

COURSE OUTLINE		
TERM: Fall 2024	COURSE NO: LAW 302	
INSTRUCTOR:	COURSE TITLE: Introduction to Construction Law	
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), xʷməθkʷəy̓əm (Musqueam), shíshálh (Sechelt), Sk̓w̓x̓wú7mesh (Squamish), and Səlílwətaʔ/Selilwitulh (Tsleil-Waututh) people on whose territories our campuses are located.

COURSE FORMAT

This course will be offered in a synchronous or asynchronous online format or a synchronous in-person format, four hours per week for a 15-week semester (or equivalent), including two weeks (or equivalent) for final exams. For either synchronous or asynchronous online format, the instructor will provide weekly readings, and students will complete exercises and discussions. Three of the four instructional hours will be completed with lectures, and a fourth hour will consist of at-home and online work supported through eLearn.

COURSE PREREQUISITES

LAW 101, LAW 110 and LAW 210; OR 45 credits of 100-level or higher coursework

CALENDAR DESCRIPTION

This course helps students understand the legal framework and key issues related to infrastructure and construction projects, providing the skills and practical background that students, project managers, consultants, and contractors need to effectively navigate real-world situations. Topics include contract interpretation and negotiation, tenders, bidding, procurement, contract administration and enforcement, dispute resolution, and environmental and health and safety concerns.

REQUIRED TEXTS AND/OR RESOURCES

- Construction Law 2023 Practice Guide - <https://practiceguides.chambers.com/practice-guides/construction-law-2023/canada>
- CLE BC excerpts (to be provided by Instructor)
 - Construction Disputes
 - Dispute Resolution in the Construction Industry
 - Interpretation of Construction Contracts
 - Construction Tendering and Procurement
 - Builder's Lien issues in Residential Construction
 - Construction in Challenging Times

- The Dreaded Extra
- *Builders Lien Act*
- Model Contracts – CCDC, CCA

COURSE STUDENT LEARNING OUTCOMES

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

- Understand the legal frameworks that govern construction projects, including contract law principles, the procurement and tender process, and dispute resolution mechanisms.
- Develop the ability to draft, interpret, and negotiate construction contracts effectively, considering essential elements, legal requirements, and industry standards to minimize risks and ensure enforceability.
- Develop skills and strategies for effectively administering construction contracts, including the enforcement of contractual requirements and the use of dispute resolution provisions to resolve issues that may arise.
- Understand the remedial measures available in construction law, including builder's liens, CPLs, mechanic's liens, and stop notices, to address disputes and enforce contractual rights.
- Enhance their critical thinking and problem-solving abilities by examining case studies, legal scenarios, and practical exercises.

COURSE CONTENT	
WEEK	CONTENT
1-2	Foundations of Construction Law Introduction to Construction Law Sources of Construction Law Legal Framework in Construction Projects (property, permitting etc.) Role of Contracts in Construction Projects
3-4	Contract Formation and Interpretation Principles of Contract Formation Essential Elements of a Construction Contract Types of Construction Contracts Contract Interpretation and Construction
5-6	Procurement and Tender Process Overview of the Procurement/Tender Process Bid Documents and Invitation to Bid Duties of Tenderers Challenges and Remedies in Tendering Process
7	Mid-term exam
8	Insolvency, insurance, bonding, environmental, health and safety, and labour issues that may arise during construction projects.

COURSE CONTENT	
WEEK	CONTENT
9-10	Contract Administration and Enforcement Contract Administration and Performance Breach of Contract and Remedies Termination and Suspension of Contracts (Notice) Claims and Disputes Resolution Mechanisms
11	Arbitration in Construction Disputes Introduction to Arbitration Arbitration Agreement and Process Role of Arbitrators and Arbitral Awards Enforcement of Arbitral Awards
12	Remedies in Construction Law Builder's and Mechanic's Liens Certificates of Pending Litigation Warranties Insurance and Subrogation Other Remedial Measures in Construction Disputes
13	Emerging Issues and Practical Application Emerging Trends and Issues in Construction Law Case Studies and Legal Analysis
14-15	Final Exam Period

EVALUATION PROFILE

Mid-Term Exam	30-35%
Final Exam	30-35%
Group Discussions & Participation	5-10%
Assignments/Final Project	<u>25-30%</u>
TOTAL	100%

Assignments/Final Project

This course will include assignments related to construction law.

Participation

Participation is allocated to the consistency, quality, and frequency of contributions to class discussions, weekly activities, and class presentations. Consistency means attending every class and actively contributing to discussions on a regular basis. Quality means demonstrating respect for peers and their contributions, listening attentively during lectures and when other students are speaking, and participating in all activities with an open and inquisitive mind.

Mid-Term Exam and Final Exam

There will be a mid-term exam in Week 7 covering Weeks 1-6 of the materials and a final exam covering Weeks 8-13 of the materials. The format of the exams will be determined by the instructor and may include a combination of true/false, multiple choice, matching, short answer, and essay questions. The final exam will be scheduled at a date to be determined by the Registrar's Office.

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" will not be assigned in this course.

Late Assignments

Homework assignments are due at the **start of class** on the due date unless otherwise advised by your instructor. Late assignments will only be accepted if prior approval for a late submission date has been given by the instructor.

Missed Exams/Quizzes/Labs etc.

Make-up exams, quizzes and/or tests are given at the instructor's discretion. 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 eLearn; 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.