



| COURSE OUTLINE        |  |              |
|-----------------------|--|--------------|
| TERM: Fall 2019       | COURSE NO: LAW 443                       |              |
| INSTRUCTOR:           | COURSE TITLE: Commercial Real Estate Law |              |
| OFFICE: LOCAL:        | SECTION NO(S):                           | CREDITS: 3.0 |
| E-MAIL: @capilanou.ca |  |              |
| OFFICE HOURS:         |  |              |
| COURSE WEBSITE:       |  |              |

Capilano University acknowledges with respect the Lil'wat, Musqueam, Squamish, Sechelt, and Tsleil-Waututh people on whose territories our campuses are located.

#### **COURSE FORMAT**

Three hours of class time, plus an additional hour delivered through on-line or other activities for a 15-week semester, which includes two weeks for final exams. This course may also be offered via mixed mode or online.

#### **COURSE PREREQUISITES**

LAW 442

#### **CALENDAR DESCRIPTION**

This course will examine the legal issues facing legal practitioners in the area of commercial real estate development. This is an advanced course building upon the skills learned in LAW 442 Conveyancing Procedures. The student will learn about the real estate development process as well as garner an understanding of the basic legal principles, legislation and legal documents involved. By the end of the course, the student should be able to identify a range of legal issues as well as prepare documents relevant to the Real Estate Development Practice for everything from land acquisition, to legal requirements for development financing and marketing, as well as the unique planning and regulatory environment of the Vancouver Municipality.

#### **REQUIRED TEXTS AND/OR RESOURCES**

Nicholas Van Daltsen et al, *BC Real Estate Development Practice Manual*, (Continuing Legal Education Society of British Columbia, 2017).

**COURSE STUDENT LEARNING OUTCOMES**

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

1. Effectively describe and explain the common and statutory law, principles and exceptions;
2. Apply the common and statutory law to legal practice in the following areas:
  - (a) Land acquisitions for development under the *Strata Property Act*;
  - (b) Developer and joint venture agreements;
  - (c) Relevant searches, investigations & due diligence;
  - (d) Development rights and obligations;
  - (e) Site development control;
  - (f) Subdivision regulation;
  - (g) Construction contracts; and
  - (h) Development finance and marketing.
3. Prepare draft agreements, LTSA and lending documents in relation to the areas described in item 2 above;
4. Analyze and synthesize the relevant common law and statutory rules, principles and exceptions;
5. Discuss current events relating to real estate development on a local, national and international level.

**COURSE CONTENT**

| <b>WEEKLY COURSE CONTENT</b> |  |
|------------------------------|--|
| <b>WEEK</b>                  | <b>CONTENT</b>   |
| 1                            | INTRODUCTION: BC Real Estate Development & the Developer's Perspective |
| 2                            | LAND ACQUISITIONS: Commercial contracts of purchase and sale           |
| 3                            | STRUCTURE OF THE DEVELOPER AND JOINT VENTURE AGREEMENTS                |
| 4                            | SEARCHES AND INVESTIGATIONS  |
| 5                            | DEVELOPMENT RIGHTS   |
| 6                            | SITE DEVELOPMENT CONTROL   |
| 7                            | MID TERM EXAM  |
| 8                            | SUBDIVISION REGULATION & CITY OF VANCOUVER                             |
| 9                            | CONSTRUCTION CONTRACTS   |
| 10                           | DEVELOPMENT FINANCE  |
| 11                           | DEVELOPMENT MARKETING: REDMA compliance                                |
| 12                           | REAL ESTATE DEVELOPMENT ON FIRST NATIONS LANDS                         |
| 13                           | FINAL EXAM REVIEW  |
| 14 & 15                      | FINAL EXAM PERIOD  |

**EVALUATION PROFILE**

|   |             |
|---|-------------|
| Midterm                                 | 25%         |
| Final Exam                              | 25%         |
| Commercial Purchase hand-in assignment  | 25%         |
| Commercial Financing hand-in assignment | 25%         |
| <b>TOTAL:</b>                           | <b>100%</b> |

**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" are assigned only in exceptional circumstances when a student requests extra time to complete their coursework. Such agreements are made only at the request of the student, who is responsible to determine from the instructor the outstanding requirements of the course.

**Late Assignments**

Assignments are due at the beginning of the class on the due date listed. If you anticipate handing in an assignment late, please consult with your instructor beforehand.

**Missed Exams/Quizzes/Labs etc.**

Make-up exams, quizzes and/or tests are given at the discretion of the instructor. They are generally given only in medical emergencies or severe personal crises. Some missed activities may not be able to be accommodated. Please consult with your instructor.

**Attendance / Participation**

Students are expected to attend all classes and associated activities. Class and online activities will involve participation in presenting cases or legal topics to the class, discussing the main facts and issues of the case or topic presented. The presentations will be worth a 5% mark.

**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 Moodle; 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.capilano.ca/student-life/>

**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.capilano.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.