

CASE LAW cont'd

Limitations

From *Law Times*, May 16 - 22, 1994

REAL PROPERTY

Defendants were not owners by adverse possession.

FACTS:

Action by plaintiffs to recover possession or portion of land used by defendants to build structures. Defendants claimed adverse possession and lien against subject land. Defendants' application for building permit contained diagram showing structures 450 feet from actual construction site.

DECISION:

Defendants knew structure was built on plaintiffs' property. Claim for adverse possession failed requirements in *Keefe v. Arillotta*, 13 O.R. (2d) 680. Defendants also failed to satisfy requirement for establishing lien under s. 37 of Conveyancing and Law of Property Act, R.S.O. 1990, since they had not shown bona fide belief they owned the land. Judgement was granted in favour of plaintiffs.

Lepore v. Girolami Estate (March 11, 1994, Ont. Ct. (Gen.Div.), Sullivan J., File No. 11856/88) Order No. 094/084/029 (5pp.)

Highways

From *Law Times*, June 27 - July 3, 1994

REAL PROPERTY

Applicant could not seek injunction respecting use of access road where Road Access Act provided for closing order.

FACTS:

Applicant sought injunction restraining respondents from using access road on her property. Property was purchased with knowledge road was used by respondents for access to cottage. Respondents had no legal right of way or property right in road. Issue was whether closing order available under Road Access Act, R.S.O. 1990 precluded applicant from seeking injunctive relief.

DECISION:

Applicant was able to apply for closing order under Road Access Act by showing order was reasonably necessary to prevent substantial damage or injury to ownership interest. Injunctive relief was not alternative remedy at law under s.6 or act. Injunctive relief was denied.

Marcotte v. Jennings (March 4, 1994, Ont. Ct. (Gen.Div.), Bernstien J., File No. A4630/93) Received April 22, 1994. Order No. 094/112/031 (9pp.).

What Is Geomatics?

By Graham W. Bowden, P.Eng., O.L.S.

Geomatics is the art and science of geomatics. To better understand this new science we need to review the terminology of this new industry.

Geomation	The act of causing data to reach a state of spatial cognizance.
Geodat	An individual data element. Requires at least 2 geodats for geomation.
Geomatable	Raw geodats which can be geomated.
Ungeomatable	Raw geodats which cannot be geomated, most often because they are spatially insignificant or spatially repulsive.
Geogitate	To constantly massage the data. Most geomatologists suffer from this compulsive disorder.
Geostatic	Stable data. A state usually measured in nanoseconds.
Geocritical	Data that exceeds the capability of the software and reaches a critical mass.
Geostate	There are only 2 geostates; geostatic and geocritical.
Geomatmention	Another technical paper on geomatics.
Geomaterial	Another brochure on geomatics.
Geoware	Software purported to be spatially significant.
Geoputer	Hardware on which geoware walks (as opposed to runs) and on which geodats are stored.
Geomatician	One who enters geodats in the geoware.
Geomatologist	One who studies geostates.
Geomator	Paranoid person who sees spatial relationships everywhere.
Geomate	Spouse of a geomator.
Geominium	Workspace for geomaticians and geomatologists.
Geomat	Digital or hardcopy products that are the result of geomation.
Geomatology	The study of geomatics.
Anti-geomatics	To restore data to a chaotic state. Sometimes undetectable from geomated data.