

SHOULD ALBERTA ABOLISH ADVERSE POSSESSION?

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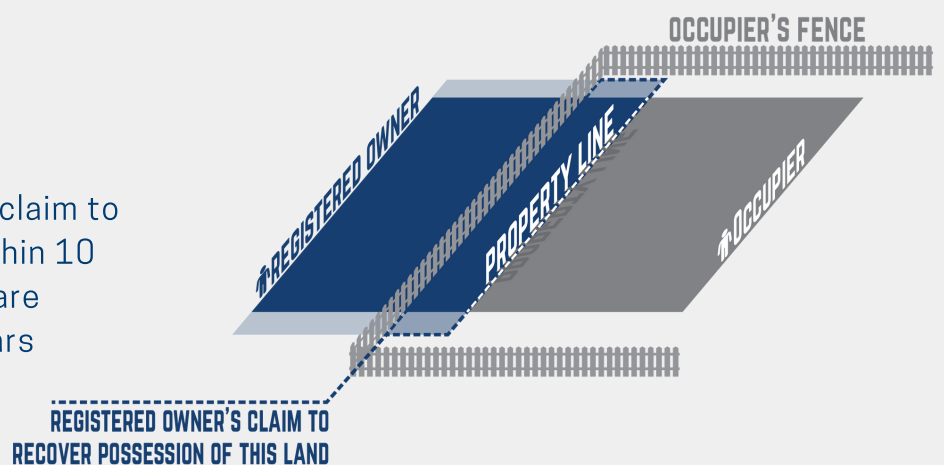
Adverse possession allows a person who has occupied another's land for at least 10 years to potentially claim ownership of that land. The occupation must be exclusive, open, notorious and continuous.

In today's Alberta, it involves two people: the person in actual possession of the disputed property (**the occupier**) and the registered owner of the disputed property (**the registered owner**).

THE THREE MOST COMMON TYPES OF CLAIMS

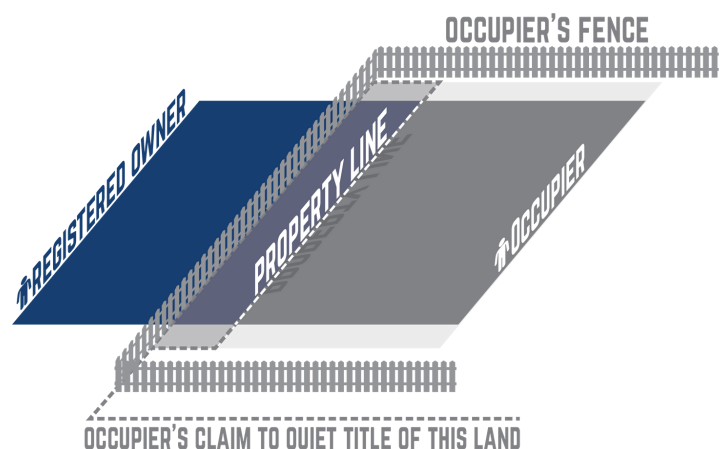
1. CLAIMS TO RECOVER POSSESSION OF LAND

Under the *Limitations Act*, the registered owner must bring a claim to recover possession of land within 10 years from the time that they are dispossessed, or within 10 years from the time the registered owner acquired the property.



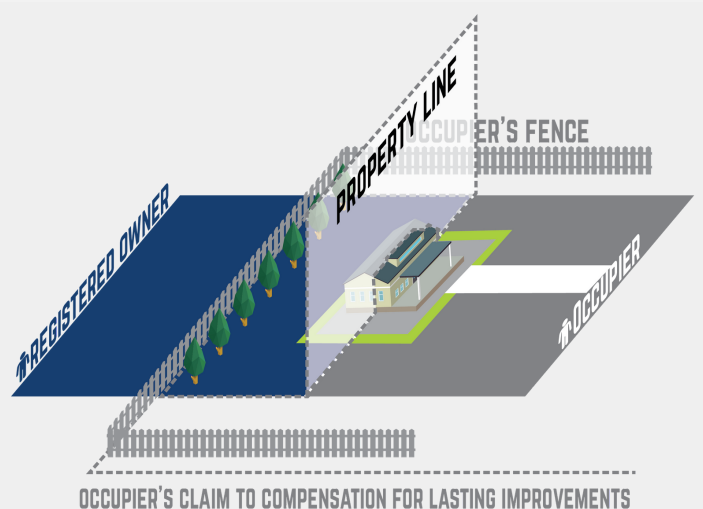
2. CLAIMS TO QUIET TITLE

An occupier who is not the registered owner of land, but who possesses that land for more than 10 years may be able to bring a claim against the registered owner to quiet title.



3. CLAIMS REGARDING LASTING IMPROVEMENTS

An occupier who has made a lasting improvement on land based on the mistaken belief that they owned the land can bring a claim for compensation or other related remedies.



WHY IS REFORM NEEDED?

Adverse possession is not a common claim in Alberta, but it is often perceived as being inconsistent with the modern land titles system of ownership.

Another law, Section 69 of the *Law of Property Act* offers a more equitable approach to resolving disputed lands between a registered owner and occupier.

Section 69 has a further advantage in that it does not allow a deliberate trespasser to benefit from their own wrong, as is sometimes the case with adverse possession.

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