



COURSE OUTLINE		
TERM: Fall 2023	COURSE NO: LAW 201	
INSTRUCTOR:	COURSE TITLE: Torts II	
OFFICE: LOCAL: E-MAIL: @capilanou.ca	SECTION NO(S):	CREDITS: 3.0
OFFICE HOURS:		
COURSE WEBSITE:		

Capilano University acknowledges with respect the Liłwat7úl (Lil'wat), x^wməθk^wəyəm (Musqueam), shíshálh (Sechelt), Sḵw̓xwú7mesh (Squamish), and Səlílwətaʔ/Selilwitulh (Tseil-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.

COURSE PREREQUISITES

LAW 200

CALENDAR DESCRIPTION

In this course, students will continue an examination of tort law through the study of case law and statutes, considering a number of issues including economic negligence, occupiers' liability, nuisance, strict liability and the intentional torts.

REQUIRED TEXTS AND/OR RESOURCES

- Allen M Linden, Bruce Feldthusen, Margaret Isabell Hall, Erik S. Knutsen, Hilary A. N. Young *Canadian Tort Law: 12th Edition (Student Edition)* (LexisNexis Canada, 2022). ("**Linden**")
- Instructor's supplemental materials posted to eLearn

COURSE STUDENT LEARNING OUTCOMES

General Outcomes

To continue an examination of tort law through the study of the case law method and statute analysis, considering a number of areas involving forms of liability based on negligence, intentional wrongdoing and strict liability.

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

- a) effectively describe and explain the common-law and statutory rules, principles and exceptions,

- b) research the common-law and statutory rules, principles and exceptions,
- c) apply the common-law and statutory rules, principles and exceptions to factual situations similar to those facing clients of law firms in the following areas:
- negligence and pure economic loss,
 - government liability,
 - occupiers' liability,
 - nuisance,
 - strict and vicarious liability,
 - intentional torts and defences, and
 - business torts.

COURSE CONTENT

WEEK	CONTENT
PART I – CONTINUING STUDIES IN NEGLIGENCE	
1 – 2	DUTY OF CARE AND PURE ECONOMIC LOSS <ul style="list-style-type: none"> - Negligent Misrepresentation - Negligent Performance of Services - Shoddy Goods and Construction - Relational Economic Loss
3	DUTY OF CARE AND GOVERNMENT <ul style="list-style-type: none"> - Proceedings against the Crown - What is the Duty Owed? - Constitutional Torts
PART II – SPECIAL FORMS OF LIABILITY	
4	OCCUPIERS' LIABILITY <ul style="list-style-type: none"> - The Common Law - Statutory Reform
5	NUISANCE <ul style="list-style-type: none"> - Public Nuisance - Private Nuisance
6	STRICT LIABILITY <ul style="list-style-type: none"> - Origin and Scope - Defences to Strict Liability - Products Liability - Vicarious Liability
7	MIDTERM EXAM
PART III – TRESPASS AND INTENTIONAL TORTS	
8 – 9	SELECTED CAUSES OF ACTION <ul style="list-style-type: none"> - The Historical Context - Accidental, Negligent and Intentional Conduct - Volition and Capacity - Assault - Battery - Sexual Wrongdoing

	<ul style="list-style-type: none"> - Intentional Infliction of Mental Suffering - False Imprisonment - Trespass to Land - Interference with Chattels - Invasion of Privacy
10 – 11	DEFENCES <ul style="list-style-type: none"> - Consent - Self-Defence - Defence of Property - Necessity - Legal Authority
PART IV – BUSINESS TORTS	
12	BUSINESS TORTS <ul style="list-style-type: none"> - Deceit (Fraud) - Inducing Breach of Contract - Intimidation - Conspiracy - Interference with Advantageous Business Relations - A Note on Secondary Picketing
PART V – DEFAMATION	
13	DEFAMATION <ul style="list-style-type: none"> - The Values at Stake - Libel or Slander - The Plaintiff's Case - Basis of Liability - Defences - Slander of Goods
14 – 15	FINAL EXAM PERIOD: Final Exam

EVALUATION PROFILE

Research Assignment	30%
Midterm Exam	35%
Final Exam	35%
TOTAL	100%

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

Students are expected to attend all classes and associated activities.

English Usage

Students are expected to proofread all written work for any grammatical, spelling and stylistic errors. 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.

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.