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, patrimonial property, the body corporate, real and personal rights, various types of obligations; formation of binding agreements; grounds for annulment; implied obligations flowing from contracts; Sales contracts and other types of enforceable contracts, contract interpretation, annulment and restitution, breach of contract, default and damages. Particular contracts will also be reviewed such as Leases, Professional services and Mandate.
Teaching Methods:

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

Evaluation:

Mid-term exam for 40% and final exam for 60%.

Mandatory course material:

- **The Quebec Civil Code**, S.Q. 1991, c. 64, as amended and related statutes,
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 Obligation and Contract.
Contract as a Source of Obligations.
The Concept of Property ownership = Patrimony.
(Readings: pages 1 to 19 of text book)

Course 2 - Sept 13th

Classification of types of agreements, of types of Contracts –
Ordinary contracts versus consumer contracts;
Methods of formation
Obligations outside of contract
(Readings: pages 20 to 44).

Course 3 - Sept 20th

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

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: pages 45 to 55, 68-73)

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)
(pages 75-101)

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
(57-68, 102-105)

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

Course No. 7 – Oct. 18th
The content and interpretation of contracts- Express Terms. Implied Terms
Obligations Based on the Nature/type of Contract or on usage (pages 107 - 127)
Amendments to contracts. Force majeure. Abusive Clauses.

Course No. 8 - Oct. 25th
AUTUMN Break

Course No. 9 – Nov. 1st
Types of Obligations, simple and complex ones.
Limitations of Liability.
(pages 128-148)
Course No. 10 - Nov. 8th

“Privity of Contract in Quebec”- Binding nature of contracts (who is actually bound?)
The Effect of the Contract on Third Parties

(149-171)

Course No. 11 - Nov. 15th

Coerced Contract Performance: The Legal Remedies to breach of contract.
Notices of default.
Assessment of Damages-Punitive damages

(172-198)

Course No. 12 – Nov. 22nd

Fulfilment of obligations – Various forms of “Extinction” of obligations.
Compensation, Confusion and Release.
Doctrine of Risk.
Extinctive Prescription (Limitation periods)
(pages 199-253)

Course No 13- Nov. 29th

“Listed” Contracts:
“Sales agreements”: Sales contracts in particular- warranties.
Professional services contracts
Appointing an agent – The Mandate
Lease agreements
(254-299)

FINAL EXAM : Date to be determined