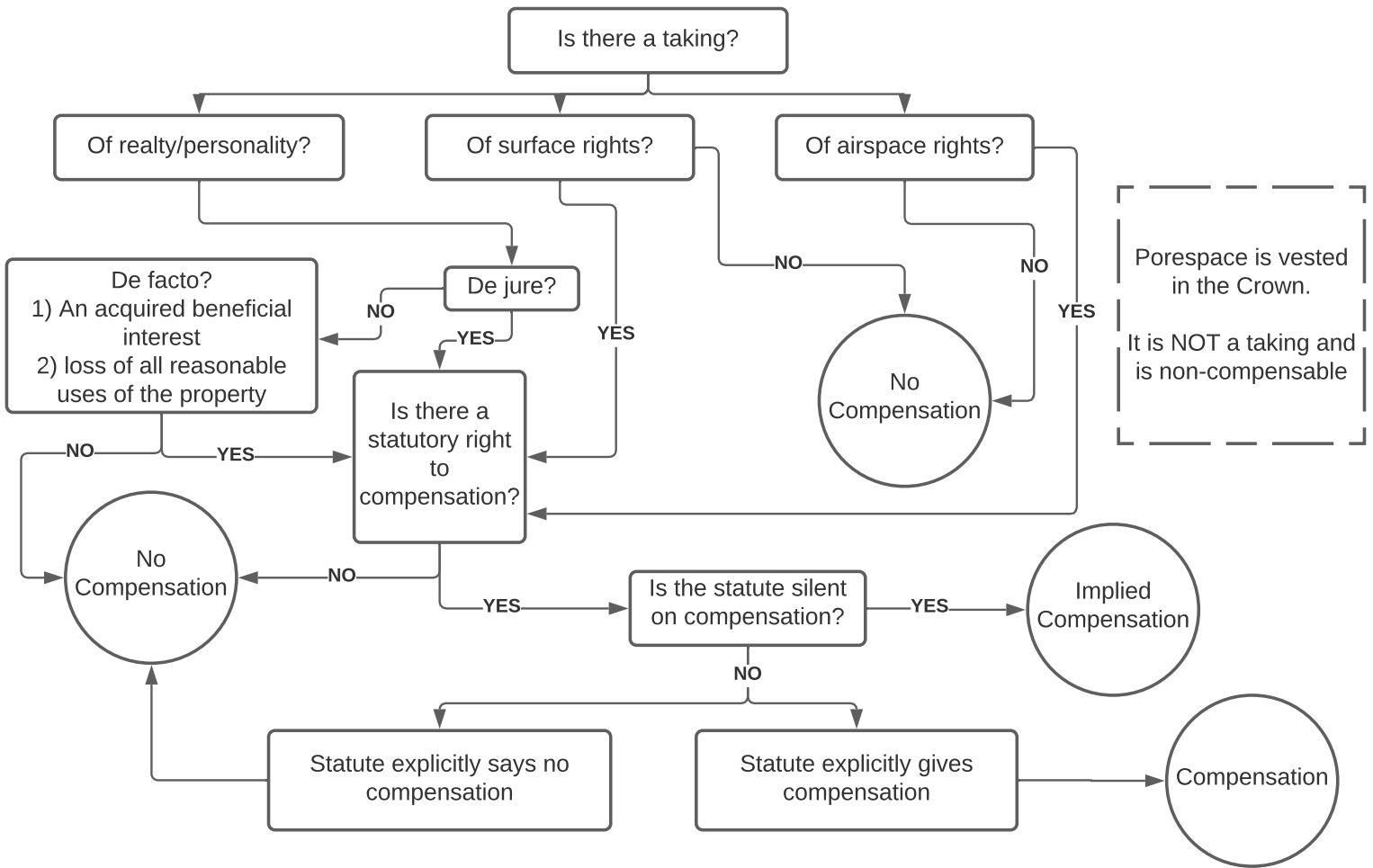
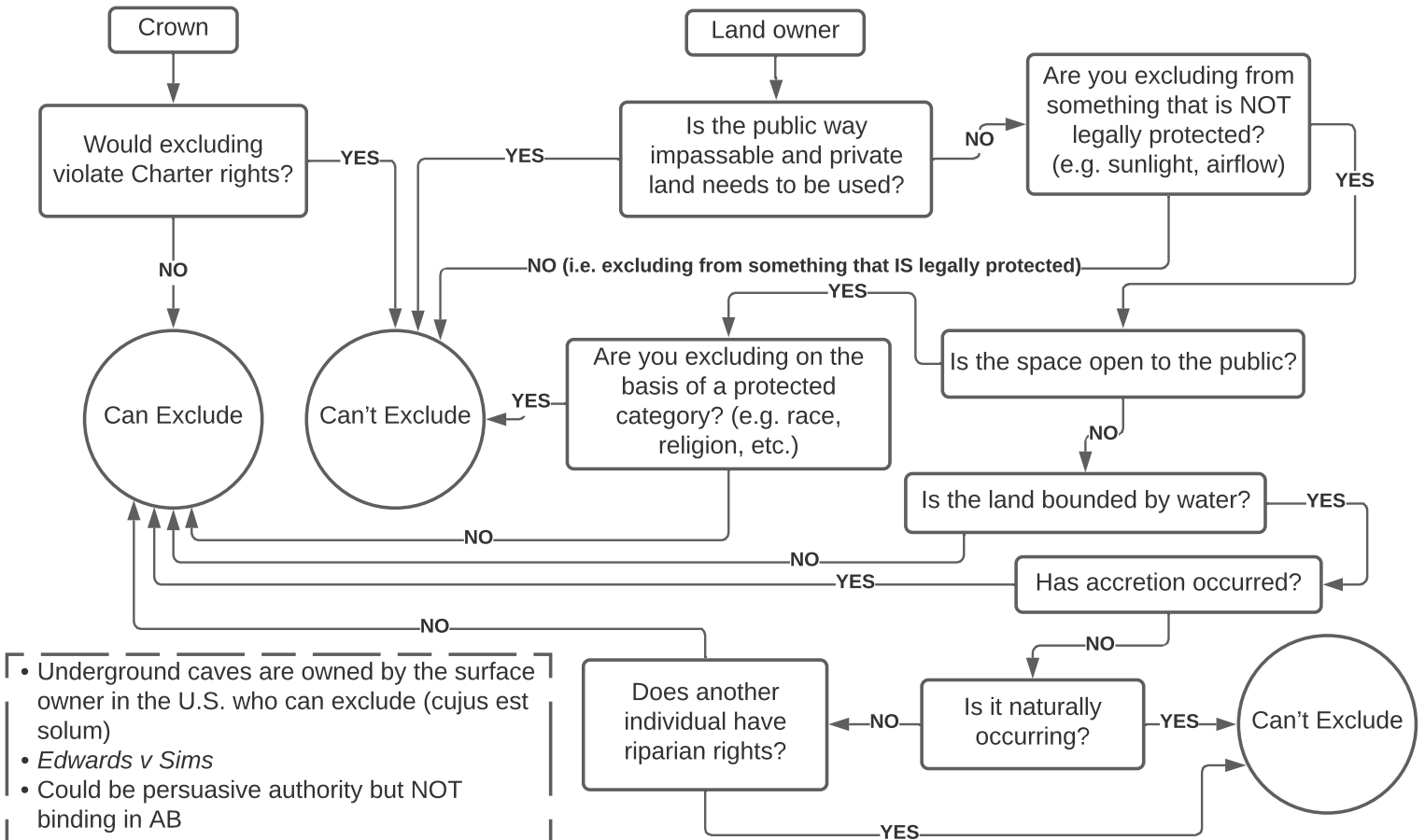


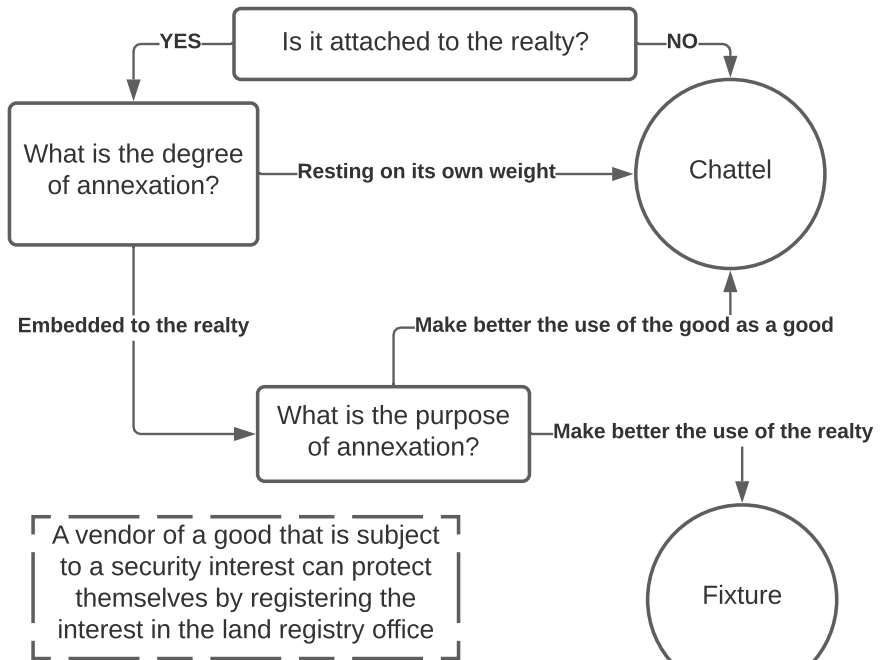
## EXPROPRIATION



## BOUNDARIES



## FIXTURES



### MINES AND MINERALS

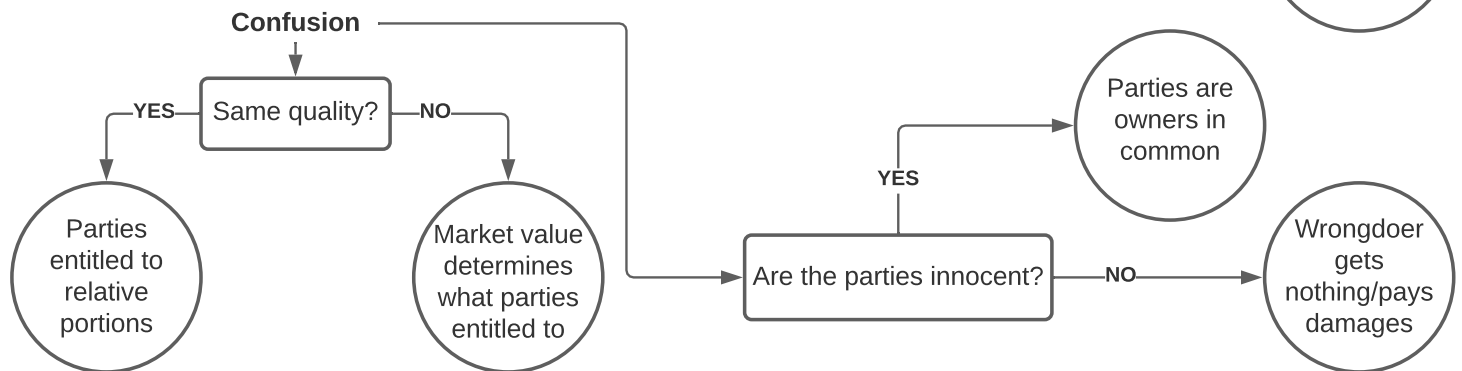
- Gold and silver are owned by the Crown unless expressly granted to land owner in title
- After 1891 - Mines and minerals are owned by the Crown and must be granted to land owner
- Prior to 1891 - Mines and minerals are owned by land owner unless reserved

### Tenant's Fixtures

A tenant's fixtures can be transformed back into chattel status if:

1. It was attached to the realty for the purpose of a trade
2. It is removed from the realty before the tenant's lease ends or at a reasonable time after

### TRANSFORMATION OF CHATTEL OWNERSHIP



### Accession

Four tests:

1. **Injurious Removal Test** - can the items be removed without serious damage to the principal chattel?
2. **Separate Existence Test** - has the separate identity of the accessories/acceded chattel been lost?
3. **Destruction of Utility Test** - would removal of the items destroy the utility of the principal chattel?
4. **Fixtures Test** - has accession occurred from the degree and purpose of annexation?

When chattels are fused together, the property rights in the accessories are subsumed in the principal chattel. The owner of the principal chattel wins everything and the owner of the accessories loses all property rights (but might be entitled to compensation).

Three tests to determine the principal chattel:

1. **Series of accessions** - when items are added to another little by little in a sequence so that they become subsumed in it
2. **Total (Economic) value** - which item has the greatest market value?
3. **Essence value** - what is the essence of the whole chattel?

Remedies:

- Defendant keeps chattel but pays damages or compensation
- Plaintiff is awarded chattel
- Plaintiff is awarded chattel but pays defendant for improvements made

### POSSESSION

Not interested in true ownership. Question here is always regarding the priority of claim

#### Elements of Possession:

1. Factum (physical control)
2. Animus (intent to possess)

#### Possession of Wild Animals:

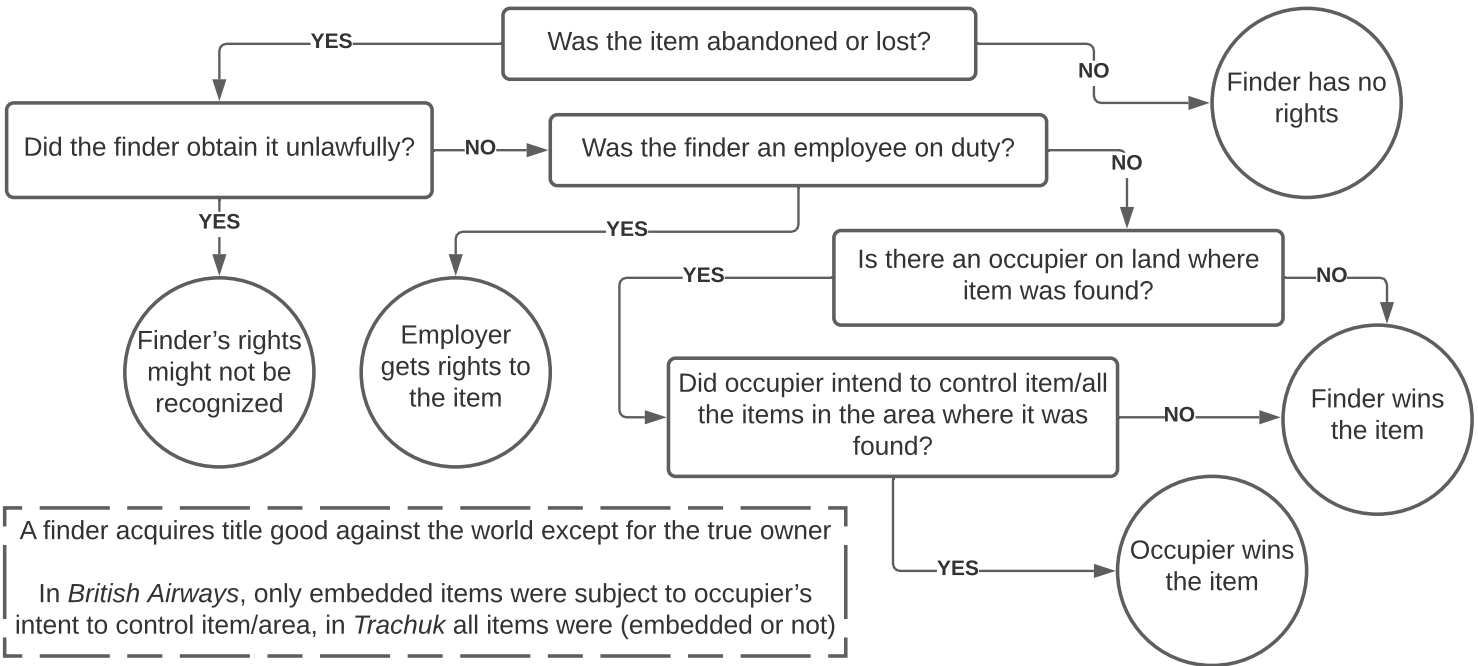
Mere pursuit of an animal does not give one a legal right to it. Need the combination of manifesting your intent combined with an act to bring it under your control

#### Pre-Possessory Interests:

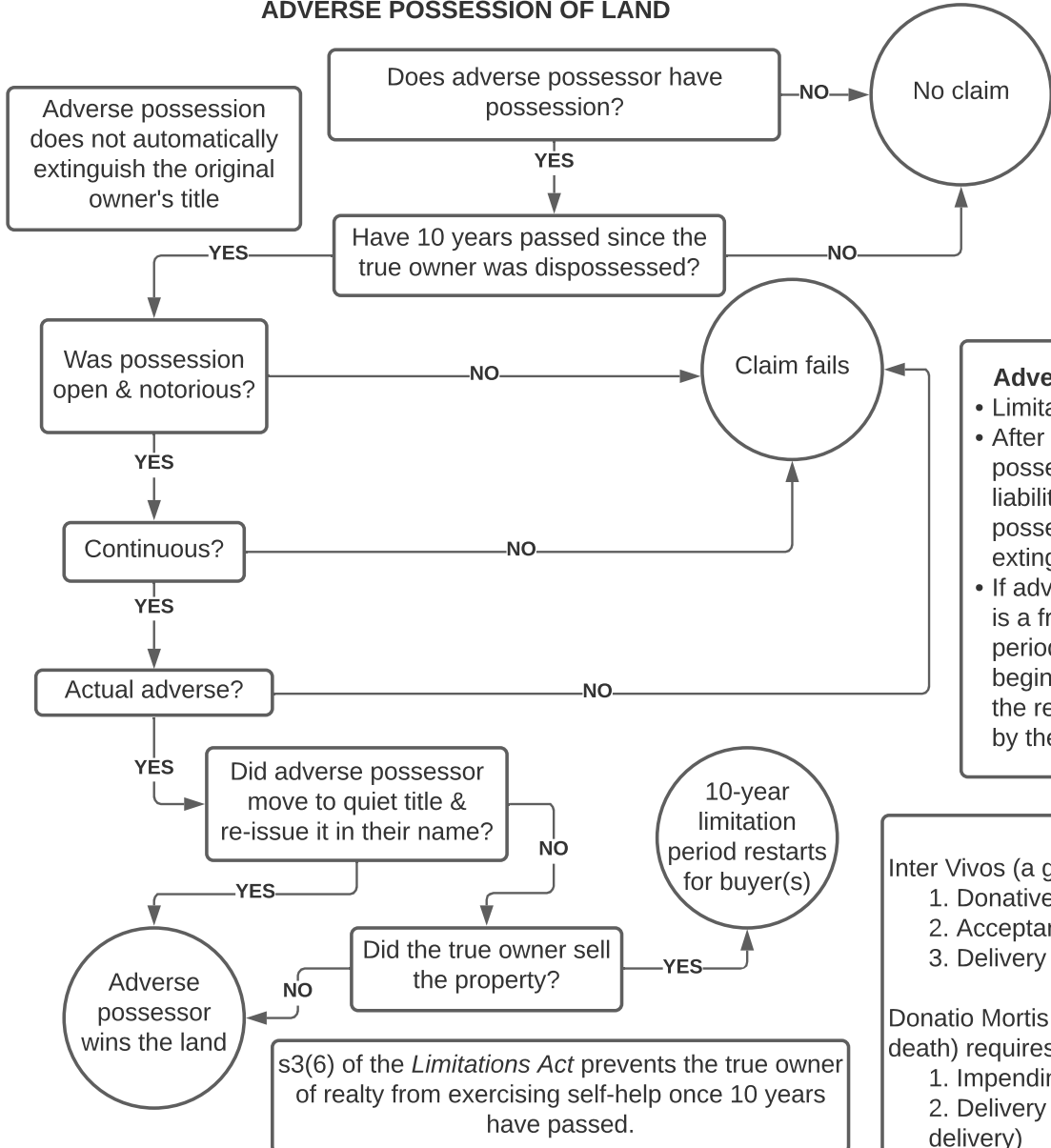
In limited circumstances, one can acquire a pre-possessory interest in something that gives them the right to pursue an action. Applies when:

- Significant but incomplete action to possess is taken
- Efforts to take possession are interrupted by the unlawful acts of others

## FINDERS



## ADVERSE POSSESSION OF LAND



**Inconsistent Use**

- Some courts require an adverse possessor to also demonstrate that their use of the property was inconsistent with the intended use of title holder to succeed in a claim for adverse possession.
- This is NOT the law in AB

**Adverse Possession of Personality**

- Limitation period = 2 years
- After the limitation period, adverse possessor is statutorily immune from liability BUT true owner can still recover possession b/c title is NOT extinguished in AB
- If adverse possessor sells the chattel, it is a fresh conversion and the limitation period resets. The running period begins when the true owner asks for the return of the chattel and is refused by the buyer

**GIFTS**

Inter Vivos (a gift during one's life) requires:

1. Donative Intent
2. Acceptance
3. Delivery

Donatio Mortis Causa (gifts in contemplation of death) requires:

1. Impending death from an existing peril
2. Delivery (could be symbolic/constructive delivery)