

PROPERTY LAW 231
Section 001 / Professor Douglas Harris

SYLLABUS—2022/23

1. THE NATURE OF PROPERTY (5 classes)

- 1.1 What is Property?
- 1.2 Why Private Property?
- 1.3 What should be Property?

This unit introduces the idea of property, asks why rights to private property exist, situates the emergence of property doctrine in histories of racism and colonialism, and investigates how various justifications for property are deployed in novel claims to private property. In doing so, it introduces ideas about the nature and function of the institution of property, in common law and Indigenous legal orders, that recur throughout the course. At times, these ideas appear explicitly in the written reasons of a judgment, the oral histories of a community, the argument in a lawyer's brief, the considerations of a policy paper, or the reflections of a legal scholar, but other times they form part of a background set of assumptions about what property is and what it should do. Whether explicitly engaged or implicitly present, the contested notions of property and its justifications form the backbone of this course and, more importantly, of the institution of property itself.

At the end of this unit, students should be able to:

- Begin to locate the emergence of property in histories of liberalism, racism, and colonialism;
- Identify the different categories of property and explain their principal characteristics;
- Describe and classify the different understandings of the idea of property;
- Explain common property as well as the ideas of the “tragedy of the commons” and “tragedy of the anti-commons”;
- Describe the idea of *stare decisis* and the role of precedent in the common law;
- Recognize different elements in a judgment, including the decision of the majority, concurring decisions, and dissenting decisions;
- Describe and evaluate the different justificatory traditions for private property;
- Recognize when decision-makers are using one or more of the justifications for private property in their determinations about property rights;
- Evaluate claims for rights to private property based on the various justifications for private property;
- Build connections between particular property rules and their social context; and
- Describe the doctrine *numerus clausus*.

In addition, students will have an opportunity to:

- Look at property law in the spaces of the university;
- Consider what it means to be an owner;

- Engage with material from multiple jurisdictions;
- Work collaboratively to draft functional definitions of various forms of property;
- Analyze and evaluate majority and dissenting opinions; and
- Reflect on the institutional roles of courts and legislatures in a common law system.

1.1 What is Property?

Property Law Reader 5th, 1-39; 43-48

MacPherson, "The Meaning of Property"

Potts, "The Land is Boss"

Harris, "Whiteness as Property"

Merrill, "Property and the Right to Exclude"

Yanner v Eaton

Harrison v Carswell

Morales & Thom, "The Principle of Sharing"

[*Labour Relations Code*](#), s 66

1.2 Why Private Property?

Property Law Reader 5th, 49-59; 466-78

Lewis, "The Right to Private Property"

[Nisga'a Final Agreement](#), Chapter 3, ss 1-8

Graben, "Lessons for Indigenous Property Reform"

1.3 What should be Property?

Property Law Reader 5th, 73-92

Moore v The Regents of the University of California

Ziff, "The Irreversibility of Commodification"

[US Patent No. 4,438,032](#)

Nulh Ghah Dechen Ts'edilhtan ("[Tsilhqot'in Nation Wildlife Law](#)"), Preamble, s 6

2. PROPERTY IN PERSPECTIVE (5 classes)

This unit considers the sources of property law in Canada, investigates the conflicts over public space between those who have homes and those who are homeless, and analyzes the various constitutional and non-constitutional protections for private property in Canada.

- 2.1 Sources of Property Law
- 2.2 Property, Class, and Poverty
- 2.3 Protections for Property

At the end of this unit, students should be able to:

- Explain the multiple sources of Canadian property law in the common law jurisdictions;

- Identify some of the principles within certain Indigenous legal orders that govern relationships between humans and the non-human world;
- Explain the doctrine of tenure and its continuing relevance in Canadian property law;
- Explain the doctrine of reception and identify the date of reception in British Columbia;
- Assess the different ways in which those with, and those who are largely without private property use public land;
- Specify various constitutional and non-constitutional protections for private property in Canada;
- Explain the differences between expropriation and constructive expropriation (regulatory takings); and
- Recognize possible effects of international trade agreements on the future development of constructive expropriation doctrine in Canada.

In addition, students will have an opportunity to:

- Share examples of the issues that arise from conflicting uses of public spaces; and
- Consider different constitutional provisions that protect private property and different approaches to the public regulation of private property.

2.1 Sources of Property Law

A. Indigenous Legal Orders

Property Law Reader 5th, 93-103

Napoleon, "Thinking about Indigenous Legal Orders"

Borrows, *Recovering Canada*

[*Te Urewere Act 2014*](#) (NZ) 2014 No 51, ss 3, 11(1), 12(1), 13, 16-17

[*Te Awa Tupua \(Whanganui River Claims Settlement\) Act 2017*](#) (NZ) 2017 No 7, ss 3, 10, 13-14, 18

Jacinta Ruru, "[In New Zealand, this river and park are legal persons](#)" TEDxChristchurch 16 November 2017 [14:32 video]

B. English Common Law

Property Law Reader 5th, 104-17

Butt, *Land Law*

Ziff, "Warm Reception in a Cold Climate"

[*Law and Equity Act*](#), RSBC 1996, c 253, s 2

[*Wills, Estates and Succession Act*](#), SBC 2009, c 13, ss 20-23

[*Escheat Act*](#), s 1

2.2 Property, Class, and Poverty

Property Law Reader 5th, 123-45

Waldron, "Homelessness and the Issue of Freedom"

Ellickson, "Controlling Chronic Misconduct in City Spaces"

Victoria (City) v Adams

[International Covenant on Economic, Social and Cultural Rights](#), Article 11.1
[Here at Home: Evicted](#) (National Film Board of Canada, 2012), 4 mins.

2.3 Protections for Property

A. Constitutional, Statutory, and Common Law Protections

Property Law Reader 5th, 149-55
 Ziff, "Taking Liberties"
Constitution of the Republic of South Africa, 1996, s 25
[Expropriation Act](#), ss. 1, 4(2), 6(1), 10(2), 14, 18, 30(1), 31(1), 32

B. Constructive Expropriation

Property Law Reader 5th, 155-71
 Ziff, "Taking Liberties"
Lucas v South Carolina Coastal Council
Mariner Real Estate Ltd v Nova Scotia (AG)
 Harris, "A Railway, a City, and the Public Regulation of Private Property"

C. Constructive Expropriation in Free Trade and International Investment Agreements

Property Law Reader 5th, 171-80
 Ziff, "Taking Liberties"
 UNCTAD, *World Investment Report 2015*
 Sinclair, *The Rise and Demise of NAFTA Chapter 11*
[Canada-United States-Mexico Agreement](#), Article 14.8 and Annex 14-B

3. BOUNDARIES (5 classes)

This unit introduces the spatial dimensions of interests in land, including the height and depth to which an interest in land extends, as well as some of the issues that arise at the boundaries between adjoining owners. It then turns to the law of fixtures, which marks the boundary between land and chattel.

- 3.1 Airspace
- 3.2 Subsurface
- 3.3 Lateral Boundaries – Trespass and Trees
- 3.4 Lateral Boundaries – Water
- 3.5 Fixtures

At the end of this unit, students should be able to:

- Specify the extent to which ownership of an interest in land extends above and below the surface;
- Identify the statutory mechanisms for subdividing airspace and multi-unit developments;

- Explain the law of nuisance and trespass in relation to disputes between neighbours over trees;
- Describe the history, nature, and limits of Crown grants in British Columbia;
- Specify the different spheres and levels of state sovereignty over ocean spaces;
- Understand the nature of riparian rights at common law and explain how they have been modified by statute;
- Explain and apply the test that distinguishes fixtures from chattels; and
- Outline the different requirements to establish the torts of trespass and nuisance.

In addition, students will have an opportunity to:

- Analyze a case using the “IRAC” method;
- Identify the ratio of a case, formulate a rule based on the ratio from one or more cases, and apply the rule to a new fact scenario;
- Practise identifying narrow and broad ratios from cases; and
- Apply the doctrine of reception.

3.1 Airspace

Property Law Reader 5th, 181-90

Didow v Alberta Power Ltd

[Land Title Act](#), ss 138, 139, 141, 145

[Strata Property Act](#), s 239

[United Nations Convention on the Law of the Sea](#), Article 2(2) 1 & 2

3.2 Subsurface

Property Law Reader 5th, 190-94; 196-200; 201-4 (comments 5 & 6)

Edwards v Sims

Ziff, “The Great Onyx Cave Cases”

[Land Act](#), ss 11, 50

[Sample Crown Grant](#) (British Columbia)

[Mineral Tenure Act](#), ss 19(1-2), 20 (repealed)

3.3 Lateral Boundaries – Trespass and Trees

Property Law Reader 5th, 215-21

Allen et al v MacDougall et al

[Trespass Act](#), RSBC 2018, c 3, ss 1, 2(1), 3, 4(1), 10(1)

[Offence Act](#), RSBC 1996, c 338, ss 2, 4

[Strata Property Act](#), SBC 1998, c 43, s 68

3.4 Lateral Boundaries - Water

Property Law Reader 5th, 222-37

Robertson v Wallace

R v Nikal

[United Nations Convention on the Law of the Sea](#), Articles 1-5, 8, 33, 55-57

[Oceans Act](#), SC 1996, c 31, ss 4-6, 10, 11, 13, 14

[Law and Equity Act](#), RSBC 1996, c 253, s 2

[Water Sustainability Act](#), SBC 2014, c 15, ss 5-7

[Land Act](#), RSBC 1996, c 245, s 55

3.5 Fixtures

Property Law Reader 5th, 237-46

LaSalle Recreations Ltd v Canadian Camdex Investments Ltd

Diamond Neon (Manufacturing) Ltd v Toronto-Dominion Realty Co

[Personal Property Security Act](#), RSBC 1996, c 359, ss 36(2)-(5)

4. POSSESSION (4 classes)

Unit 4 introduces the concept of possession, highlighting its importance in the common law with a case about a famous baseball. It then turns to the doctrine of adverse possession, known colloquially as “squatters’ rights”, before investigating the law of finders. Finally, the unit introduces the elements for a transfer of property, and the particular requirements associated with the gifting of property.

- 4.1 The Concept of Possession
- 4.2 Adverse Possession
- 4.3 Finders
- 4.4 Transfers and Delivery

At the end of this unit, students should be able to:

- Explain the concept of possession;
- Identify the requirements of a successful claim to adverse possession;
- Situate the emergence of property regimes in histories of racism;
- Outline the rights of finders;
- Specify the required elements of a contract for purchase and sale of land; and
- Describe the important elements, and the cultural specificity of those elements, in a gift of property.

In addition, students will have the opportunity to:

- Review a template contract for the purchase and sale of an interest in land;
- Review the standard forms for transferring interests in land in British Columbia;
- Re-visit the doctrine of tenure; and
- Apply the statutory rules to determine when a contract for the transfer of an interest in land is enforceable.

4.1 The Concept of Possession

Property Law Reader 5th, 306-13; 317-19 (comments 7-13)
Popov v Hayashi

4.2 Adverse Possession

Property Law Reader 5th, 320-27; 330-41
Nelson (City) v Mowatt
Beals v Nova Scotia (Attorney General)
Downey v Nova Scotia (Attorney General)
[Limitation Act](#), SBC 2012, c 13, s 28
[Land Title Act](#), RSBC 1996, c 250, s 23
[Land Title Inquiry Act](#), RSBC 1996, c 251, ss 1, 11
[Property Law Act](#), RSBC 1996, c 377, s 36

4.3 Finders

Property Law Reader 5th, 342-54; 357-60
Trachuk v Olinek

4.4 Transfers and Delivery

Property Law Reader 5th, 360-83
 Baron, “Gifts, Bargains, and Form”
 Kimmerer, *Braiding Sweetgrass*
Nolan v Nolan & Anor
Re Bayoff Estate
[Law and Equity Act](#), RSBC 1996, c 253, s 59
[Property Law Act](#), RSBC 1996, c 377, ss 4, 15
[Land Title Act](#), s 185
 BC Land Title & Survey Authority, [Transfer Forms A, B & C](#)

5. FREEHOLD ESTATES (2 classes)

The doctrine of estates is another foundational feature of real property in the common law system. Tenure (introduced in Unit 2) permitted what may be described as a vertical division of interests in land between people within a social hierarchy, with the Crown at its apex. The doctrine of estates permits a horizontal division of interests in land—a division of interests over time. Unit 5 introduces the two principal categories of estates—freehold estates and leasehold estates—and then focuses on the two remaining types of freehold estate: the fee simple and the life estate. We turn to the particular characteristics of leasehold estates in Unit 7.

5.1 The Fee Simple

5.2 Life Estates

At the end of this unit, students should be able to:

- Explain the doctrine of estates and the distinctions between freehold and leasehold estates;
- Describe the primary features of the different freehold estates, particularly the estate in fee simple and the life estate;
- Differentiate between words of purchase and words of limitation in the transfer of interests in land, and understand what each do;
- Explain the statutory modification of the common law rules regarding the language required when transferring interest in land;
- Describe in general terms the powers and obligations of life tenants; and
- Explain the doctrine of waste as a mechanism for balancing different interests.

In addition, students will have the opportunity to:

- Revisit the doctrine of tenure;
- Compare common law and statute-based rules; and

5.1 Fee Simple

Property Law Reader 5th, 385-99

Gray & Gray, *Elements of Land Law*

Ellickson, "Property in Land"

JA Shoemaker, "Fee Simple Failures: Rural Landscapes and Race"

Thomas v Murphy

[*Property Law Act*](#), RSBC 1996, c 377, s 10, 19

[*Land Title Act*](#), s 186(4)-(8)

[*Wills, Estates and Succession Act*](#), SBC 2009, c 13, s 41(3)

5.2 Life Estates

Property Law Reader 5th, 399-400; 412-22

Ontario Law Reform Commission

Powers v Powers Estate

[*Property Law Act*](#), RSBC 1996, c 377, s 19(2)

[*Law and Equity Act*](#), RSBC 1996, c 253, s 11

[*Wills, Estates and Succession Act*](#), SBC 2009, c 13, s 41(3)

6. EQUITY (3 classes)

There is what appears, at first encounter, an odd, yet utterly fundamental distinction in the common law between rules of law (as developed by the courts of common law) and rules of equity (as developed by the court of equity). The oddness comes from the peculiar disjunction between some rules that are legal and others that are equitable. However, the common law evolved with these two separate streams of rules co-existing within it. The different streams were the preserves of entirely separate courts, but in the nineteenth century the separate courts were fused into a single structure with jurisdiction over law and equity. This unit

introduces the common law and equitable courts, and then focuses on some aspects of equitable doctrine that have been particularly important in the development of the law of property. It does so through a foray into the origins of equity, and then to the emergence of the use and the trust. It pays particular attention to the resulting trust and to the constructive trust as a remedy for unjust enrichment.

- 6.1 Origins of Equity
- 6.2 Resulting Trusts
- 6.3 Constructive Trusts

On the completion of this unit, students should be able to:

- Identify the courts of common law and equity;
- Explain the emergence of the Court of Chancery;
- Enumerate some of the equitable maxims and connect one or more maxim to one or more equitable remedy;
- Describe the role of the “use”, its demise, and the rise of the trust;
- Identify the circumstances that produce a resulting trust;
- Identify the circumstances that create a presumption of advancement;
- Explain the rise of the constructive trust as a remedy for unjust enrichment, and how its importance has been modified by statute; and
- Define the different ways in which the term “common law” is used.

In addition, students will have an opportunity to:

- Explore the connection the historical development of the common law and contemporary doctrine;
- Consider the policy choices that underlie common law rules; and
- Practice applying common law rules to sample problems.

6.1 Origins and Maxims of Equity

Property Law Reader 5th, 487-501

Girard, “History and Development of Equity”

Gray and Gray, *Elements of Land Law*

[Law and Equity Act](#), RSBC 1996, c 253, ss 4, 5, & 44

6.2 Resulting Trusts

Property Law Reader 5th, 507-18

Pecore v Pecore

[Property Law Act](#), RSBC 1996, c 377, s 19(3)

6.3 Remedial Constructive Trusts

Property Law Reader 5th, 519-35; 545-47

Kerr v Baranow; *Vanasse v Seguin*

“Murdoch v Murdoch: The Sign” Radio Drama (available on Canvas)
[Family Law Act](#), SBC 2011, s 25, ss 1, 3, 81

6.3 Institutional Constructive Trusts

Property Law Reader 5th, 547-56
Soulos v Korkontzilas

7. LEASEHOLD INTERESTS (4 classes)

Leasehold interests are among the oldest in the common law, pre-dating the freehold interests which emerged out of the tenurial relationships—the landlord and tenant relationships—that lay at the heart of a feudal system. Although ancient in origin, many of us experience our first formal interaction with the law of real property through the signing of a residential tenancy agreement. Statutory reforms have substantially modified the common law so far as it applies to residential tenancies, and we turn to some of these reforms in the final topic. The other topics—on the nature of a lease, the interests and obligations of parties to a lease—deal primarily with commercial leases.

- 7.1 The Nature of a Lease
- 7.2 Leasehold Interests
- 7.3 Leasehold Obligations
- 7.4 Residential Tenancies

On the completion of this unit, students should be able to:

- Recognize, define, and distinguish leases and licences;
- Identify the essential elements of a lease;
- List the “usual covenants” in a lease;
- Describe the distinction between the assignment of a lease and a sub-lease;
- Explain the concept of “privity of estate”;
- Describe the nature of the landlord’s covenant to provide “quiet enjoyment”; and
- Outline the principal elements of statutory reform in residential tenancies.

In addition, students will have an opportunity to:

- Derive principles from case law and apply them to interpret the text of a lease;
- Revisit the debate over the respective roles of courts and legislatures when matters of law and public policy intersect; and
- Consider public policy behind residential tenancy reform.

7.1 The Nature of a Lease

Property Law Reader 5th, 633-43
Fatac Ltd. (in liquidation) v Commissioner of Inland Revenue

7.2 Leasehold Interests

Property Law Reader 5th, 643-48
Merger Restaurants v DME Foods Ltd

7.3 Leasehold Obligations

Property Law Reader 5th, 656-65
Southwark LBC v Tanner

7.4 Residential Tenancies

Property Law Reader 5th, 665-67; 677-78
[*Residential Tenancy Act*](#), ss 1-2, 4-6, 12-13, 26, 28, 32, 34, 42-43, 47, 49
[*Residential Tenancy Regulation*](#), ss 11-13.1, 22-22.1, Schedule
[*Residential Tenancy Agreement Form*](#) (2021/11)

8. MORTGAGES (2 classes)

A mortgage is a security interest in which one party takes an interest in land as a guarantee or a form of protection to ensure that a debt will be paid. Mortgages arise in a contract between a lender and a borrower in which the lender advances a sum of money and the borrower transfers an interest in land, which it will recover once the debt is repaid. As a result, mortgages arise at the interface of contract and property. They also provide an example of the interplay between common law and equitable rules. Indeed, the principal remedies of the parties to a mortgage agreement—the borrower’s right of redemption and the lender’s right of foreclosure—are the products of a response in equity to the formality and rigidity of the common law.

8.1 The Origins of the Mortgage

8.2 Mortgages in Law & Equity

On the completion of this unit, students should be able to:

- Describe the principal elements of a mortgage contract;
- Explain the emergence of the equities of redemption and foreclosure; and
- Describe “a clog on the equity of redemption” and how the courts have acted to protect the equitable right to redeem.

In addition, students will have an opportunity to:

- Consider the interaction between law and equity;
- Explore the historical development of property law principles; and
- Interrogate the policy arguments behind various legal rules.

8.1 The Origins of the Mortgage

Property Law Reader 5th, 877-83

Holdsworth, *An Historical Introduction to Land Law*

Sugarman and Warrington, "Land law, citizenship, and the invention of 'Englishness'"

8.2 Mortgages in Law & Equity

Property Law Reader 5th, 883-97

Rose, "Crystals and Mud in Property Law"

Sartor et al v Boon et al

Dical Investments Ltd v Morrison

9. INDIAN RESERVES & FIRST NATION LAND MANAGEMENT (3 classes)

This unit considers the history of colonial land policy in British Columbia and its intersection with Canadian law and Indigenous law in the 21st century. The focus is on Indian reserves as property interests constructed under the *Indian Act*, and then on the efforts of Indigenous peoples to reassert their governance of and control over traditional territories.

- 9.1 Colonial Land Policy & Indigenous Law in British Columbia
- 9.2 Property on Reserves
- 9.3 First Nation Land Management

9.1 Colonial Land Policy & Indigenous Law in British Columbia

Property Law Reader 5th, 44-48

Morales & Thom, "The Principle of Sharing and the Shadow of Canadian Property Law"

Southin Lecture: Sarah Morales & Estair van Wagner, "British Columbia's Great Land Grab: Exploring the Entanglement of Fee Simple Property and Hul'qumi'num Jurisdiction on Vancouver Island"

9.2 Property on Reserves

Property Law Reader 5th, 478-82

Woodward, "16 Types of Aboriginal Interests in Land"

Harris, "[Property and Sovereignty: An Indian Reserve and a Canadian City](#)," (2017) 50:2 UBC L Rev, 321-340

Nicola Band et al v Trans-Can. Displays et al, 2000 BCSC 1209 (excerpts)

9.3 First Nation Land Management

Property Law Reader 5th, 482-85

Lavoie & Lavoie, "Land Regime Choice in Close-Knit Communities"

Framework Agreement on First Nation Land Management, [Executive Summary](#)

[Musqueam Land Code](#), Preamble, ss 3-6, 30

[Musqueam Land Use Plan](#), ss 1 & 2.1

10. TITLE REGISTRATION (4 classes)

Title registration is the dominant system for recording interests in land in the Canadian common law provinces. The particulars of each title registration system vary from province to province, but the basic structures are similar. In this Unit, we draw on cases from several jurisdictions to develop the foundational principles, but the focus is on British Columbia's title registration system as an example of how title registration systems operate. One of the recurring issues in this unit is the extent to which title registration systems displace the rules at common law. We begin with an analysis of the common law priorities and the principles of title registration.

- 10.1 Common Law Priorities & Deeds Registration
- 10.2 Title Registration & Fraud
- 10.3 Registration of Charges
- 10.4 Title Registration and the Abolition of Notice

On the completion of this unit, students should be able to:

- Classify the priority rules at common law;
- Describe the origins and recount the history of title registration in Canada;
- Identify the general principles of title registration and correlate the principles with sections of British Columbia's *Land Title Act*;
- Explain how title registration departs from a common law deeds system;
- Identify the place of the fee simple interest in title registration systems;
- Explain the fraud exception to indefeasible title and the differences between immediate and deferred indefeasibility;
- Describe the interaction of statutory provisions that create a system of immediate indefeasibility in British Columbia;
- Explain the assurance principle and when someone is entitled to compensation from the assurance fund in British Columbia;
- Define "charge" in British Columbia's title registration system and explain how they are treated differently than fee simple interests;
- List and explain the different categories of notice;
- Explain some of the different ways in which the doctrine of notice has been modified in title registration jurisdictions;
- Predict the effect of notice of a prior unregistered interest in British Columbia; and
- Identify circumstances in which indefeasible title is only a rebuttable presumption.

In addition, students will have an opportunity to:

- Consider the development of title registration in its historical context;
- Practice applying rules to different fact scenarios;
- Analyze the interaction between the common law and statute-based systems;
- Revisit the circumstances that give rise to resulting trusts; and
- Return to the justifications for property.

10.1 Common Law Priorities & Deeds Registration

Property Law Reader 5th, 913-921, 934-937
 Levmore, "Good-Faith Purchaser"
Northern Counties of England Fire Insurance v Whipp
Rice v Rice
 O'Connor, *Security of Property Rights and Land Title Registration Systems*
 Youdan, "The Length of a Title Search in Ontario"

10.2 Title Registration & Fraud

Property Law Reader 5th, 938-942
 Harris, Review of *The Law of the Land*
 Harris, "[Indefeasible Title in British Columbia](#)" (2006)
[Land Act](#), s 54
[Land Title Act](#), ss 20, 23(2), 25.1, 25(2), 43, 296(2)-(3), 294.61 and/or 304
 Land Title Survey Authority, [Electronic Form Templates](#)
[Nisga'a Land Title Office](#)

10.3 Registration of Charges

[Land Title Act](#), ss 1, 23(2), 25.1, 26, 27(3), 197, 297
[Gill v Bucholtz](#), 2009 BCCA 137, 1-5, 17-19, 26-28
 Harris & Mickelson, "[Finding Nemo Dat in the Land Title Act](#)" (2012)

10.4 Title Registration and the Abolition of Notice

Property Law Reader 5th, 950-952
 Harris & Au, "[Title Registration and the Abolition of Notice](#)"
[Szabo v Janeil](#), 2006 BCSC 502
[Land Title Act](#), s 29

11. SHARED OWNERSHIP (2 classes)

To this point in the course, we have seen how the bundle of rights and obligations that comprise ownership can be divided into various estates and that different people may have different rights and obligations with respect to the same land at the same time. Examples include the grant of a life estate to one person with the remainder in fee simple to somebody else, or the grant of a lease to a tenant with the reversion in fee simple remaining with the landlord. In this unit, the focus is on the rights and obligations of people who share the same interest in land at the same time or, as in condominium, combine an individual interest with a shared interest.

- 11.1 Basic Concepts and Creating Shared Interests
- 11.2 Condominium

11.1 Basic Concepts and Creating Shared Interests

Property Law Reader 5th, 719-735

Alexander, "Governance Property"

Thom, "Addressing the Challenge of Overlapping Claims"

Ontario Law Reform Commission, "Report on Basic Principles of Land Law"

British Columbia Law Institute, "Report on Joint Tenancy"

Ontario Law Reform Commission, "Report on Basic Principles of Land Law"

Robb v Robb

[Property Law Act](#), RSBC 1996, c 377, ss 11(2), 12

11.2 Condominium

Property Law Reader 5th, 758-768

Harris, "Condominium: A Transformative Innovation"

Ottawa-Carleton Standard Condominium Corporation

Harris, "Embedded Property"