0-49
A- = 80-84	B- = 70-72	C- = 60-62	

Incomplete Grades

Grades of Incomplete "I" are assigned only in exceptional circumstances when a student requests extra time to complete their coursework. Such agreements are made only at the request of the student, who is responsible to determine from the instructor the outstanding requirements of the course.

Late Assignments

Assignments are due at the beginning of the class on the due date listed. If you anticipate handing in an assignment late, please consult with your instructor beforehand.

Missed Exams/Quizzes/Labs etc.

Make-up exams, quizzes and/or tests are given at the discretion of the instructor. They are generally given only in medical emergencies or severe personal crises. Some missed labs or other activities may not be able to be accommodated. Please consult with your instructor.

*** Accommodations can be made to honour community needs and traditional practices.

Attendance

Regular attendance and punctuality are both essential and expected due to the nature and format of the course materials.

English Usage

Students are expected to proofread all written work for any grammatical, spelling and stylistic errors. All assignments are marked for correct English usage, proofreading and formatting. Instructors may deduct marks for incorrect grammar and spelling in written assignments.

Electronic Devices

Students may use electronic devices during class for note-taking only. The use of electronic tools such as calculators and cell phones, or other resources such as written materials, will not be permitted during quizzes and exams, unless expressly authorized by the instructor.

On-line Communication

Outside of the classroom, instructors will (if necessary) communicate with students using either their official Capilano University email or e-Learn; please check both regularly. Official communication between Capilano University and students is delivered to students' Capilano University email addresses only.

UNIVERSITY OPERATIONAL DETAILS**Tools for Success**

Many services are available to support student success for Capilano University students. A central navigation point for all services can be found at: <https://www.capilanou.ca/student-services/>

Capilano University Security: download the [CapU Mobile Safety App](#)

Policy Statement (S2009-06)

Capilano University has policies on Academic Appeals (including appeal of final grade), Student Conduct, Academic Integrity, Academic Probation and other educational issues. These and other policies are available on the University website.

Academic Integrity (S2017-05)

Any instance of academic dishonesty or breach of the standards of academic integrity is serious and students will be held accountable for their actions, whether acting alone or in a group. See policy and procedures S2017-05 Academic Integrity for more information: <https://www.capilanou.ca/about-capu/governance/policies/>

Violations of academic integrity, including dishonesty in assignments, examinations, or other academic performances, are prohibited and will be handled in accordance with the Student Academic Integrity Procedures.

Academic dishonesty is any act that breaches one or more of the principles of academic integrity. Acts of academic dishonesty may include but are not limited to the following types:

Cheating: Using or providing unauthorized aids, assistance or materials while preparing or completing assessments, or when completing practical work (in clinical, practicum, or lab settings), including but not limited to the following:

- Copying or attempting to copy the work of another during an assessment;
- Communicating work to another student during an examination;
- Using unauthorized aids, notes, or electronic devices or means during an examination;
- Unauthorized possession of an assessment or answer key; and/or,

- Submitting of a substantially similar assessment by two or more students, except in the case where such submission is specifically authorized by the instructor.

Fraud: Creation or use of falsified documents.

Misuse or misrepresentation of sources: Presenting source material in such a way as to distort its original purpose or implication(s); misattributing words, ideas, etc. to someone other than the original source; misrepresenting or manipulating research findings or data; and/or suppressing aspects of findings or data in order to present conclusions in a light other than the research, taken as a whole, would support.

Plagiarism: Presenting or submitting, as one's own work, the research, words, ideas, artistic imagery, arguments, calculations, illustrations, or diagrams of another person or persons without explicit or accurate citation or credit.

Self-Plagiarism: Submitting one's own work for credit in more than one course without the permission of the instructors, or re-submitting work, in whole or in part, for which credit has already been granted without permission of the instructors.

Prohibited Conduct: The following are examples of other conduct specifically prohibited:

- Taking unauthorized possession of the work of another student (for example, intercepting and removing such work from a photocopier or printer, or collecting the graded work of another student from a stack of papers);
- Falsifying one's own and/or other students' attendance in a course;
- Impersonating or allowing the impersonation of an individual;
- Modifying a graded assessment then submitting it for re-grading; or,
- Assisting or attempting to assist another person to commit any breach of academic integrity.

Sexual Violence and Misconduct

All Members of the University Community have the right to work, teach and study in an environment that is free from all forms of sexual violence and misconduct. Policy B401 defines sexual assault as follows:

Sexual assault is any form of sexual contact that occurs without ongoing and freely given consent, including the threat of sexual contact without consent. Sexual assault can be committed by a stranger, someone known to the survivor or an intimate partner.

Safety and security at the University are a priority and any form of sexual violence and misconduct will not be tolerated or condoned. The University expects all Students and Members of the University Community to abide by all laws and University policies, including B.401 Sexual Violence and Misconduct Policy and B.401.1 Sexual Violence and Misconduct Procedure (found on Policy page <https://www.capilanou.ca/about-capu/governance/policies/>)

Emergencies: Students are expected to familiarise themselves with the emergency policies where appropriate and the emergency procedures posted on the wall of the classroom.