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Falconbridge on Mortgages, Fifth Edition

by Walter M. Traub

Release No. 27, September 2018

This work, initially formed from Dean Falconbridge's lectures at Osgoode Hall, quickly became the authoritative text on mortgages in Canada. Now in its fifth edition, under the editorial leadership of distinguished practitioner Walter M. Traub, *Falconbridge on Mortgages* is the standard reference source for those who teach and those who practise in the field, and has often been cited by the judiciary.

What's New in this Update:

This release features significant updates and additions to the Words and Phrases resource of this text. In addition, the materials in Chapter 18, "SPOUSAL RIGHTS IN MORTGAGED LAND" have been updated.

Highlights

Words and Phrases

JURISTIC REASON — Ontario — The established categories that can constitute juristic reasons include a contract, a disposition of law, a donative intent, and other valid common law, equitable or statutory obligations [. . .]: *Toronto Standard Condominium Corp. No. 1633 v. Toronto Standard Condominium Corp. No. 1809* (2017), 2017 ONSC 1372, 84 R.P.R. (5th) 311, 2017 CarswellOnt 2860

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(Ont. S.C.J.) at para. 26 Cavanagh J.

LACKADAISICAL — British Columbia — Lackadaisical is not necessarily a harsh term. It is roughly equivalent to “not as diligent”[...]: *PHS Community Services Society v. Swait* (2018), 2018 CarswellBC 1268, 2018 BCSC 824 (B.C. S.C.) at para. 101 Sharma J.

ONE MOIETY — Saskatchewan — [In s. 4 of *The Partition Act, 1868*, 31 & 32 Vict., c. 40, the phrase] “one moiety” [is] a term interpreted to identify each of two parts into which a thing is or can be divided. In more simple terms, it refers to a fraction that is equal to or greater than one half: *Veitch v. Wolf* (2017), 2017 SKQB 252, 2017 CarswellSask 434 (Sask. Q.B.) at para. 13 Elson J.

PROCEDURAL JURISDICTION — Nova Scotia — Procedural jurisdiction deals with the process by which the subject matter comes before a court, tribunal or administrative body: *Eastern Shore Progressive Conservative Association v. Moulton* (2018), 2018 NSSC 19, 2018 CarswellNS 66 (N.S. S.C.) at para. 25 Warner J.

ROADWAY — Alberta — In this judgement, “roadway” will refer to the contractual right to build a road sourced in the 2007 Easement grant. It should not be conflated with “right of way,” which is a particular form of easement and a legal property right. *The Dictionary of Canadian Law*, 4th ed, (Toronto: Carswell, 2011) sub verbo “right of way”: *Remington v. Crystal Creek Homes Inc.* (2018), 2018 CarswellAlta 193, 2018 ABQB 30, 86 R.P.R. (5th) 34 (Alta. Q.B.) at para. 20 Jones J.