



Case in Brief: **Zardev Inc. v. Dydzak**

Judgment of July 24, 2026 | On appeal from the Court of Appeal of Quebec
Neutral citation: 2026 SCC 27

The Supreme Court of Canada concludes that submerged lots located in the Laurentians were sold with riparian lands.

In 1881, the construction of a dam raised the level of Lac Masson in the Laurentians region, north of Montréal. A strip of land between the lake and the shore was then flooded and became submerged. Although it is underwater, this strip of land is in the private domain and is not state property.

From 1959 to 1971, Zardev, a property developer, divided the land bordering the lake into several hundred riparian lots and sold part of them to various buyers. The deeds of sale described the lands as being “bounded by Lake” but did not mention the submerged strip of land. In 2016, following an official update to the plans showing the boundaries of the lands, the owners of the lots learned that this strip of land was still owned by the developer. They therefore went to court to seek a declaration that these lands had been sold to them with their riparian lots. The owners relied on the civil law maxim *accessorium sequitur principale* (the accessory follows the principal), which is partially codified in the general law of sale in Quebec and which requires the seller to deliver to the buyer, along with the principal property sold, “all its accessories”.

The Superior Court dismissed their application. It concluded that the submerged lands had not been sold and were not accessories to the riparian lots. The Court of Appeal allowed the appeal and concluded instead that the buyers were the owners of the submerged lots. The developer appealed to the Supreme Court of Canada.

The Supreme Court of Canada has dismissed the appeal.

The submerged lands are accessories to the riparian lots because they are necessary for the intended use of these lots.

Writing for the majority, Justice Kasirer interpreted article 1718 of the *Civil Code of Québec*, which states that the seller is bound to deliver the property with all its accessories. Analyzing the meaning of the word “accessory”, Justice Kasirer found that it refers to property that is destined to serve the principal property and is necessary for its use.

Applying this interpretation to the facts, he concluded that the submerged lands are necessary for the use that the parties intended the riparian lots to have. The deeds of sale show that these lots were intended to provide direct and exclusive access to the lakeshore as well as a peaceful environment for vacationing. The submerged lands specifically permit this intended use to be achieved. Without them, the buyers would not have benefited from the use of the property they believed they were acquiring. Justice Kasirer therefore concluded that the submerged lands were transferred with the riparian lots at the time of the sales.

Breakdown of the decision: *Majority*: Justice [Kasirer](#) dismissed the appeal (Chief Justice [Wagner](#) and Justices [Karakatsanis](#), [Rowe](#), [Martin](#), [Jamal](#), [O’Bonsawin](#) and [Moreau](#) agreed) | *Dissenting*: Justice [Côté](#) would have allowed the appeal

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