

1914

c 67 Boundary Line Dispute Act

Ontario

© Queen's Printer for Ontario, 1914

Follow this and additional works at: <http://digitalcommons.osgoode.yorku.ca/rso>

Bibliographic Citation

Boundary Line Dispute Act, RSO 1914, c 67

Repository Citation

Ontario (1914) "c 67 Boundary Line Dispute Act," *Ontario: Revised Statutes*: Vol. 1914: Iss. 1, Article 70.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1914/iss1/70>

CHAPTER 67.

An Act respecting Disputes concerning Boundary Lines.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Boundary Line Dispute Act*. Short title 10 Edw. VII. c. 33, s. 1.

2. This Act shall not apply to land situate in any city, town or village. Application of Act. 10 Edw. VII. c. 33, s. 2.

3.—(1) Where in any action or other proceedings, commenced on or after the 7th day of April, 1896, it appears to a judge that a material question to be judicially determined between the parties is the true definition of a boundary line between adjoining lands, such question may be referred for trial to a special referee, who shall be an Ontario Land Surveyor. Reference of boundary line question to surveyor.

(2) The Surveyor shall, by a proper survey as directed by *The Surveys Act*, and upon hearing, where he deems it necessary, the evidence under oath adduced by the parties and their counsel, if any, define upon the ground by such posts and monuments as he deems sufficient, the true boundary or division line so in dispute. Proceedings. Rev. Stat. c. 166.

(3) The Surveyor shall make a report to the Court and shall therein set forth his mode of procedure and what he has done in the premises, and also such further or other facts and circumstances as may be necessary to enable the Court to finally determine the question and how the costs should be borne. Report. 10 Edw. VII. c. 33, s. 3.

4. An application for a reference may be made to a Judge in Chambers by any party to the litigation, at any time after the commencement of the action or other proceeding, upon an affidavit of any person familiar with the facts, and shall be subject to the rules of practice applicable to applications in Chambers. Application for reference. 10 Edw. VII. c. 33, s. 4.

5. The reference shall be regarded as a reference under section 64 of *The Judicature Act*. Reference to be subject to Rev. Stat. c. 56. 10 Edw. VII. c. 33, s. 5.

6.—(1) The parties to the litigation may agree upon the Ontario Land Surveyor to be appointed special referee. Agreement as to referee.

Where parties
fail to agree.

(2) If they fail to agree he shall be named by the Judge, but the Judge shall not name a Surveyor who has theretofore been concerned in the survey of the land in question or any part thereof, or who has been otherwise engaged in directing a survey which affects or might affect such lands, or which involves the determination of a like question to that in dispute, or who is or has been at any time within ten years prior thereto a resident of the county in which the lands the boundary line whereof is in question are situate. 10 Edw. VII. c. 33, s. 6.

When refer-
ence may be
dispensed with.

7. If, upon the application, it shall appear that from the nature of the other issues to be determined in the litigation or for other good cause it would be a saving of expense or otherwise to the advantage of both parties not to direct a reference, the reference may be dispensed with and the question in issue shall be tried as if this Act had not been passed. 10 Edw. VII. c. 33, s. 7.

Reference of
disputed
boundary lines
by consent of
parties.

8. Where all parties to a dispute concerning a boundary line consent a summary application may be made to the judge of the county or district court of the county or district in which the lands are situate to appoint a special referee under this Act, without any proceedings having been commenced or being then pending, and the referee shall proceed as hereinbefore directed, and his report concerning the premises shall have the force and effect of a final award between the parties concerning the disputed boundary line, and may be registered by either party thereto in the proper registry office against the lands affected thereby. 10 Edw. VII. c. 33, s. 8.

Construction
of this Act.
Rev. Stat. c. 56.

9. This Act shall be read and construed as *in pari materia* with *The Judicature Act*, and with the General Rules of practice and procedure of the Supreme Court applicable to the subject matter hereof. 10 Edw. VII. c. 33, s. 9.