

SUPREME COURT OF NOVA SCOTIA

Citation: Robichaud v. Ellis, 2011 NSSC 86

Date: 20110301

Docket: Amh No. 311661

Registry: Amherst

Between:

Anthony O.J. Robichaud and Leisa Dorothy Robichaud

Applicants

v.

Allison Frederick Ellis and Helen Elizabeth Ellis

Respondents

v.

Michael L. Mills and Terry Elaine Mills

Respondents

LIBRARY HEADING

Revised library sheet: This library sheet has been revised on March 10, 2011 and replaces the previously released library sheet correcting the date from February 28, 2011 to March 1, 2011.

Judge: The Honourable Justice Glen G. McDougall

Heard: August 23, 24 and 25, 2010, in Amherst, Nova Scotia

Subject: Property boundary dispute; Conventional Line; Adverse Possession.

Summary: The Applicants sought a declaration establishing the common boundary lines between their property and their neighbours. Their claim was supported by a plan of survey which conflicted with an earlier survey carried out by another surveyor for the original owner of the sub-divided property. As an alternative argument the Applicants sought a declaration of ownership of the disputed land by adverse possession.

Issue: (i) Whether the Applicants have established the proper boundary lines based on a survey that relies on the doctrine of conventional lines?

(ii) Whether the Applicants have established title to the disputed area by adverse possession?

Result: The Applicants claim is dismissed. The survey they relied on was not correct and they failed to establish ownership by adverse possession.

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