

# 7 HOSPITALITY LAW

**Prerequisites:** None      **Credits:** 3

## Overview

This course is an introduction course that will focus on hotel and restaurant issues. Court systems, jurisdiction, contracts, negligence and guest relationship as it relates to liability arising from the various segments of the industry.

## General Objective

This course is designed to:

- 1 provide a legal perspective to hospitality and tourism related issues.

## Learning Outcomes

Upon successful completion of this course, the learner will:

- 1 explain the difference between common and statutory law.
- 2 identify and explain the difference of civil and criminal law.
- 3 explain the doctrine of judicial precedent and how it operates
- 4 identify and explain the different types of contracts.
- 5 describe negligence and liability.
- 6 describe the legal responsibilities of managers in the hospitality industry.

## Topics

### 1.0 The Legal System

#### Objective

Upon completion of the topic the student will be able to:

- 1.1 discuss the difference between civil and criminal proceedings

## Content

- Common law
- Statutory law

### 2.0 Contracts

#### Objectives

Upon completion of the topic the student will be able to discuss:

- 2.1 the nature of a contract
- 2.2 the terms of a contract and exclusion clauses with special reference to sale and goods and hire purchase
- 2.3 offer and acceptance
- 2.4 the intention to create legal relations
- 2.5 the capacity of minors and corporations
- 2.6 misrepresentation
- 2.7 discharge of contract
- 2.8 remedies for breach
- 2.9 quantum meruit

## Content

- Elements
- Terms
- Privity
- Discharge
- Breach
- Exclusion Clause

### 3.0 Aspects of the Law of Torts

#### Objectives

Upon completion of the topic the student will be able to define and discuss:

- 3.1 Negligence
- 3.2 RES IPSA Loquitor
- 3.3 occupiers' liability
- 3.4 employers liability
- 3.5 trespass
- 3.6 the rule of Rylands vs. Fletcher
- 3.7 nuisance

## Content

- Recognition
- "RES IPSA Loquitor"
- Liability

#### 4.0 Landlord and Tenant

##### Objectives

Upon completion of the topic the student will be able to discuss and describe:

- 4.1 leases
- 4.2 duties of the landlord
- 4.3 duties of the tenant
- 4.4 covenants

##### Content

- Rights, duties and responsibility
- Covenants
- Leases

#### 5.0 Law Relating to the Hospitality Industry

##### Objectives

Upon completion of the topic the student will be able to:

- 5.1 identify three key areas of the act
- 5.2 differentiate between various liquor licenses and discuss how to obtain them
- 5.3 define common insurance terminology
- 5.4 outline various types of insurance coverage
- 5.5 discuss the tax laws relating to the hospitality industry

##### Content

- Duties of proprietors relative to guests and guest property.
- Food and Beverage legislation.
- Weights and Measures legislation.
- Licensing Law
- Insurance
- Taxation Laws

#### 6.0 Consumer Protection

##### Objectives

Upon completion of the topic the student will be able to:

- 6.1 define “consumer”

- 6.2 discuss why consumers need protection
- 6.3 describe a variety of consumer protection agencies

##### Content

- Criminal approach to this aspect of the law.
- Defective goods
- Prevention and criminal sanctions
- Enforcement

##### Instructional Format

Lecture  
Case Studies  
Guest Lecturers

##### Assessment and Evaluation

- This coursework mark accounts for 60% of the final grade for the course and is distributed as follows:
  - Two term papers - 40%
  - One group assignment - 20%
- The final examination accounts for 40% of the final grade for the course.

##### Recommended Text

Principles of Hospitality Law, 4<sup>th</sup> Edition, Allen Pannett and Michael Boella

Hotel, Restaurant and Travel Law, 7<sup>th</sup> Edition 2007, by Karen Morris, Norman Cournoyer & Anthony Marshall ; published by Cengage Learning

##### Resources

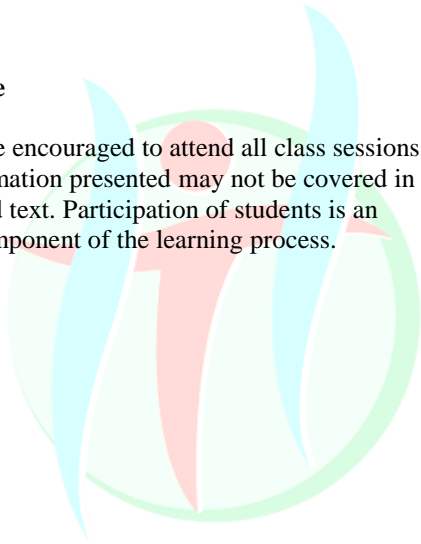
Hotel, Restaurant and Travel Law, 6<sup>th</sup> Edition; a Preventive Approach, N G Cournoyer, a G Marshall and K L Morris; published by Delmar.

Business Law, Denis Keenan and Sarah Riches.

Statutes

### **Attendance**

Students are encouraged to attend all class sessions, as all information presented may not be covered in the required text. Participation of students is an integral component of the learning process.



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