

**IN THE SUPREME COURT OF NOVA SCOTIA**

**Citation:** United Parishes of St. George and St. Patrick v. Guy, 2005 NSSC 356

**Date:** 20051230

**Docket:** S. H. No. 185929

**Registry:** Halifax

**Between:**

The Rector and The Wardens of the United Parishes  
of St. George and St. Patrick

Plaintiff

v.

Daniel G. Guy

Defendant

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**Judge:** The Honourable Justice Allan P. Boudreau

**Heard:** at Shelburne and Barrington, N.S. on December 6, 7, 8, 9 & 13, 2004  
(Final Post Trial Submissions received on April 19, 2005.)

**Written Decision:** December 30, 2005

**Subject:** **Real Property - Adverse Possession - Laches**

**Summary:** The Plaintiff, The Rector and the Wardens of the United Parishes of St. George and St. Patrick (“The Church”) alleges that the Defendant, Daniel G. Guy (“Mr. Guy”) is claiming a significant portion of their land located at Hartz Point, Shelburne County, Nova Scotia. Mr. Guy’s property is adjacent to the Church property and borders it on the West side. The Church contends the boundary line between the two properties has always been a straight light running in a North and South direction. Mr. Guy contends the eastern boundary line of his property veers to the East some 20 degrees at a point approximately 1460 feet from the shore of Birchtown Bay. This line (The “Hunt Line”) was first officially documented in a survey performed by Robert L. Hunt, which plan is dated October 1 - 8, 1971. This disputed line creates a 13 to 14 acre triangular piece of land (The “disputed land”) bordering on the North Shore of Birchtown Bay. The disputed land contains a significant amount of shore line, some 1,100 feet, with a rather large and attractive sandy beach. Needless to say, this contested piece of land would have some considerable value in today’s shoreline properties market.

**Issue:**

1. What was the historical location of the boundary line?
2. If the historical location of the boundary line was as contended by the Church, has Mr. Guy acquired a possessory title to the disputed land?
3. If the historical location of the boundary line was as contended by Mr. Guy, has the Church acquired a possessory title to the disputed land?
4. If the historical location of the boundary line was as contended by the Church, has the Church been guilty of such laches as to be barred or estopped from now advancing or enforcing its historical title and right to ownership of the disputed land?

**Result:**

**Found historical paper title with the Church. Found the prerequisites for adverse possessory title not established. Found evidentiary basis to satisfy the requirements for a laches or estoppel defence not established. Judgment for the Church.**

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.  
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