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THIS EXAMINATION CONSISTS OF 3 PAGES (INCLUDING THIS PAGE)  
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THE UNIVERSITY OF BRITISH COLUMBIA  
Peter A. Allard School of Law

EXAMINATION – DECEMBER 2019

LAW 231  
Property

Section 4  
Bruce Woolley

TOTAL MARKS: 100

TIME ALLOWED: One (1) HOUR  
and 15 minutes reading time

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NOTE:

1. This is an open-book examination.
2. The questions are not of equal marks. Please allocate your time accordingly.
3. Give answers that explain and discuss fully the reasons for your answers.
4. Assume the contentious matters in Question 1 occur (or have occurred) in British Columbia in 2019.

THIS EXAMINATION CONSISTS OF 2 QUESTIONS.

**MARKS**

- 70 1. Parm, a resident of Kelowna, is very anxious to view the property called “Equity’s Haven” that he purchased three months ago when he was on Vancouver Island. Laura, his lawyer, did the conveyancing work. It was a beautiful piece of land, bordering on a lovely river, with a large house near the river. The front verandah extended down to an enormous seating area that was part fill that had been recently dumped into the river by the previous owner, and covered with a durable deck. The deck was so large it needed footings on the property and in the river. When Parm had viewed the property three months earlier, the front verandah had expensive bamboo and cotton blinds that could be pulled down when the sun got hot. What a perfect property for relaxing times with family and friends.

Pam arrived at Equity’s Haven in the afternoon. It was a hot, sunny day, and the first thing he noticed was that the blinds were missing. Perhaps the previous owners had taken them down and stored them, he thought. He then strolled down to the river. It was a beautiful deck. However, Parm noticed that the course of the river seemed to have changed and that the property next door had lost its sandy beach bordering on the river. It looked like the dumping of the fill may have changed how the river flowed by the properties.

Strolling back to the house, he noticed a drone about 50 feet overhead. The next door neighbour, Diane, saw Parm looking at the drone. “Don’t be bothered young man – I just use that thing for taking pictures. It isn’t noisy.” Parm did not respond, but was not having good feelings about this purchase. As he got on the verandah, he could see inside was a mess and was startled when a black cat leapt at him from behind. At the same time, another person on the property called out to Parm – “Hey – are you the purchaser of this property?” Parm confirmed that he was the purchaser. The other person, Kwok, introduced himself as a BC government official. He had come to tell Parm that the fill in the river, the deck and footings would all have to be removed. This stunned Parm who was now having even more bad feelings about the property. At that moment the drone swooped by about 30 feet about the ground. Diane, the neighbour, called out to Parm “You can expect a few flights a day until you pay me for the loss of my beach.”

Parm, by now very upset, and being the kind of person adverse to any conflict, decided that this was a bad purchase for him. He got into his Land Rover and drove to the nearest town where he visited the lawyer who did the conveyance. He told Laura of his visit to Equity’s Haven and said he did

## Question 1 continued

not want to take on all of the issues that might face him as owner. He wanted to gift the property to his brother Rav who was a very strong, decisive person and who had been very kind to Parm during his life. He asked Laura to draft a Form A Transfer to Rav, which she did and Parm signed the Form A. Laura said she would have to prepare an electronic version and file it at the Land Title Office in order for the title to be registered in Rav's name. Parm said he understood that but wanted to have one last look at the property and would return later in the day. He left with the Form A Transfer in his briefcase, drove to the Equity's Haven, missed the turn for the house driveway and accidentally drove the Range Rover into a rocky part of the river and was killed. Diane, who saw the whole event from the drone camera, discovered Parm and the Form A Transfer in the briefcase.

**Please discuss the legal issues that these facts raise and provide your responses on possible legal outcomes. If you think there may be missing facts, please set them out. In your answer, please set out and apply any principles from the material covered this term.**

**MARKS**

- 30    2. Please choose **one of the following three topics** and write a short essay commenting on the topic.
- (a). Fully consider whether equity's law of property adds to Cromwell's "ungodly jumble".
  - (b). Discuss the difference between the courts of equity and the common law courts, including the remedies available respecting real property. What developments in the courts of equity have influenced real property law, especially the distinction between equitable and legal interests in land.
  - (c). Comment on the following: "Legislation affecting real property rights appear to be construed by the courts as retaining the common law and equitable rights where possible by giving a narrow and strict interpretation to the legislation."

**\*\*\*\*END OF EXAMINATION\*\*\*\***