Session:
Fall 2018

Course Objectives:
The objective of the course is to provide students with a functional understanding of the rules governing the creation of all binding legal agreements (obligations) and their enforcement in the Civil Law of Quebec and in continental European private law systems.

Course Content:
Basic civil law fundamentals: the person, the body corporate, personal rights, various types of obligations; formation of binding agreements; grounds for annulment; implied obligations flowing from all sorts of contracts; Sales contracts and other types of enforceable contracts, contract interpretation, annulment and restitution, breach of contract, default and damages.
Teaching Method:

Socratic Method - lecture given by the professor with discussion of issues such as parallels with North-American common law and practise issues.

Evaluation:

Mid-term exam for 40% (non-prejudicial) and final exam for 60%.

Mandatory course material:

- The Quebec Civil Code, S.Q. 1991, c. 64, as amended and related statutes,
- Quebec Contract Law, by S. Grammond, A Debruche & Y Campagnolo,
  (Montreal, Wilson & Lafleur, latest version).
OUTLINE AND SCHEDULE

Course 1 - Sept 6th

General Intro: the law of binding agreements and other obligations.
History and Sources of Quebec Contract Law.
Definition of Obligations and of Contracts.
The Contract as a type of Obligation.
(Readings: paragraphs 6 to 53 of text book)

Course 2 - Sept 13th

General rules, the Freedom to contract,
Classification of types of agreements, of types of Contracts –
Obligations outside of contract
(Readings: paragraphs 53 to 100, 375-394).

Course 3 - Sept 20th

FUNDAMENTAL BASICS OF ALL BINDING AGREEMENTS
RULES OF CONTRACT FORMATION (formation of binding agreement).

Rule 1 – MUTUAL CONSENT
Offer- counter offers and acceptance
Means of communications

Rule 2 – ABSENCE OF MISTAKES AND OTHER FACTORS THAT ANNUL OR CANCEL CONSENT:
Mistake - Fraud-misrepresentations – Threats - Lesion: undue economic harm.
(Readings : paragraphs 112-130, 203-244)

Course 4 – Sept. 27th

Rule 3 - CAPACITY OF THE PARTIES
“Absence of capacity”: minors, emancipated minors, adults, protected adults.
Capacity of body corporates, joint ventures, municipalities and other governments, unincorporated groups.

Rule 4 - OBJECT – (title of deed)
Rule 5 - CAUSE or PURPOSE (Lawful purpose)
(paragraphs 136-143, 184-202, 245-264)

Course 5 - Oct. 4th

Rule 6 - FORM OF AGREEMENTS: Obligatory form or absence of form (Verbal).

NULLITY OF CONTRACTS - Restitution

Rules of evidence related to contracts: how to prove the existence of a contract?
Overview of the law and rules of evidence
(Readings: para. 265-274, 141-173)

Course No. 6 - Oct. 11th EXAM – Mid-term

Course No. 7 – Oct. 18th

The content and interpretation of contracts- Express Terms. Implied Terms. Amendments to contracts.
“Privity of Contract in Quebec”- Binding nature of contracts and authorized exemptions
The Effect of Contracts on Third Parties
(Readings: 275-362, 395-445)

Course No. 8 - Oct. 25th

AUTUMN Break

Course No. 9 – Nov. 1st

Proper performance of Contract: the “Voluntary method”.
Payment. Tendering payments and Deposit.
The “Coerced Method” of Contract Performance: The Legal Remedies to breach of contract.
Notices of default.
Assessment of Damages-Punitive damages
(Readings: 525-620)

(149-171)

Course No. 10 - Nov. 8th
Fulfilment of obligations – Various forms of “Extinction” of obligations.
Doctrine of Risk.
Extinctive Prescription (Limitation periods)
(Readings: 446-505, 621-651)

Course No. 11 - Nov. 15th

Liability outside of contract:
Legal liability and Limitations of Liability.
Limitations of liability and waivers,
“Automatic” liability.

Course No. 12 – Nov. 22nd

A few “Mentioned” Contracts:
“Sales agreements”: Sales contracts in particular- warranties.
Professional services contracts
Appointing an agent – The Mandate
Lease agreements
(254-299, 652-779)

Course No 13- Nov. 29th

Legislated Modified Obligations:
“Good Samaritan Exemption”,
No-Fault Car Accident liability,
“Automatic” liability of the Employer for injuries at work, and
Consumer Protection Legislation.


FINAL EXAM: Date to be determined