

Chapter 1 The Canadian Legal System

TRUE FALSE

1. Civil litigants have an automatic right of appeal to the Supreme Court of Canada.

Answer: False

Page: 2

Difficulty: Moderate

Skill: Applied

SHORT ANSWER

2. What rule applies when federal and provincial legislation have a direct operational conflict?

Answer: The federal legislation trumps the provincial legislation to the extent of the contradiction. This is called the doctrine of paramountcy.

Page: 1

Difficulty: Moderate

Skill: Applied

MULTIPLE CHOICE

3. Which of the following is a federal power under the Canadian Constitution?

- a. fisheries
- b. management of hospitals
- c. governance of the professions
- d. contracts

Answer: a

Comment: The others are within provincial government jurisdiction.

Page: 1

Difficulty: Easy

Skill: Applied

Chapter 2 Regulation of the Professions

TRUE FALSE

4. To be eligible for registration as a professional engineer in Canada, applicants must first sit an exam to evaluate their technical ability.

Answer: False Page: 11 Difficulty: Moderate Skill: Recall

Comment: Only applicants who are graduates of non-accredited universities need sit technical exams.

SHORT ANSWER

5. Explain what is meant by self-regulation.

Answer: Self-regulation is when a profession is given statutory authority to govern itself.

Page: 8 Difficulty: Easy Skill: Recall

MULTIPLE CHOICE

6. Engineers Canada has professional-level reciprocity agreements with all of the following jurisdictions except?

- a. Mexico
- b. United Kingdom
- c. France
- d. Texas

Answer: b

Comment: Engineers Canada has only an educational-level reciprocity agreement with the United Kingdom.

Page: 11 Difficulty: Difficult Skill: Recall

Chapter 3 Ethical Considerations

TRUE FALSE

7. Codes of ethics have detailed lists of what professionals are prohibited from doing.

Answer: False Page: 15 Difficulty: Difficult Skill: Applied

Comment: Usually codes of ethics are written in general terms defining a vague threshold of acceptable behaviour. This is evident from the excerpts on page 15.

SHORT ANSWER

8. Name the four persons (or groups) professionals owe ethical duties to.

Answer: The public, client, employer, and profession.

Page: 16 Difficulty: Difficult Skill: Recall

MULTIPLE CHOICE

9. What is the definition of a “facilitation payment” under the *Corruption of Foreign Public Officials Act* in Canada?

- a. payments made to secure contracts
- b. payment for the acquisition of land rights
- c. small payments made to expedite processing of routine approvals
- d. vacation pay

Answer: c

Comment: Facilitation payments are an exception to the rule against bribery of foreign public officials under the *CFPOA*.

Page: 21 Difficulty: Medium Skill: Recall

Chapter 4 Property Law

TRUE FALSE

10. You have the legal right to prevent your neighbour from building a tall house that obstructs your view of the ocean.

Answer: False Page: 27 Difficulty: Moderate Skill: Applied

Comment: Property ownership does not include the right to a view over neighbouring land.

SHORT ANSWER

11. A mobile amusement ride is bolted to the ground so that it is stable during operation. Is the ride real property or personal property?

Answer: Personal property. If the purpose of the fixing is to better enjoy the item fixed, the act of fixing does not make the item real property.

Page: 24 Difficulty: Moderate Skill: Applied

MULTIPLE CHOICE

12. Your neighbour intends to dig a basement close to your property boundary. The neighbour wants to ensure lateral support to your land, and so installs ground anchors that extend under your land. Has the neighbour done anything wrong?

- a. no, the neighbour is complying with his duty to provide lateral support
- b. no, the neighbour is entitled to take reasonable steps to facilitate construction on his land
- c. yes, the neighbour's anchors are trespassing onto your land because you did not agree to them being installed
- d. yes, ground anchors stretch as they take load, and so your land will settle as this occurs; the neighbour has compromised lateral support to your land

Answer: c

Comment: The right to place items on or under another person's land must be established by contract.

Page: 26 Difficulty: Moderate Skill: Applied

13. Which of the following is not true about easements?

- a. an easement permits the holder to harvest trees from the land
- b. easements can be created through historical use
- c. easements give others the right to use your property
- d. easements can be registered against title in the land title office

Answer: a

Comment: Harvesting trees is done through a *profit à prendre*.

Page: 28

Difficulty: Moderate

Skill: Recall

14. Ideas can be protected using:

- a. copyright law
- b. trademark law
- c. trade secrets
- d. industrial designs

Answer: c

Comment: Trade secrets and other ideas can be preserved by well-drafted contracts.

Page: 29

Difficulty: Moderate

Skill: Applied

15. The term of patent protection in Canada is:

- a. 50 years from the date the application is filed
- b. 20 years from the date the patent is granted
- c. 20 years from the date the first invention is disclosed to the public
- d. 20 years from the date the application is filed

Answer: d

Page: 31

Difficulty: Easy

Skill: Recall

ESSAY

16. Discuss the importance of registration of patents, copyright, trademarks, and industrial designs respectively.

Answer: Registration is most important for patents and industrial designs. Without registration, there is no protection at all for patents or industrial designs. Patents must be registered in each jurisdiction where the inventor wants protection, and there are time limits by which this registration must be completed. For copyrights, registration is not required. However, registration is useful for copyright because it proves who the owner of the copyright is. Registration is also required to take advantage of copyright treaties. Trademarks need not be registered, but if they are not, the trademark will only apply in the area the trademark is actually used. Registering a trademark gives the owner the exclusive right to use the trademark throughout Canada.

Pages: 29-32

Difficulty: Moderate

Skill: Applied

Chapter 5 Business Organizations

TRUE FALSE

17. Filing requirements for partnerships are generally less onerous than for corporations.

Answer: True

Page: 36

Difficulty: Moderate

Skill: Recall

SHORT ANSWER

18. If you are setting up a business and are not concerned about liability, but expect to be very successful, what disadvantage is there to operating as a sole proprietor?

Answer: Sole proprietors pay tax on the profits of the business as personal income. For large incomes, the personal tax rate may be higher than the corporate tax rates, and so a sole proprietorship would not be efficient from a tax perspective.

Page: 36

Difficulty: Moderate

Skill: Applied

MULTIPLE CHOICE

19. Which is the odd one out?

- a. articles of incorporation
- b. memoranda of association
- c. letters patent
- d. partnership agreement

Answer: d

Comment: The other documents are used to incorporate a company.

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Difficulty: Moderate

Skill: Applied