

**THIS EXAMINATION CONSISTS OF THREE PAGES
PLEASE ENSURE THAT YOU HAVE A COMPLETE PAPER**

**THE UNIVERSITY OF BRITISH COLUMBIA
FACULTY OF LAW**

FINAL EXAMINATION – APRIL 2022

**LAW 211
Contracts**

**Section 1
Professor Bruce MacDougall**

TOTAL MARKS: 100

TIME ALLOWED: 2-1/2 HOURS

NOTE: 1. This is an open book examination. Students may take any materials they wish into the examination room except library books.

THIS EXAMINATION CONSISTS OF TWO QUESTIONS

Marks**70**

1. Blaine and Gerry consider themselves to be on the way “up” socially. They have joined an afternoon bridge circle which they consider important for their goal of attaining “high” social standing in the community. The circle meets three times a week at some members’ houses. Blaine and Gerry agree to hold each Tuesday afternoon meeting at their house. Blaine will not be able to attend those meetings, but Gerry is home on Tuesdays. This bridge set thinks that it should set community standards in all areas and so demands that the house they meet in be immaculate. Blaine and Gerry, being personally somewhat slovenly, decide to hire a cleaning person. Blaine has heard of Pat and goes to negotiate a deal with Pat for cleaning.

According to the written agreement Blaine and Pat reach, Pat will come “to Blaine and Gerry’s house each Tuesday morning at 10 a.m.” and clean the designated rooms for three hours. Pat will be paid \$40 per hour. (As Blaine tells Pat, this will get Pat out of the house by 3:30 p.m. when Gerry’s important and fastidious bridge circle meets.) The agreement also says that Pat will get the designated rooms “immaculate and fresh-smelling”. The agreement says Blaine will supply the cleaning supplies. The agreement also says that for each hour Pat is late, \$10 can be deducted from the amount to be paid. Pat and Blaine sign the agreement.

Immediately after signing and shaking hands, Blaine (who is quite jovial) says that they can no doubt “work something out” if Pat is late or cannot make it on a particular Tuesday. For example, Blaine says, Pat might come on Wednesdays when Blaine and Gerry go to Whistler for the whole day.

For two months, things proceed without complaint. Pat is late by a couple hours twice but nothing is said, though Gerry is especially cool to Pat on those days and Gerry tells Blaine: “This will not work.” Pat is still paid the full amount, Blaine’s telling Pat: “Thank you for the good work.”.

Then, on the most recent Tuesday, Pat does not come at all. Pat phones from a pay phone at 1 p.m. to say that Pat’s pet gerbil, Æthelthryth, has just died, and Pat is too distraught to clean today.

Blaine and Gerry’s house is a mess and the bridge circle is so censorious that afternoon about the state of the house that they leave in a huff and expel Blaine and Gerry. The departing members also say, as they leave, that they were probably going to do that anyway because the furniture polish used in the house smells “nasty”. (This polish has been provided by Blaine and Gerry but applied by Pat.)

Blaine and Gerry are very distraught but still leave the next day for Whistler. Pat comes in while they are away and cleans as usual.

(Question 1, continued)

Gerry is irate about the situation and comes to see you today, two days after returning from Whistler. Gerry wants to know what can be done about this situation with Pat. Gerry says Blaine's good nature is making Blaine hesitant to do anything.

Advise Gerry with reference to the topics covered in Contracts this academic year.

Marks

30

2. In a reasoned way consider the merits or demerits of legal control or supervision of the creation of contracts as opposed to the control or supervision of the performance of contracts.

END OF EXAMINATION