

CANADA / JUDGMENT

Fire v. Longtin

[1995] 4 SCR 3**COURT**

Supreme Court of Canada

DECIDED

19 October 1995

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Fire v. Longtin Collection Supreme Court Judgments Date 1995-10-19 Report

[1995] 4 SCR 3 Case number 24148 Judges Sopinka, John; Cory, Peter deCarteret; McLachlin, Beverley; Iacobucci, Frank; Major, John C. On appeal from Ontario Subjects Property law Notes SCC Case Information: 24148 Decision Content Fire v. Longtin, [1995] 4 S.C.R. 3 Philip Keith Fire, Cathy Fran Fire and Samuel Fire Appellants v. Georges-André Longtin and Gloria G. Longtin Respondents and The Canadian Bar Association -- Ontario Intervener Indexed as: Fire v. Longtin File No.: 24148. 1995: October 4; 1995: October 19. Present: Sopinka, Cory, McLachlin, Iacobucci and Major JJ. on appeal from the court of appeal for ontario Property law -- Real property -- Registry system -- Chains of title -- Conveyancing -- Need to establish good root of title only within prior forty years. Owing to a surveying error, the respondents' predecessors in title were registered as owners of a five-foot strip of land, being part of the appellant's claim in fee simple that had been registered in 1941. The respondents, who purchased the property that included the land in issue in 1983, claim title on the basis that the Registry Act requires title searches to go back only forty years. This allowed them to rely on their predecessors' registered title during that period and ignore the appellants' registered claim that fell outside that period. The trial judge held that the Registry Act could not have such an effect and that the appellants had not lost their title; this judgment was reversed on appeal. Held: The appeal should be dismissed. The appeal was dismissed for the unanimous reasons of the Court of Appeal which were adopted in their entirety. APPEAL from a judgment of the Ontario Court of Appeal (1994), 17 O.R. (3d) 418, 70 O.A.C. 226, 112 D.L.R. (4th) 34, 38 R.P.R. (2d) 1, allowing an appeal from a judgment of MacLeod J. Appeal dismissed. Michael C. Birley and Christine M. Silversides, for the appellants. Roger Mills and David C. Thompson, Q.C., for the respondents. Gerald L. R. Ranking, W. Kirk Russell and Douglas J. Los, for the intervener. The following is the judgment delivered by I. The Court -- We adopt in their entirety the reasons for judgment delivered by McKinlay J.A. speaking for a unanimous Court of Appeal (1994), 17 O.R. (3d) 418. Accordingly, the appeal is dismissed with costs. Appeal dismissed with costs. Solicitors for the appellants: Shibley, Righton, Toronto. Solicitors for the respondents: Bell, Baker, Ottawa. Solicitors for the intervener: Fasken, Campbell, Godfrey, Toronto.

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