PRINCIPLES OF BOUNDARY LAW IN CANADA

- A BOOK REVIEW

Presented by Izaak de Rijcke
AOLS October 2016 Webinar
A Changing World:

- Common law rules and principles
  - Basic principles, but constant refinement and development
- Traditional sources of law
  - Maintaining cadastral standards: varies by jurisdiction
  - eg: Canadian Board of Examiners in Professional Surveying
- Learning Outcomes: Cadastral Studies, Survey Law
- Focus on life-long learning
CHALLENGES IN TEACHING LAW TO SURVEYORS

- Single course vs. immersion in topic
- Students tend to carry preconceptions of process (generally from media)
- Background in science/engineering: law involves a different teaching method
- No one equation or principle will lead to the correct conclusion
The Legal Process

EVIDENCE $\rightarrow$ leads to... $\rightarrow$ FACTS

Apply PRINCIPLES of LAW $\rightarrow$ lead to... $\rightarrow$ CONCLUSION
THE SUBJECT MATTER IS EVER-EVOLVING

- Common-law is judge made law
- New statutes introduced to codify law regarding boundaries
- Proliferation of boundary law decisions from Canadian courts means the law is constantly being refined
- Where to start?

*CanLII*

The Canadian Legal Information Institute

- boundary property
- Case name, legislation title, citation or docket
- Noteup: cited case names, legislation titles, citations or docket

All CanLII (12,536)  Cases (10,560)  Legislation (1,968)  Commentary (8)

All jurisdictions
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Appendix 1: The Canadian Context of Common Law for Land Surveyors

Appendix 2: Overview of Land Surveying for Lawyers

Appendix 3: Boundaries and Ethics
**Using the Book**

- Book bridges the two professions: law and surveying
- Comprehensive Index (>20 pages)
- Use questions to guide reading encourages an “active” use of text to search for answers
- Built-in mechanism for updating through monthly issues of *The Boundary Point* newsletter.
**UPDATING OF THE BOOK:**

- Constant updating / revisions through added facility to each new monthly issue of *The Boundary Point* newsletter. *eg:*

  "**Cross-references to**
  *Principles of Boundary Law in Canada*

Restrictions on the free and unfettered use of private property as a result of a statutory building scheme, zoning, or other controls, can appear as similar to being “burdened” as by easements. Like easements, these restrictions will often have one or more components of “spatial extent” in which the assistance of a surveyor may be necessary in order to ensure compliance.

This topic is specifically dealt with in *Principles of Boundary Law in Canada*, as it relates to restrictive covenants and other lesser rights in land at *Chapter 5* under the subheading of *Restrictive Covenants and Boundaries* which, at pages 180-197, sets out how such restrictions

- Online purchase order available here:  
  [http://4pointlearning.ca/4PL/Principles_Boundary_Law.pdf](http://4pointlearning.ca/4PL/Principles_Boundary_Law.pdf)
Thank you!

Questions?