

THE UNIVERSITY OF BRITISH COLUMBIA
PETER A. ALLARD SCHOOL OF LAW

DECEMBER EXAMINATION- 2020

LAW 211.001
Contracts

Professor Anne Uteck

EXAM PASSWORD: pCWrgX
RESUME CODE: ABB039

TOTAL MARKS: 100

(8:50 AM PST) **PREPARATION TIME ALLOWED: 10 MINUTES**

(9:00 AM PST) **WRITING (INCLUSIVE OF READING) TIME ALLOWED: 75 MINUTES**

8:50-9:00 AM Preparation Time (Exam writing not permitted) – This time is given to students to download/print your exam questions once the exam has been made available online on Canvas, to read the Exam Password on this exam coversheet, to enter the Exam Password for the exam in Exemplify, and to progress in Exemplify until you see the **STOP SIGN**, where you will **WAIT until 9:00 AM. DO NOT proceed past the STOP SIGN. DO NOT begin typing your exam answers in Exemplify until 9:00 AM!**

9:00 AM Exam Writing Time – At 9:00 AM, you may proceed past the **STOP SIGN** in Exemplify and begin typing your exam answers. Students are required to calculate and monitor their own time for writing exams. All exam answer uploads will be monitored to ensure that typing of answers only occurred during the allotted Exam Writing Time.

This is an **open book** examination, meaning that you can refer to all materials used in this course, including:

- Course Casebook and other assigned cases;
- Materials on LAW211.001 canvas site; and
- Your own notes.

You **may not** refer to the following materials:

- Materials from other Contracts sections or previous iterations of this course;
- Materials from other courses;
- Textbooks and other texts not assigned or discussed in this course;
- Dictionaries; and,
- Any other materials available to you that have not been used in this course.

If you think you have discovered an error or potential error in a question on this exam, please make a realistic assumption, set out that assumption clearly in writing for your professor, and continue answering the question. Do not email your professor or anyone else about this while the exam is in progress.

ACADEMIC INTEGRITY

Any exam answers that raise suspicion of breaking any restrictions outlined on this cover page may be subject to being processed through academic integrity software. Students typing exam answers before or after the allocated exam writing time may receive a grade penalty.

CONFIDENTIALITY REGULATIONS – READ CAREFULLY

As this exam is being written off-campus and is unsupervised, any communication whatsoever (including, but not limited to in person, telephone, e-mail, text, social media, etc.) concerning the contents of this examination with anyone (other than the Student Services staff of the Allard School of Law) is strictly prohibited.

In the event any information comes to your attention regarding a breach of these regulations (by others, or inadvertently by you), please immediately contact Student Academic Services (studentservices@allard.ubc.ca) and make full disclosure.

A breach of these regulations may constitute student misconduct, and you may be subject to penalty or discipline under UBC's Academic Misconduct policies.

What Do I Do If:

- **I cannot access the exam questions on Canvas**

If you experience technical difficulties accessing the exam questions on Canvas, email studentservices@allard.ubc.ca and the exam questions will be emailed to you. Please provide your phone number when emailing Student Services.

- **I'm experiencing technical difficulties DURING THE WRITING of the exam**

If you experience technical difficulties with Exemplify at the very beginning or during an exam, you may attempt to solve your problem/reboot your computer **BY YOURSELF**. You are **STRONGLY** encouraged to spend **NO MORE THAN 5 minutes** attempting to do so. You will **NOT BE GIVEN ANY EXTRA TIME** to complete the exam. **If your attempt to solve the problem is unsuccessful**, or if you choose not to make such an attempt, you **MUST** immediately **begin hand-writing** your exam answers with pen on lined paper. **You may NOT type your exam answer in word-processing software.**

When you have finished writing the exam, you must upload the exam answers that you completed in Exemplify (if you are prompted for a Resume Code, it is on the coversheet of the exam questions). Email Bernie Flinn, flinn@allard.ubc.ca, for help with this. Please provide your phone number in the email. Bernie or another IT Support staff person will then help you to upload any answers that you typed in Exemplify.

You must also upload to Canvas your hand-written exam answers into the "Exam Answer File Upload (Word Processor or Hand-written ONLY)" folder. Scan or take a picture of each page (.jpg) of your exam and put them into one folder to upload.

Your answer file should be named, and the coversheet of your answers should be titled with:
Your Exam Code, Course Number, Name of Course, and Instructor Name
i.e., **9999 LAW 100.001 Law of Exam Taking - Galileo**

- **I'm experiencing technical difficulties EXITING and UPLOADING the exam**

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If you have approved accommodations to type your answers using Word Processing Software, and experience difficulties uploading your exam answer file to Canvas, email your exam answer file to studentservices@ubc.ca.

- **I fall ill in the middle of an exam, or am otherwise interrupted such that I'm unable to continue writing my exam**

Please stop writing, note the time that you stopped, and email studentservices@allard.ubc.ca immediately to notify them and discuss options. Please provide your phone number when emailing Student Services.

END OF COVER PAGES

Question 1 (100 marks)

Joey and his partner Mo lived near White Rock, B.C. in an older farm house on several acres of land. Since they did not have the money to purchase the house when it was on the market, Mo's father Thomas, who lives nearby, purchased it on September 1, 2018 and registered in his name at the Land Titles Registry. He told Joey and Mo that instead of paying rent they would be paying his monthly mortgage payments and once they pay off the mortgage, he would transfer the title to the home to them. Joey asked if they should write up a short agreement about all of this, but Thomas insisted he had made many great deals without ever putting anything in writing and besides, families don't need contracts. The couple moved into the house on October 1, 2018. They immediately began reconstructing the long-neglected vegetable garden on the southeast side of the property, intending to create sustainable produce to live healthy and reduce grocery costs.

In July, 2019, Mo asked a friend Peter, a graffiti artist, who would occasionally visit on weekends to paint at the White Rock seaside park and sleep on the sofa in their basement, if he could paint something they could hang on the wall in the living room above the fireplace. Peter said "Sure, why not. You've always been nice to me and let me crash in your basement. I guess I can do something nice for you." One day in August 2019, much to their surprise, Joey and Mo returned home after work and found Peter in their living room painting the whole wall around the fireplace as a mural. It was a wonderfully creative depiction of the surrounding landscape. Joey and Mo liked it so much that Mo said they would pay him whatever he asked for that magnificent art. They called Thomas to come and see the room. When Thomas saw the mural on the massive wall he said in jest: "Wow, you are so good at this that you could turn the whole room into art worth thousands of dollars. You are going to make my house a valuable property!" Joey and Mo burst into laughter. Peter calmly responded to Thomas: "Yes, I am that good. And I'll give you a really good price for the room full of art since you are so appreciative of my work. How about \$6000 for the whole room?" Mo was enthusiastic: "Yeah, that would be great!" Thomas and Joey were still laughing.

The weekend after Thanksgiving, Peter returned to Joey and Mo's house and covered the whole living room in murals. Peter wrote his name and date on one of the walls and wrote "Graffiti is not the lowest form of art." He left a card for the couple with a note: "Thank you for your hospitality and for allowing me to develop my art at your place. I hope you'll enjoy the room. Mo, send me the \$1,500 that you promised whenever you have some extra money. Thomas should send a \$6,000 cheque to my Vancouver studio or use my email to transfer the money directly to my account."

Mo showed the note to Thomas and asked him what he was planning to do about this. Thomas said that he would do absolutely nothing. He added: "Your friend is really weird. It was a complete joke. I don't even like what he's done to my house. Its rubbish and YOU should pay ME to paint the room back to beige." The two had an argument that ended with Thomas asking them to leave the house if they did not like the way he dealt with Peter.

Mo was very upset and when Joey realized that the relationship between his partner and father-in-law was not improving, he accepted a job in Calgary and he and Mo left B.C. in November 2019. Before they left, Mo sent an email to Peter: "My dear friend, Joey and I are leaving B.C. I have no money at the moment to pay you for your great art, but attached to this message is a Children's Hospital lottery ticket that I bought in a fundraising campaign for the new hospital wing. You might get lucky and win a Tesla or a bottle of wine. There is something for everybody who has a ticket." Peter ended up getting a dinner at a restaurant in Vancouver.

Once Joey and Mo left the farm house, Thomas decided to renovate the house, get rid of Peter's murals and sell the house. On November 19, 2019, he contacted four contractors, White Rock Builders, Brand Construction, Done Right Contracting and Power Up Building. Thomas sent them some basic house plans, his budget estimate (\$15,000) and timeline for completing the work. He asked all 4 companies in separate emails to submit their estimates in four days by email. Within four days all 4 companies emailed detailed estimates for the work including their timelines. All 4 estimates were below \$15,000, but White Rock Builders were the lowest, charging \$12,999.99 including GST. On November 27, 2019, Thomas met White Rock Builders Manager Rikki at a local coffee shop, just to have a face-to-face discussion about the company's work. White Rock Builders subsequently sent two emails to Thomas, including their preliminary drawings of each room renovations and their standard construction contract. Thomas responded to one of these emails: "I'm impressed with your business and your ideas. I'm hoping to sort out some private things and will give you a call later in the week and will let you know what we'll do then." Rikki replied: "Sounds great. I'll book my team for the job and wait for you to let us know about starting the demolition work."

One week later, Thomas was watching the evening news and he almost fell off his chair when he heard that Peter's art was incredibly sought after by celebrities across North America. Apparently, one Canadian music superstar just paid \$4 million dollars for a mural Peter painted at his Toronto studio. Thomas immediately called the four contractors to tell them that he would not proceed with renovations. Three of the contractors, while disappointed, said: "No worries, let us know if you change your mind." White Rock Builders were not picking up the phone so Thomas left a voice mail.

The following day, Mo texted Thomas and said: "Do not touch that room – Peter's work is mine, I paid for it. In fact, the room is mine and Joey's as we paid a part of your mortgage. You cannot sell what is mine." Then Thomas saw an email from White Rock Builders: "You can't back out now. We have a deal. We missed one week of work as my team was on standby for you."

Thomas is seeking your legal advice on (1) any potential claims against him and (2) whether he has any legal claims. Explain fully.

END OF EXAMINATION