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Essay Example: Contracts and Landlord-Tenant Law Essay

A contract is a legally binding document between two parties, assuring that they will fulfil their obligation as set in the agreement (Bix, 2013). Contracts can take various forms, such as oral, written, or a mixture of both. Common examples of contracts include tenancy agreements, employment contracts, and school admission regulations. According to Bix (2013), the purpose of contracts is to legally protect the welfares of both parties by warranting they accomplish their commitments (Bix, 2013). When either party breaks the terms of the contract, specific remedies are set as solutions. They can take the form of fines or legal litigation, regardless, Bix, (2013), states that written contracts are the safest means of making agreements (Bix, 2013). The argument is based on the fact that written contracts allow both parties to clarify specific misunderstood terms. Additionally, in legal cases, the court can clarify the terms of the contract interpreting it for both parties (Bix, 2013). For a contract to be legally valid, it must comply with four key elements; capacity, intention, consideration, and agreement.

Elements of a Contract

Agreement

An agreement is based on two core aspects, the offer and acceptance. All contracts must have an offer from one party to the other, which has to be accepted for the contract to be binding (Andrews, 2015). Moreover, acceptance of the offer must be unconditional for the contract to be valid (Andrews, 2015). For example, in an employment contract, the applicant can negotiate the terms with the employer before accepting the offer.

Capacity

The validity of a contract is also based on the ability of both parties to understand the terms and conditions of the agreement (Andrews, 2015). Additionally, both parties must consent to the agreement without any form of coercion. However, if either party member is under the age of 18 years, suffering from a mental disorder, or under the influence of narcotics or alcohol, they cannot enter a contract (Andrews, 2015). Hence both parties have to be of sound mind and judgment.

Consideration

Consideration is the term used to identify the benefit of both parties from a binding contract (Andrews, 2015). The considerations do not have to be equal but have to be sufficient; for example, if someone sells his car for free, the purchase agreement will lack consideration (Andrews, 2015). However, if the car is to be accepted in exchange for a dog, then it would be valid.

Intention

It is critical to note that not all agreement between two or more parties is a contract. For a contract to be legally binding, both parties have to demonstrate their intentions towards the contract (Andrews, 2015). For example, social situations such as friends agreeing to meet at school cannot be

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