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Abstract

This thesis explores whether the doctrine of indefeasibility of title and its three associated principles – the mirror principle, the curtain principle, and the insurance principle – are mythical constructs, and not legal facts as they are portrayed in the dominant legal discourse and in traditional legal research sources. It is commonly understood that indefeasibility of title is the hallmark of land titles systems of registration, especially those based on the Torrens model, and Saskatchewan is a jurisdiction which operates such a system. When one examines the genesis of land titles systems and indefeasibility of title, Saskatchewan’s land titles statutes and recent court decisions, one discovers that there is a dichotomy between indefeasibility of title in practice and how it is portrayed in theory. Given that land titles systems of registration are statutory creations, it is more appropriate to utilize the language in the legislation and therefore to avoid reliance upon these constructs.

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Dedication

To my children, Nathan and Lucy.

To my partner, Geoffrey.

And to my parents, Ross and Helen.

Without your love, support, and understanding,
this work would not have been possible.
Thank you so much for helping my dream become a reality.

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