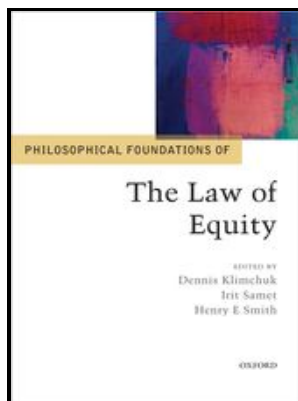


# Fusion of law and equity

## Butterworths - Fusion of Law and Confusion of Equity



Description: -

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Civil law -- Canada.

Courts -- Canada.

Equity -- Canada. fusion of law and equity

-fusion of law and equity

Notes: Includes bibliographical references (p. 139-144) and index.

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### Fusion of Equity and the Common Law

For its breach, a full range of remedies should be available as appropriate, no matter whether they originated in common law, equity or statute. Thus, it is evident that concurrent administration and changing social realities pose a need for this amalgamation.

### The fusion of common law and equity.

The case brought out substantive fusion where all remedies are available for all wrongs. This particularly the case when two bodies of rules operate alongside each other in the same kind of dispute.

### Fusion of Law and Confusion of Equity

In conclusion, proponents of the fusion fallacy pose numerous challenges to fusing common law and equity, particularly in regards to the crossover of remedies, claiming that the trust-like basis of equity along with its discretionary nature and lower thresholds suggest that the scope for amalgamating law and equity is quite limited. The court prior to the Court of Appeal held that the defendant was entitled to half the property because the plaintiff held her share as a trustee. Equity and common law might well be merged one day but the harmonization process required to allow them to integrate with one another would probably change the two so much that they are no longer as they started as.

### Fusion or no fusion of equity and the common law at a substantive level

Although it may seem that the day of equity establishing legal principles before their time has passed, one-day equity may be needed again. Now, there is one rule system that can administer both the rules of common law and chancery as opposed to the former dual-court structure.

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