

HON. MR. JUSTICE LATCHFORD.

MAY 10TH, 1913.

CHRISTIE BROWN v. WOODHOUSE.

4 O. W. N. 1265.

Land Titles Act—Appeal from Decision of Master—Sec. 140 of Act—Application to Register Objection to Issuance of Certificate of Title—Applicants Barred from Bringing Action for Possession—“Action”—Meaning of.

LATCHFORD J., *held*, that an order debaring the holders of the paper title to certain lands from bringing an action against the occupant for possession did not prevent them from filing an objection in the Land Titles office to the said occupant being registered as owner of such lands.

See S. C. 23 O. W. R. 55.

Appeal by Christie Brown & Co., under sec. 140 of the Land Titles Act, against decision of the Master of Titles, at Toronto, made 25th April, 1913, refusing to permit them to file an objection to one John Woodhouse and his wife being registered as owner of certain lands in the city of Toronto. See S. C. 23 O. W. R. 55.

W. B. Milliken, for motion.

E. Meek, K.C., contra.

HON. MR. JUSTICE LATCHFORD:—The company is by the terms of the order precluded from bringing any action against John Woodhouse for possession of the lands in question. It is also thereby debarred in the opinion of the learned Master from objecting to the registration of Woodhouse and his wife as the absolute owners of the lands.

It seems clear to me that in filing the objection the company was not bringing an action. Unless a contrary intention appears, the word “action” shall be construed “to include suit and shall mean a civil proceeding commenced by writ or in such other manner as may be prescribed by rules of Court.” Jud. Act, sec. 2, sub-sec. 2. No contrary intention appears, and the objection filed is not a suit or a civil proceeding begun by writ, or as prescribed by any of the Rules. “Action” as the term is used in the order has in my opinion the meaning attributed to the word by the Jud. Act and not any other.

While the company cannot sue Woodhouse to recover possession of the property, it can I think be heard when it