

# LAWF 3070\_90 TORTS

FALL 2021 / WINTER 2022



## Welcome to Torts

This course is an introduction to the Canadian law of torts. We will cover the basic idea of a tort as a non-contractual civil wrong, and topics including nuisance, negligence, damages, defences, and vicarious liability. We will look at the role of tort law in modern Canadian society, including in important political and moral questions such as environmental harm, the meaning of consent, and decolonization and reconciliation with Indigenous peoples.



**Calendar description:** Students analyze and critique the law of torts, primarily the law of negligence, with personal injury as the main focus, although other torts are also introduced. Topics include the nature of tort law and its process; an anatomy of the law of negligence, including the nature and extent of liability; defenses, remedies, and the assessment of damages; intentional torts; economic torts; strict liability; bailment; the impact of private insurance on the tort system; alternative forms of compensation.



Thompson Rivers University campuses are on the traditional lands of the Tk'emlups to Secwépemc (Kamloops campus) and the Texelc (Williams Lake campus) within Secwépemc'ulwucw, the traditional and unceded territory of the Secwépemc. The region TRU serves also extends into the territories of the St'át'imc, Nlaka'pamux, Tsilhqot'in, Nuxalk, and Dakelh, and Métis communities within these territories.

## Your professor

**Professor Katie Sykes**

csykes@tru.ca (please use this rather than Moodle messages)

**Office hours**

Fall: Monday 11:30-1 and Wednesday 2:30-4.

Winter: Monday 11:30-1 and Thursday 10-1.

**Favourite tort:** jactitation of marriage. (Want to know more about that?

Check out episode 3 of the torts podcast at <https://tortspod.trubox.ca/>)

You can call me Katie or Prof. Sykes, whichever you prefer.



## Course Objectives

**After taking this course you will be able to:**



### Explain and apply the law

Explain the key principles of tort law  
Interpret and apply key cases and the legal rules they stand for.  
Interpret and apply key statutes.  
Write clearly about the law.  
Feel comfortable using legal jargon in everyday life.



### Critically evaluate the law

Explain the purpose and social value of tort law.  
Evaluate how well the law achieves its objectives.



### Describe emerging issues

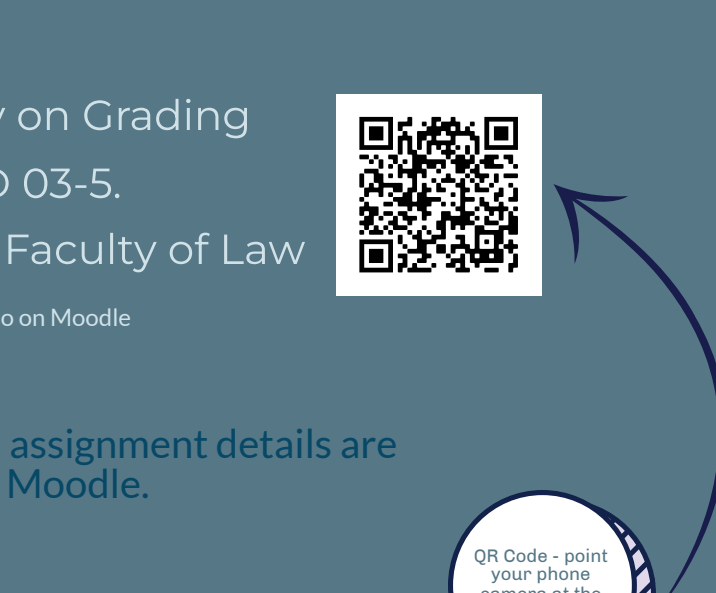
Analyze and explain new and evolving issues in tort law

## Evaluation

Here's how your grade will be determined:



December exam is "help not hurt."  
If your final exam grade is better, the December exam is weighted 0% and the final exam is weighted 60%.



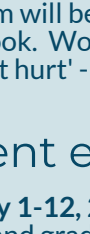
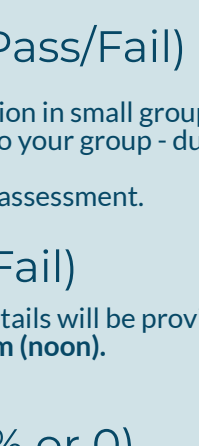
I'll explain more details about grades in the first week. See also "Assignments and Exams" on the last page. What, like it's hard?

### Grading policy

If grades fall between two whole numbers, we round up for increments of 0.5 and above and round down for increments below 0.5. For example, a grade of 74.5 would be rounded up to 75, and a grade of 74.2 would be rounded down to 74.

TRU's Policy on Grading Systems, ED 03-5.  
See Page 3, Faculty of Law

Policy is also on Moodle



All assignment details are on Moodle.

QR Code - point your phone camera at the square to open the web page

## Assignments and Exams

### Moodle quizzes (5% - completion)

Each semester, there will be 6 quizzes available for you to test your knowledge and what you remember (a total of 12 for the year). Complete at least 10 out of the 12 quizzes to get 5%. **Your score doesn't matter. The grade is for completing the quizzes. You self-report how many you did (honour system).** If you complete fewer than 10, you'll get a portion of the total points (e.g., do 8 quizzes, get 4%). Also, you can repeat the quizzes as many times as you like to keep practicing and checking what you know.

### Small group participation (5% - Pass/Fail)

Most weeks, we'll do practice problems and discussion in small groups. Assess your own participation in and contribution to your group - due at the end of the year. More details on Moodle.  
Everyone gets 100%, as long as you turn in the self-assessment.

### Fall writing exercise (10% - Pass/Fail)

Practice writing a professional e-mail to a client. Details will be provided in class and on Moodle. Turn in by **October 7, 2021 at 12 pm (noon)**.

### Mid-term exam - December (20% or 0)

**Wednesday, December 15, 2021 at 9 am - ONLINE / REMOTE**  
The exam will be designed to take 2 hours, but you will have 3 hours to do it. Open book. Word limit.  
'Help not hurt' - if you improve your exam grade in the April exam, this one won't count.

### Settlement exercise (10% total - Pass/Fail)

**February 1-12, 2021.**  
Details and grading criteria will be provided on Moodle in the Winter semester  
5% is awarded for completing stages in the exercise, which will depend on your role.  
5% is for a final self-assessment / reflection.  
Detailed information about the settlement exercise will be provided on Moodle and in class.

### Reflection (10% - Pass/Fail)

Write a personal reflection on the relationship between tort law and social justice, anti-racism, and/or anti-colonialism.  
Details will be provided on Moodle.  
Assignment set: **September 14, 2020.**  
Assignment due: **March 26, 2021 by 12 pm (noon).**

### Final exam - April (40% or 60%)

**Wednesday, April 27, 2022 at 9 am - ONLINE / REMOTE**  
The exam will be designed to take 2 hours, but you will have 3 hours to do it. Open book. Word limit. **On the full year's material.**  
If you improve your exam grade in the April exam, the final exam (the better grade) is worth 60%, and Counsel's entire opening statement, with the exception of "thank you," will be stricken from the record.

## Materials

Casebook: Ernest J. Weinrib, *Tort Law: Cases and Materials*  
5th ed (Emond, 2019)

Other materials are on Moodle

## Class Details

Fall: Mon & Wed, 1-2:30,  
OM 3632

Winter:

## Methodology

A mix of in-class and recorded lectures, in-class activities, and small group discussion and problems.  
And asking you to explain this to me like I'm a two-year-old.

## Small groups

[Add info]

## Policies

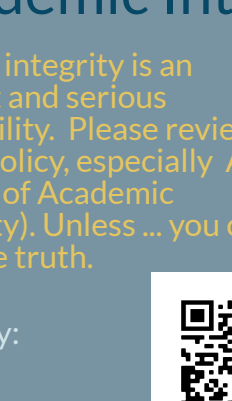
### Accommodation

The Faculty of Law will provide reasonable accommodation to students on the basis of factors such as illness, disability, religious observances, family or personal emergencies or affliction, or other similar special needs, when such factors interfere with the ability of a student to attend or to complete assignments or examinations at regularly scheduled dates or in other circumstances. Talk to us or the Associate Dean if you think you might need to discuss accommodation.



TRU Policy: Accommodation and Services for Students with Disabilities, BRD 10-0

### TRU's Official Policies and Procedures



### Academic Integrity

Academic integrity is an important and serious responsibility. Please review the TRU policy, especially Art. VI (Forms of Academic Dishonesty). Unless ... you can't handle the truth.



TRU Policy: Student Academic Integrity, ED 5-0

Admission to the practice of law requires standards of integrity that are higher still than those expected of academics. A finding of academic misconduct, even if it does not result in suspension or expulsion from the Faculty of Law, may nevertheless be a bar to admission into articling or practice. You're out of order! You're out of order! The whole trial is out of order! They're out of order!

Policies are also on Moodle

## Weekly Plan - Fall 2021

Sept 8	Introductory class No readings
Sept 13, 15	Introduction to tort law, reading cases, and small groups Readings on Moodle
Sept 20, 22	Nuisance 1, 34-39, 2-8, 11-16
Sept 27, 29	Nuisance 14-22, 39-43, 778938 Ontario Limited v. Annapolis Management, Inc (on Moodle)
Oct 4, 5	Writing Exercise Materials on Moodle
Oct 13 No Monday class	Writing Exercise

## Weekly Plan - Fall 2021

Oct 19, 21	Introduction to negligence; duty Read: 51-52, 115-121, 138-139, 160-165
Oct 26, 28	Duty Read: 167-176, 193-202
Nov 2, 4	Standard of care Read: 51-55, 64-68, 73-74, 79-81, 86-87, 89-94.
Nov 9 No Wednesday class	Review No readings
Nov 16, 18	Proximate Cause (Remoteness) Read: 210-211, 213-216, 218-226
Nov 23, 25	Proximate Cause (Remoteness) Read: 234-241, Mustapha v. Culligan (on Moodle)
Nov 30, Dec 2	Exam review

## Weekly Plan - Winter 2022

Jan 11, 13	Exam feedback
Jan 18, 20	Factual causation Read:
Jan 25, 27	Factual causation Read:
Feb 1, 3	Defences
Feb 8, 10	Settlement exercise week 1 Materials are on Moodle
Feb 15, 17	Settlement exercise week 2

## Weekly Plan - Winter 2022

February 22, 24	Reading week
March 1, 3	Special lectures No readings
March 8, 10	Battery Read: 534, 479-501, 510-517 [cut this down - Norberg, Reibl v Hughes - i think we need malette]
March 15, 17	Review No readings
March 22, 24	Vicarious liability Read: 644-660 [Change - add Bazley v Curry, skip old stuff]
March 29, 31	Tort law and compensation
April 7 No Monday class	Exam review