BUILD-A-BUSINESS PROJECT

PART B

Part B—Partial legal analysis (8 points)

*Instructions (please delete these instructions from your final document):*

This document is a partial legal analysis of your Build-a-Business project, covering contracts, employment, and torts. Everything in Part B has been covered in class.

You also have a chance (if you wish) to revise your answers to Part A.

You can put together the final document however you want. It is quite acceptable to cut-and-paste your answers from Part A into this document, and then add your answers to Part B. Or you can start a new document.

Whatever method you choose, make the final document look professional, with a consistent font and formatting. Part of your grade is based on the overall look of your submission.

Part A

1. What is the name of your business? *(Feel free to be creative.)*

* MOUTH-WATERING

2. What is your business? In what industry is your business going to operate? (A*gain, enjoy this opportunity to be creative and focus on something you enjoy. The only restrictions are that it has to be a viable operating business, and it can’t be a coffee shop.)*

* It is a fast foods restaurant and shall offer fast food items to its customers and will be operating in the industry of food industry.

3. What will you offer (goods, services, both)?

* MOUTH-WATERING is expected to offer a range of fast food products such as pizzas, cakes, cream doughnuts, chocolate chip cookies, crepe and among other fast food products. Apart from offering the fast food products to the customers especially students at school, MOUTH-WATERING will also provide delivery services for the purchased products to customers who demand delivery.

4. Who is your target market? Who do you think will buy your product or service?

* The fast food products from the MOUTH-WATERING mostly target to the young people. These individuals below the age of 30 years. Young people are interested in enjoying fast food items especially students at school when they walk around the town. Most of the young people are in college and some already in the workplaces. They find it that is convenient to relieve their hunger and quench their thirst by simply having a bite of the fast food products from various menus in the city centers and nearly universities.

5. In which Canadian province and city are you going to set up your business? In other words, where is your business’s “home”? *(The business must be located in Canada, but not in the province of Quebec, because this course is primarily about Canadian common law.)*

* Halifax，Nova scotia，Canada

6. Where will you do business? In other words, will all your customers be in your business’s home province, or might some of them be outside your business’s home province? Explain.

* The majority of my clients will be in Halifax because I am studying in Halifax who familiar this city. This business will begin with gradual expansions within the city. The targeted customers will be people working and studying from within the city. The customers will comprise both the ones who chip in and those who request for product deliveries to their place of work or school.

7. Will you have any physical locations (for example, any retail stores, distribution facilities, warehouses), or will you operate only from home? Explain.

* There will be a physical location where it will be located in downtown, such as Spring Garden Road in Halifax in order to attract more business.

8. Is your business regulated primarily by the Canadian federal government or by the provincial government? *(If you’re not sure about this, review the “Division of Powers” section on pages 13-14 of Chapter 1. You may also have to do some online research. Hint: Most businesses in Canada are regulated primarily by the provincial governments.)*

* Yes, it does. It is regulated primarily by Canadian federal and Nova Scotia provincial legal jurisdiction. It would commence its operations after meeting all the business compliance as stated in the Canadian constitution.

9. Based on your answer to questions 5 and 8, are there any laws in your home jurisdiction that regulate your specific industry? (*For example, a lawyer is governed by provincial laws about the legal profession. An airline is governed by federal laws governing airlines. Remember: This question is about laws that govern ONLY your SPECIFIC industry. You may have to do a Google search to find the answer to this question. Many industries do not have a specific law that governs them, so your Google search may produce no results.)*

* Yes, there are. On October 14, 2005, <Food Safety Regulations> of Nova Scotia was officially established which is a provincial law about the food safety. The federal laws require in Canada with <Food and Drugs Act>.

Part B

10. Identify five different contracts into which your business will need to enter in order to operate. Include the purpose for each contract (e.g. receive supplies and services, protect against a liability, mitigate some risk, etc.). (Contracts generally are covered in Part 3 of the textbook, but you won’t find the answer to this question in the textbook because the answer depends on your specific business.)

11. For each contract you’ve identified in question 12, what is the major legal risk for each contract, and what clause(s) will you try to include to protect yourself from that legal risk? (Contractual risks are identified throughout Part 3, but see especially Chapter 10 on defects, Chapter 11 on breach of contract, and Chapter 9 on standard contract clauses.)

12. Will your business have employees? If so, approximately how many?

13. If your business will have employees, identify five legal risks involving employment. Outline the contract clauses you will include in your company’s employment contracts to manage these five risks. (Employment risks are identified in various places in the textbook, but see especially Chapter 25)

14. Employee training is usually an important part of a legal risk-management plan. Outline the training (if any) you will provide to your employees and how the training will reduce your company’s legal risks. (Chapter 25)

15. Explain whether your business can be exposed to employment discrimination claims under the applicable *Human Rights Act*, and if so, how you intend to manage that risk. *(Please note: It is not an acceptable answer to write “I won’t face a human rights complaint because I will never discriminate.” Companies can get into legal trouble even if they have good intentions.)* (Chapter 25, pages 644-646)

16. Identify two non-negligence torts someone could claim your business committed and describe the circumstances under which such claims could arise. (*Think about all the torts and cases discussed in class or in the textbook, and remember that someone does not have to be right to claim you did something wrong. Also, discuss what the business could (or should) do to manage the risk of these tort claims.)* (Chapters 4-5)

17. Describe two circumstances under which someone could assert negligence claims against your business. *(Make sure your scenarios include sufficient facts to address the elements of negligence (duty of care, standard of care, breach of standard of care, causation, foreseeability, and damages). Also, discuss what the business could do to reduce the risk of these negligence torts from occurring.)* (Chapter 6)

18. Explain any product liability claims your company might face or explain why it would not be exposed to product liability claims. (Chapter 6, pages 148-151)

19. What legal issues, if any, are raised for your business by the following legislation:

* 1. Sale of Goods Act? (Chapter 13)
  2. Consumer Protection Act? (Chapter 24, pages 625-626)

\* \* \* END OF PART B OF BUILD-A-BUSINESS PROJECT \* \* \*