



LAPOINTE ROSENSTEIN  
MARCHAND MELANÇON  
L.L.P. Attorneys

PRESS RELEASE

## **A tremendous Supreme Court of Canada victory for two of our young litigators!**

**Montreal, April 6, 2017** – Our firm is proud to announce the victory in the Supreme Court of Canada of two of our young lawyers: Philippe Dumaine (Called to the Bar in 2011) and Sarah Laplante Bazzi (Called to the Bar in 2013).

In this case involving the principles of acquisitive prescription and publication of rights, Philippe Dumaine and Sarah Laplante Bazzi represented a building owner facing an application for an injunction seeking to stop her from using parking spaces on a neighbouring lot. Our client filed a counterclaim asking to be recognized as the owner of the disputed parking spaces due to a possession of more than 10 years.

At trial, the injunction was denied and the counterclaim was granted, as the Court declared that our client owned one of the disputed parking spaces.

The Court of Appeal, in a majority ruling, upheld the trial judge's findings. In their decision, the majority judges of the Supreme Court of Canada reiterated the principles that govern acquisitive prescription and effective possession of an immovable. In doing so, they rejected the appellants' argument that the publication of a right prevails and hinders the acquisitive prescription.

"We are extremely pleased with the result for our client, who is very happy as well. In short, the Supreme Court of Canada confirmed that our client had a legitimate right to the parking space despite the publication of opposing rights at the land registry," says Philippe Dumaine.

Philippe Dumaine pleaded the case in Superior Court, the Court of Appeal and the Supreme Court of Canada. Sarah Laplante Bazzi, who was an articling student at the time the trial was held, was present in Court at all stages of the case and participated in the research and drafting of submissions.

The decision is available on the Supreme Court of Canada [website](#).

This is a great victory for our client and for our firm.

### **About Lapointe Rosenstein Marchand Melançon**

Lapointe Rosenstein Marchand Melançon is one of the largest independent law firms in Quebec, with nearly 90 professionals, and offers a complete range of legal services in business law, civil and commercial litigation as well as insurance law.

Through its association with TerraLex<sup>®</sup>, an international organization connecting attorneys in over 100 countries, the firm has access to a worldwide network of legal and commercial advisors in numerous fields of practice.

- 30 -

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