

**THIS EXAMINATION CONSISTS OF 2 PAGES
PLEASE ENSURE THAT YOU HAVE A COMPLETE PAPER**

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

DECEMBER EXAMINATION 2021

**LAW 211
Contracts**

**Section 1
Professor Bruce MacDougall**

TOTAL MARKS: 100

TIME ALLOWED: 1 HOUR

NOTE:

1. This is an open book examination. Students may bring into the exam room any written materials except materials borrowed from UBC Library

THIS EXAMINATION CONSISTS OF ONE QUESTION

MARKS
100

1. Alexander does not have much money but he thinks he's the luckiest guy in the world because he recently met Betulia with whom he's smitten. Her birthday is coming up and he wants to impress her by taking her out in style to celebrate her birthday. Betulia actually doesn't like Alexander very much, but she hasn't yet had the courage to tell him. She thinks he has vulgar tastes.

Alexander sees a large ad in the newspaper for Shooters, "a quality family restaurant". The ad shows lots of photos of the place showing a clean and cheerful establishment with happy diners and lots of serving staff. The ad says the food is "beyond compare".

Alexander phones the number given in the ad to make a reservation. He says he wants to book a wonderful evening for him and his girlfriend and he'd like to book a table with a view and great service for 7:30 p.m. The receptionist says the restaurant can do that, but he and his friend will have to come at 6:30. Alexander reluctantly agrees. Two days later the restaurant phones and leaves a message on his answering machine to say that they have had to change the reservation to 6:00. Alexander is not happy when he gets the message and so when he phones back, he says he'll agree to the new time only if they agree to make a nice birthday surprise for Betulia. This time it is the restaurant that reluctantly agrees. A half hour later, Alexander phones the restaurant yet again to ask if they would agree to play a particular song on their music system during the birthday surprise they have agreed to bring for Betulia. They are annoyed but agree to do so if Alexander sends them in advance a CD containing the song. Alexander agrees and immediately sends a CD containing several songs; he indicates in a note which song is the one he wants played.

On the big day, they arrive 15 minutes late at the restaurant and flustered because of Alexander's bad driving. The receptionist is quite abrupt with them and says the restaurant will "do what it can despite the late arrival". Alexander and Betulia are taken to a small table near the much-used washroom. The waiter immediately brings a piece of cake with a lit candle on top and says, "Here's a birthday surprise!" Alexander says, "Not yet!!" But the waiter says that Alexander did not specify when the surprise should come. Alexander then asks for an expensive bottle of wine and the waiter leaves. That very instant the restaurant announces on its public address system a song "for Betulia's birthday". They play a wrong track from the CD Alexander sent. Betulia starts to cry because the song they are playing was the favourite song of her mother who has just died.

The wine never arrives and they get no service for a long time, despite trying to get the attention of the waiter (who seems to be working the big, crowded restaurant on his own). Then a family with six small children comes in and is seated next to Betulia and Alexander. Two of the children start throwing paper balls made from the table napkins at Betulia. She has had enough. She gets up and tells Alexander, "It's over. This is the worst evening of my life." She walks out.

Alexander immediately walks across the road to a coffee shop where you are sitting and tells you all this. Give him your *reasoned* assessment of the situation, dealing only with the material and topics you are responsible for in this exam.

END OF EXAMINATION