

NOVA SCOTIA COURT OF APPEAL

Citation: *Hatt v. Peralta*, 2014 NSCA 15

Date: 20140212

Docket: CA 415500

Registry: Halifax

Between:

Marlene Hatt

Appellant

v.

Gregory David Peralta

Respondent

Judge: The Honourable Justice J.E. (Ted) Scanlan

Appeal Heard: February 3, 2014, in Halifax, Nova Scotia

Subject: Possessory title, Statute of Limitations

Summary: Dispute over lands Ms. Hatt claimed to have acquired prescriptive title. The occasional use of lands by a friendly neighbour was not sufficient to establish adverse possession. Even if the actions of the appellant were sufficient in nature to establish a possessory claim, the occupation was interrupted when the true land owner went upon the lands. The limitation was reset each time the true owner returned to the land.

Result: Appeal dismissed with costs in the amount of \$2,500 plus disbursements payable by the appellant to the respondent.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 5 pages.