

Test Bank for Canadian Business Law Today Canadian 1st Edition by Breen Ellis and Stephenson ISBN 0070310068 9780070310063

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Solution Manual

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Test Bank

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TRUE/FALSE. Write 'T' if the statement is true and 'F' if the statement is false.

1) Civil litigation is a form of Alternative Dispute Resolution.

Answer: True False

2) The *Desormeaux* and *Clendenning* cases are examples of how the same set of facts can result in both a criminal and civil matter.

Answer: True False

3) Most civil court matters are decided by having a trial.

Answer: True False

4) Most matters concerning businesses are dealt with in a criminal court.

Answer: True False

5) Most matters concerning businesses are dealt with in a civil court.

Answer: True False

6) The burden of proof in a civil matter means the plaintiff must prove their case on a balance of probabilities.

Answer: True False

7) The burden of proof in a civil matter means the plaintiff must prove their case beyond a reasonable doubt.

Answer: True False

8) Every lawsuit has only one plaintiff and one defendant.

Answer: True False

9) A lawsuit can have more than one plaintiff and more than one defendant.

Answer: True False

10) The same set of facts can result in both a criminal and civil court action.

Answer: True False

11) Mary is suing John for failing to pay for the goods he bought from her. Mary has to prove her case beyond a reasonable doubt.

Answer: True False

12) You believe that the Judge made an error in your case. You can have your case re-heard by a jury.

Answer: True False

13) An appeal of a British Columbia Small Claims decisions can be made to the BC Supreme Court.

Answer: True False

- 14) A business person needs to only be aware of the levels of court in the province in which they do business.
Answer: True False
- 15) If the losing party disagrees with the decision of the court, then they can have a different judge in that court review the decision.
Answer: True False
- 16) Parties must seek leave to appeal their case at the Supreme Court of Canada.
Answer: True False
- 17) Decisions of the Supreme Court of Canada are final and can cannot be appealed.
Answer: True False
- 18) Decisions of the Supreme Court of Canada must be decided by all 9 Justices.
Answer: True False
- 19) A party can appeal any case in which they do not like the decision.
Answer: True False
- 20) A decision by a provincial Appeal Court is made by only one Judge.
Answer: True False
- 21) A party can appeal a case at any time after the decision is made.
Answer: True False
- 22) The Superior Court of each province is the highest trial court in that province.
Answer: True False
- 23) Each provincial government appoints their Superior Court Judges.
Answer: True False
- 24) Most provinces have a monetary limit on claims that can be heard by their Superior Court.
Answer: True False
- 25) Provincial Court Judges in each province are appointed by the provincial government.
Answer: True False
- 26) Provincial Courts generally deal with matters that fall under the *Criminal Code* of Canada.
Answer: True False
- 27) Business people can represent themselves in small claims court.

Answer: True False



28) Federal Courts of Canada deal with cases between individuals or organizations and the Federal government.

Answer: True False

29) A business can sue another individual or business or government by commencing a legal action.

Answer: True False

30) Each province generally has two (2) parts to their civil litigation process.

Answer: True False

31) The first stage in the civil litigation process is the Pleadings stage.

Answer: True False

32) The discovery stage of the civil litigation process requires the parties to disclose all documents in their possession to the opposing party.

Answer: True False

33) A mediator will make a final and binding decision for the parties.

Answer: True False

34) A mediator controls the process of the dispute resolution.

Answer: True False

35) Business people should wait until a legal dispute arises before talking to a lawyer about it.

Answer: True False

36) Having access to a lawyer, as part of your business plan, helps you to evaluate legal risks and solutions.

Answer: True False

37) Lawyers help business people make informed decisions on how to proceed with a legal dispute.

Answer: True False

MULTIPLE CHOICE. Choose the one alternative that best completes the statement or answers the question.

38) Which one of the following is **not** a usual term for civil litigation?

- A) judgment B) case C) lawsuit D) action

Answer: A

39) Raymond, who lives in Winnipeg, appeals a trial courts' decision he lost. The highest court his case can eventually be appealed to is:

- A) Manitoba Court of Queen's Bench B) Manitoba Court of Appeal
C) Federal Court of Appeal D) Supreme Court of Canada

Answer: D

- 40) Bob bought a new stereo system for \$3500 from A&C Sound in Vancouver. He agreed to make monthly payments of \$500 and did so for the first 2 months. He really liked the system, but did not feel like paying the balance. A&C Sound decided to sue. Their action would be in the:
- A) Supreme Court
 - B) Court of Appeal
 - C) Provincial Court, Small Claims Division
 - D) Provincial Court, Criminal Division

Answer: C

- 41) In the *Snazzy v James* example, the Nova Scotia Court of Appeal dismissed the case. Snazzy can now:
- A) Refer the action back to the Nova Scotia trial court for a new hearing
 - B) Refer the action directly to the Supreme Court of Canada
 - C) Seek leave to appeal from the Supreme Court of Canada
 - D) Seek leave from the Nova Scotia Court of Appeal for another hearing

Answer: C

- 42) Which statement is correct with respect to the process of civil litigation?
- A) In a criminal action, a defendant is taking action against an accused for compensation
 - B) In a civil action, a defendant is taking action against another individual or corporation for compensation
 - C) In a criminal action, a plaintiff is taking action against an accused for compensation
 - D) In a civil action, a plaintiff is taking action against another individual or corporation for compensation

Answer: D

- 43) In British Columbia the amount of a monetary claim made in Small Claims Court cannot exceed?
- A) \$15,000
 - B) \$5000
 - C) \$25,000
 - D) \$50,000

Answer: C

- 44) If a business person had a dispute with the Canada Revenue Agency, the court action must be heard in:
- A) Federal Trial Court
 - B) Federal Appeal Court
 - C) Provincial Superior Court
 - D) Provincial Small Claims Court

Answer: A

- 45) Which document is used to commence a civil action in British Columbia?
- A) Writ of Summons
 - B) Statement of Claim
 - C) Notice of Application
 - D) Notice of Civil Claim

Answer: D

- 46) The successful party who obtains a judgment is:
- A) Execution Debtor
 - B) Judgment Debtor
 - C) Execution Creditor
 - D) Judgment Creditor

Answer: D

47) You injured your hand when an electric shaver you bought exploded in your hand. Your lawyer is filing a claim in BC Supreme Court. The first court document your lawyer will send you a copy of is:

- A) List of Documents
- B) Notice of Civil Claim
- C) Notice of Application
- D) Writ of Summons

Answer: B

48) If a defendant wanted to make their own claim against a plaintiff in a BC Supreme Court action, they would need to file a:

- A) Statement of Claim
- B) Notice of Application
- C) Counter-claim
- D) Petition

Answer: C

49) In British Columbia, the discovery stage of the litigation process allows the parties to examine each other under oath. This is called an:

- A) Examination for Discovery
- B) Examination under Oath
- C) Examination for Documents
- D) Examination in Aid

Answer: A

50) Which is **not** an example of a pre-trial application in a BC trial court?

- A) Application for directions
- B) Application to find a defendant guilty
- C) Application to add a party
- D) Application for discovery of documents

Answer: B

51) Diane is a physical therapist who runs a small business from her home. Her long-time customer, Bob, is behind on his payments and is unhappy with the outcome of his treatment. Which of the following statements is true?

- A) If her primary claim is to keep her relationship with Bob, Diane should consider an alternative form of dispute resolution.
- B) If her primary concern is to keep costs low, Diane should start a Small Claims action.
- C) If her primary concern is to deal with the matter quickly, Diane should hire a lawyer to file a claim in the superior trial court.
- D) If her primary concern is to resolve the issue, Diane must file a claim as alternative dispute resolution is not applicable to this type of dispute.

Answer: A

52) Which of the following cases would be a good one to mediate?

- A) where the parties want to maintain goodwill
- B) where the parties want to have their case made public
- C) where the parties want to ensure the right to appeal
- D) where the parties want to drag the matter out

Answer: A

53) What is an advantage of arbitration?

- A) outcomes are subject to appeal
- B) process is lengthy
- C) outcomes are consistent
- D) less expensive than litigation

Answer: D

54) Which of the following is an advantage of using a form of ADR?

- A) more time consuming than litigation
- B) can be appealed to a Judge
- C) more expensive than litigation
- D) can be resolved quicker than through litigation

Answer: D

55) Having a risk management plan allows a business person to:

- A) manage their business activities so they never need legal advice
- B) protect their business activities from ever needing legal advice
- C) manage their business activities so they know what legal risks require legal advice
- D) protect their business activities from ever having to do their own legal research

Answer: C

56) Having a risk management plan for a business will:

- A) ensure that a business person will never need legal advice
- B) provide a business person with all necessary legal information
- C) protect a business person from all litigation
- D) assist a business person in managing legal risks

Answer: D

Answer Key

Testname: UNTITLED2

- 1) FALSE
- 2) TRUE
- 3) FALSE
- 4) FALSE
- 5) TRUE
- 6) TRUE
- 7) FALSE
- 8) FALSE
- 9) TRUE
- 10) TRUE
- 11) FALSE
- 12) FALSE
- 13) TRUE
- 14) FALSE
- 15) FALSE
- 16) TRUE
- 17) TRUE
- 18) FALSE
- 19) FALSE
- 20) FALSE
- 21) FALSE
- 22) TRUE
- 23) FALSE
- 24) TRUE
- 25) TRUE
- 26) TRUE
- 27) TRUE
- 28) TRUE
- 29) TRUE
- 30) FALSE
- 31) TRUE
- 32) TRUE
- 33) FALSE
- 34) FALSE
- 35) FALSE
- 36) TRUE
- 37) TRUE
- 38) A
- 39) D
- 40) C
- 41) C
- 42) D
- 43) C
- 44) A
- 45) D
- 46) D
- 47) B
- 48) C
- 49) A

50) B

Answer Key

Testname: UNTITLED2

51) A

52) A

53) D

54) D

55) C

56) D