Test Bank for Canadian Business Law Today CDN 1st Breen

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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

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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

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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

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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

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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

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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

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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

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51) A
52) A
53) D
54) D
55) C
56) D

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