

LAW 108B: PROPERTY

2010-2011

Professor Foster's Section

In the Fall Term this class will be held in Room 158 on Mondays from 1:30 to 3:20 p.m.

In the Spring Term it will be held in Room 158 on Tuesdays and Thursdays from 1:30 to 2:50 p.m.

Contact information:

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Course website (Fall): <http://www.law.uvic.ca/hamarf/108b/>.

Office Hours: Any time (details to be announced).

The required materials for this course are:

(a) Bruce Ziff, *Principles of Property Law* (Thomson Carswell 2010, 5th ed.);

(b) The cases and other materials available in *pdf* form on the course website; and

(c) The *statutory print-out*. For details regarding assigned readings from this and other sources, see the Course Outline (syllabus), which is available on the course website and a copy of which will be distributed in class.

A. OBJECTIVES

Property law explores how law regulates relationships in which people acquire, use, and transfer resources. The course will introduce students to well-established doctrine as well as emerging fields of property law. The foundational topics the course addresses include the contested nature of property, the concepts of possession and ownership, aboriginal title, and the doctrine of estates, including concurrent and future interests. The course also examines the connections among property, culture and power, as well as how property as a legal concept is related to personhood and commodification. It is intended to cultivate an understanding of the close relationship between law and social

context, and to encourage students to approach the study of property critically. Some specific objectives are:

1. To introduce students to the concept of property, as distinguished from other legal concepts, and to the relationship between property and other branches of the law. This will involve a certain amount of legal history, because the common law of property, perhaps more than any other area of the law, is historically based.
2. To introduce students to selected aspects of the law of property, both real and personal, and to the Torrens system of title registration. These topics are set out in the course outline.
3. To introduce students to the increasingly important law of Aboriginal title, and to some other property issues affecting Aboriginal peoples in Canada.
4. To provide students with the intellectual tools necessary to solve practical problems in property law.

B. TEACHING METHODOLOGY

The classes will be a combination of lecture, discussion and one field trip in the Spring Term. Students are expected to read assigned readings prior to class, and *the lecturer will assume that students are familiar with the assigned readings.*

C. ASSESSMENT AND EVALUATION

(a) There will be a *practice examination in December* that, as explained below, will be worth either 0% or 30% of the final grade.

(b) There will be a *final examination in April* that will cover material from *both* terms but which will focus primarily upon the spring term. As explained below, it will be worth either 70% or 100% of the grade for the course.

(c) Both the December and April examinations are *open book* examinations. This means that students are permitted to refer to their own notes, student outlines, the prescribed materials for

the course and any class handouts while writing the examination. *No other materials are permitted in the examination room.*

(d) Exams will be graded on a percentage basis and the numerical value will be converted according to the Faculty's established scale. The relevant equivalencies between numerical and letter grades are as follows:

Letter Grade	Grade Point Value	Percentage Value	Narrative Description
A+ A A-	9 8 7	90-100% 85-89% 80-84%	Exceptional, outstanding, and excellent performance, normally achieved by a minority of students. These grades indicate a student who is self-initiating, exceeds expectation, and has an insightful grasp of subject matter.
B+ B B-	6 5 4	75-79% 70-74% 65-69%	Very good, good, and solid performance, normally achieved by the largest number of students. These grades indicate a good grasp of subject matter or excellent grasp in one area balanced with satisfactory grasp in the other area.
C+ C	3 2	60-64% 55-59%	Satisfactory or minimally satisfactory performance. These grades indicate a satisfactory performance and knowledge of subject matter.
D	1	50-54%	Marginal performance. A student receiving this grade demonstrates a superficial grasp of subject matter.
F	0	49 or below	Unsatisfactory performance.

The December Examination [Please read this carefully]

The December Examination and the Calculation of Final Grades

The December examination is potentially worth 30% of your final grade for the course. However, it will count as 30% of the final grade ONLY if it raises that grade. That is, if the December grade is lower than your final examination grade, your grade in the course will be based solely upon the final examination grade. This means that the December examination can help your final grade but cannot hurt it.

A Mandatory Requirement – Penalty for Failure to Write the December Examination

The December examination in this course must be written, *i.e.*, it is compulsory. *In the absence of a documented medical or other acceptable reason, failure to write the examination in December*

will mean that a penalty of one letter grade will be deducted from your grade in the final examination in April. (For example, a final grade of B+ would become a B.)

Establishing Acceptable Reasons for Failure to Write the December Examination

An acceptable reason for not writing a December examination is a reason that would normally justify a Special Examination in a course (e.g., illness, family affliction or other pressing special circumstances) and the procedures to be followed to establish that an acceptable reason exists are the same as those that apply to Special Examinations. Among other things, these procedures require that you contact the Associate Dean as soon as possible, and no later than five days after the scheduled date of the examination, to inform her of the problem and provide the documentation necessary to substantiate your grounds for missing the examination.

(All students should ensure that they are familiar with the Faculty's Regulations regarding Special Examinations that are set out in the calendar and posted on the main notice board <http://web.uvic.ca/calendar2009/TOC/FoLa.html>.)

Writing the December Examination on a Deferred Basis

A student who establishes an acceptable reason for failing to write the December examination on the scheduled date may be granted special permission to write the examination on a deferred basis, *provided that he or she is capable of doing so within the regular examination period in December*. In such a case, the December examination grade will count in the calculation of the final grade for the course in the usual way. Arrangements to write an examination on a deferred basis must be made through the Associate Dean's office and an undertaking regarding non-discovery of the contents of the examination will be required.

A student who has an acceptable reason for failing to write a December examination on the scheduled date and who cannot write the examination within the regular examination period, will not be allowed to write the examination at a later date and have it count in the calculation of his/her final grade for the course. In such a case, the penalty for failure to write the examination will not apply and calculation of the final grade will be made on the basis of the final examination alone.

Relevance of December Examination in Other Contexts

Students should also be aware that, although writing the December examination in this course cannot adversely affect your final grade in the course, December grades for first year students

have recently become relevant in other contexts. For example, you may be asked or required to provide your unofficial December grades to prospective employers. The law school will refer to these grades if you apply for a summer research position. And, the Director of Co-op may refer to them if a First Year student is not performing well in the Co-op preparation course, to help her determine whether that student should be allowed to apply for a summer work term.

In addition, in January the faculty will meet to review the December grades in order to identify students who are experiencing academic difficulties and thus be in a better position to assist them. A grade of less than C in the December examination in this course may result in remedial work of some kind being required.

Plagiarism and Other Forms of Academic Dishonesty

Students who are unsure of the rules of academic conduct in this area should refer to the relevant portion of the UVic Calendar (in particular the heading “Policy on Academic Integrity” <http://web.uvic.ca/calendar2009/FACS/UnIn/UARe/PoAcl.html>), and are encouraged to consult the instructor.