

EXTENT OF TITLE

THE GREY AREA

ANSLS Seminar, June 14, 2024
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Sections from the **Canadian Generally Accepted Land Surveying Principles** as published on www.ansls.ca.

5. Land surveyors use the best available evidence to re-establish a boundary. The hierarchy of evidence doctrine, which gives most weight to “those things about which people are least likely to be mistaken”, is used to resolve ambiguity (for example, between a measurement and a monument) .

6. Land surveyors are cautious in upsetting settled possession.
Rationale: Land surveyors are cautious not to disturb settled possession if there is a discrepancy between her/his opinion and the physical occupation on the ground.

The Judicial Functions of Surveyors

By Thomas M. Cooley Chief Justice, Supreme Court of Michigan, 1864-1885

as published on www.ansls.ca.

QUASI-JUDICIAL CAPACITY OF SURVEYORS

I have thus indicated a few of the questions with which surveyors may now and then have occasion to deal, and to which they should bring good sense and sound judgment. Surveyors are not and cannot be judicial officers, but in a great many cases they act in a quasi-judicial capacity with the acquiescence of parties concerned; and it is important for them to know by what rules they are to be guided in the discharge of their judicial functions. What I have said cannot contribute much to their enlightenment, but I trust will not be wholly without value.

Land Registration Act

CHAPTER 6 OF THE ACTS OF 2001 amended 2002, c. 19; 2003, c. 7, s. 4; 2004, c. 38; 2006, c. 15, ss. 9, 10; 2008, c. 19; 2009, c. 10, s. 30; 2011, c. 20; 2014, c. 35, s. 24

Purpose of Act

2 The purpose of this Act is to

- (a) provide certainty in ownership of interests in land;
- (b) simplify proof of ownership of interests in land;

Location and boundaries

21 (1) The legal description of a parcel in a register is not conclusive as to the location, boundaries or extent of the parcel.

(2) Provincial mapping is not conclusive as to the location, boundaries or extent of a parcel.

(3) A registration may not be rejected only because the location, boundaries or extent of the parcel appear to overlap the location, boundaries or extent of another parcel.

Lawyers' Insurance Association of Nova Scotia.

<https://lians.ca/resources/real-estate/articles/adverse-possession/>



QUESTIONS
OR
COMMENTS?

