

# Royal Gazette

## Part II Regulations under the Regulations Act

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Halifax, Nova Scotia

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### Contents

Act	Reg. No.	Page
<b>Dispensing Opticians Act</b>		
Dispensing Opticians Regulations—amendment .....	191/2007	399
<b>Environment Act</b>		
On-site Sewage Disposal Systems Regulations .....	194/2007	403
<b>Financial Measures (2004) Act</b>		
Proclamation, S. 50(8), S.N.S. 2004, c. 3—S. 6 to 15 .....	197/2007	423
<b>Financial Measures (2006) Act</b>		
Proclamation, S. 63(1), S.N.S. 2006, c. 2—S. 59 to 62 .....	198/2007	424
<b>Justice Administration Amendment (2006) Act</b>		
Proclamation, S. 20, S.N.S. 2006, c. 15—S. 7 and 8 .....	192/2007	400
<b>Labour Standards Code</b>		
Proclamation of amendments to Act, S. 4, S.N.S. 2006, c. 32 .....	193/2007	401
<b>Land Registration Act</b>		
Land Registration Administration Regulations .....	186/2007	319
<b>Off-highway Vehicles Act</b>		
Off-highway Vehicles Designated Trails and Trail Permits Regulations—amendment .....	188/2007	395
Off-highway Vehicles General Regulations—amendment .....	187/2007	393
Off-highway Vehicles Safety and Training Regulations—amendment .....	189/2007	395
—amendment .....	190/2007	398
<b>Petroleum Products Pricing Act</b>		
Prescribed Petroleum Products Prices .....	184/2007	313

<b>Registry Act</b>		
Document Submission Regulations .....	185/2007	315
<b>Revenue Act</b>		
Revenue Act Regulations–amendment .....	195/2007	421
<b>Summary Proceedings Act</b>		
Summary Offence Tickets Regulations–amendment .....	199/2007	425
–amendment .....	200/2007	428
–amendment .....	201/2007	429
<b>Tobacco Access Act</b>		
Proclamation of amendments to Act, S. 7, S.N.S. 2006, c. 47 .....	196/2007	421
<b>Wildlife Act</b>		
Grassy Island Wildlife Management Area Designation .....	202/2007	432
Grassy Island Wildlife Management Area Regulations .....	203/2007	434
The Brothers Islands Wildlife Management Area Designation .....	204/2007	435
The Brothers Islands Wildlife Management Area Regulations .....	205/2007	437

**In force date of regulations:** As of March 4, 2005\*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date a regulation is made, the date a regulation is approved, the date a regulation is filed and any date specified in a regulation are important to determine when the regulation is in force.

\*Date that subsections 3(6) and (7) and Sections 11 and 13 of the *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 were proclaimed in force.

**N.S. Reg. 184/2007**

Made: March 22, 2007

Filed: March 26, 2007

Prescribed Petroleum Products Prices

Order dated March 22, 2007  
made by the Minister of Service Nova Scotia and Municipal Relations  
pursuant to Section 14 of the *Petroleum Products Pricing Act*

**In the Matter of Section 14 of Chapter 11 of the Acts of 2005  
the *Petroleum Products Pricing Act***

- and -

**In the Matter of Sections 14 to 18 of the *Petroleum Products Pricing Regulations*  
made by the Governor in Council  
pursuant to Section 14 of the *Petroleum Products Pricing Act***

- and -

**In the Matter of an Order Prescribing Prices for Petroleum Products  
made by the Minister of Service Nova Scotia and Municipal Relations  
pursuant to Section 14 of the *Petroleum Products Pricing Act* and  
Sections 14 to 18 of the *Petroleum Products Pricing Regulations***

**Order**

I, Jamie Muir, Minister of Service Nova Scotia and Municipal Relations for the Province of Nova Scotia, pursuant to Section 14 of Chapter 11 of the Acts of 2005, the *Petroleum Products Pricing Act*, and Sections 14 to 18 of the *Petroleum Products Pricing Regulations*, hereby

- (a) repeal the Order dated March 8, 2007, which prescribed prices for petroleum products in the Province effective on and after 12:01 a.m. on March 9, 2007; and
- (b) prescribe prices for petroleum products in the Province as set forth in the tables in Schedule "A".

This Order is effective on and after 12:01 a.m. on March 23, 2007.

Made at Halifax, in the Halifax Regional Municipality, Nova Scotia, on March 22, 2007.

Sgd.: *Jamie Muir*  
Honourable Jamie Muir  
Minister of Service Nova Scotia and Municipal Relations

## Schedule "A"

**Prices Prescribed for Petroleum Products  
under the *Petroleum Products Pricing Act* and the  
*Petroleum Products Pricing Regulations*  
effective on and after 12:01 a.m. on March 23, 2007**

<b>Table 1: Benchmark Prices for Regulated Petroleum Products</b> (cents/litre)	
Regular unleaded gasoline	61.4
Mid-grade unleaded gasoline	64.4
Premium unleaded gasoline	67.4
Ultra low-sulfur diesel oil	56.5

<b>Table 2: Fixed Wholesale Prices, Retail Mark-ups and Retail Prices for Regulated Petroleum Products</b> (cents/litre)									
	Fixed Wholesale Price (excludes GST)	Retail Mark-up				Retail Price (includes all taxes)			
		Self-Service		Full-Service		Self-Service		Full-Service	
		Min	Max	Min	Max	Min	Max	Min	Max
<b>Zone 1</b>									
Regular Unleaded	93.2	4.0	5.5	4.0	7.5	110.8	112.5	110.8	114.8
Mid-Grade Unleaded	96.2	4.0	5.5	4.0	7.5	114.2	115.9	114.2	118.2
Premium Unleaded	99.2	4.0	5.5	4.0	7.5	117.6	119.4	117.6	121.6
Ultra Low-Sulfur Diesel	82.2	4.0	5.5	4.0	7.5	98.3	100.0	98.3	102.3
<b>Zone 2</b>									
Regular Unleaded	93.6	4.0	5.5	4.0	7.5	111.3	113.0	111.3	115.3
Mid-Grade Unleaded	96.6	4.0	5.5	4.0	7.5	114.7	116.4	114.7	118.7
Premium Unleaded	99.6	4.0	5.5	4.0	7.5	118.1	119.8	118.1	122.1
Ultra Low-Sulfur Diesel	82.6	4.0	5.5	4.0	7.5	98.7	100.4	98.7	102.7
<b>Zone 3</b>									
Regular Unleaded	94.1	4.0	5.5	4.0	7.5	111.8	113.5	111.8	115.8
Mid-Grade Unleaded	97.1	4.0	5.5	4.0	7.5	115.3	117.0	115.3	119.2
Premium Unleaded	100.1	4.0	5.5	4.0	7.5	118.7	120.4	118.7	122.7
Ultra Low-Sulfur Diesel	83.1	4.0	5.5	4.0	7.5	99.3	101.0	99.3	103.3
<b>Zone 4</b>									
Regular Unleaded	94.1	4.0	5.5	4.0	7.5	111.8	113.5	111.8	115.8
Mid-Grade Unleaded	97.1	4.0	5.5	4.0	7.5	115.3	117.0	115.3	119.2
Premium Unleaded	100.1	4.0	5.5	4.0	7.5	118.7	120.4	118.7	122.7
Ultra Low-Sulfur Diesel	83.1	4.0	5.5	4.0	7.5	99.3	101.0	99.3	103.3
<b>Zone 5</b>									
Regular Unleaded	94.1	4.0	5.5	4.0	7.5	111.8	113.5	111.8	115.8
Mid-Grade Unleaded	97.1	4.0	5.5	4.0	7.5	115.3	117.0	115.3	119.2
Premium Unleaded	100.1	4.0	5.5	4.0	7.5	118.7	120.4	118.7	122.7
Ultra Low-Sulfur Diesel	83.1	4.0	5.5	4.0	7.5	99.3	101.0	99.3	103.3

<b>Zone 6</b>									
Regular Unleaded	94.9	4.0	5.5	4.0	7.5	112.7	114.5	112.7	116.7
Mid-Grade Unleaded	97.9	4.0	5.5	4.0	7.5	116.2	117.9	116.2	120.2
Premium Unleaded	100.9	4.0	5.5	4.0	7.5	119.6	121.3	119.6	123.6
Ultra Low-Sulfur Diesel	83.9	4.0	5.5	4.0	7.5	100.2	101.9	100.2	104.2

**N.S. Reg. 185/2007**

Made: March 23, 2007

Filed: March 26, 2007

Document Submission Regulations

Order dated March 23, 2007  
made by the Minister of Service Nova Scotia and Municipal Relations  
pursuant to Section 48 of the *Registry Act*

**In the Matter of Section 48 of Chapter 392 of  
the Revised Statutes of Nova Scotia, 1989,  
the *Registry Act***

- and -

**In the Matter of the *Document Submission Regulations*  
made by the Minister of Service Nova Scotia and Municipal Relations  
under Section 48 of the *Registry Act***

**Order**

I, Jamie Muir, Minister of Service Nova Scotia and Municipal Relations for the Province of Nova Scotia, under Section 48 of Chapter 392 of the Revised Statutes of Nova Scotia, 1989, the *Registry Act*, am pleased, effective April 3, 2007, to make new regulations respecting submission of prescribed information under the *Registry Act* in the form attached as Schedule "A".

Dated and made at Halifax, Halifax Regional Municipality, Nova Scotia, March 23, 2007.

Sgd.: *Jamie Muir*  
Honourable Jamie Muir  
Minister of Service Nova Scotia and  
Municipal Relations

**Schedule "A"**

**Regulations Respecting Document Submission  
made under Section 48 of Chapter 392 of  
the Revised Statutes of Nova Scotia, 1989,  
the *Registry Act***

**Citation**

1 These regulations may be cited as the *Document Submission Regulations*.

**Definitions**

2 In these regulations,

- (a) “Act” means the *Registry Act*;
- (b) “document” means writing, a plan, a map or any information in a form that can be converted into writing, a plan or a map by a machine or a device, and includes information
  - (i) on microfilm,
  - (ii) in electronic, mechanical or magnetic storage, or
  - (iii) in electronic data signals;

### Document submission requirements

**3** Every document submitted under the Act for filing or recording must be submitted together with the form prescribed for that purpose in Section 4, with all required fields completed.

### Prescribed forms

**4** The following forms are prescribed to be used on submission of documents under the Act for the following purposes:

- (a) Form 44, to register documents that do not trigger parcel registration under the *Land Registration Act*;
- (b) Form 44A, to register documents that are permitted to be registered under the transitional provisions of the *Land Registration General Regulations*;
- (c) Form 44B, to register documents under a conversion agreement as permitted in Section 46A of the *Land Registration Act*; and
- (d) Form 44E, to electronically submit documents that do not trigger parcel registration under the *Land Registration Act*.

## Form 44

### Request to the Registrar of Deeds to Register a Document

**Registration district:** \_\_\_\_\_

**Submitter's name:** \_\_\_\_\_

**Take notice that** the attached document relates to a parcel that is not registered under the *Land Registration Act*, and the document may be accepted for registration under the *Registry Act* because it is (*select one only*)

- not a transfer for valuable consideration
- not a mortgage or security interest as defined in the *Land Registration Administration Regulations*.
- a transfer of a parcel between persons married to one another
- a transfer of a parcel between persons formerly married to one another, if the transfer is for the purpose of division of matrimonial assets.
- [a] transfer of a parcel between persons who are parties to a registered domestic partnership agreement.
- a transfer of a parcel acquired by Her Majesty in right of the Province or a municipality for the purpose of road widening, alignment or movement.
- a deed to a predecessor in title being registered in order to feed the estoppel or clarify title.
- a transfer of an unregistered piece of land that is being created as a parcel under the subdivision provisions of Part IX of the *Municipal Government Act* solely for purposes of consolidation with an abutting unregistered parcel.

- a transfer of a parcel from the Nova Scotia Farm Loan Board to a borrower under the *Agriculture and Rural Credit Act*.
- any other instrument not mentioned above that is not required to be registered or recorded under the *Land Registration Act*

**I hereby request that** this document be registered under the *Registry Act*.

**Dated at** \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia,  
\_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
Signature of submitter

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Fax: \_\_\_\_\_

**Form 44A**  
**Transitional Exemptions to Land Registration**  
*Land Registration General Regulations, Section 8*

**Registration district:** \_\_\_\_\_

**Submitter's user number:** \_\_\_\_\_

**Submitter's name:** \_\_\_\_\_

**Grantor/declarant/developer re: attached document:** \_\_\_\_\_

**In the matter of** Section 8 of the *Land Registration General Regulations*;

**And in the matter of** a non-family subdivision resulting in 3 or more parcels, if the plan of subdivision was submitted to the municipality for final approval before the coming into force of the Act in this registration district:

**Take notice that** the above-noted subdivision was submitted for final approval on \_\_\_\_\_, 2\_\_\_\_\_, which was before the coming into force of the Act in this registration district.

**Dated at** \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia,  
\_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
Signature of submitter

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Fax: \_\_\_\_\_

**Form 44B**  
**Section 46A Land Registration Act**  
**Certificate of the Registrar General**

**Registration district:** \_\_\_\_\_

**In the matter of** an agreement under Section 46A of the *Land Registration Act* that was entered into between \_\_\_\_\_ and the Minister of Service Nova Scotia and Municipal Relations and executed on \_\_\_\_\_, 2\_\_\_\_:

**I hereby certify** that the attached instrument may be registered under the *Registry Act* in accordance with the terms of the agreement.

**Dated at** \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia, \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
 Signature of Registrar General

**Form 44E**  
**Request to the Registrar of Deeds to Register a Document**  
*Registry Act, R.S.N.S. 1989, c. 392, Sections 47 and 48*

Registration District:

User Reference:

Submitter's Name;

IN THE MATTER OF Section 37 or 46 of the *Land Registration Act*:

TAKE NOTICE THAT the attached document relates to a parcel that is not registered under the *Land Registration Act*, and the document may be accepted for registration under the *Registry Act* because it is:

not a transfer of an equitable or legal title of a fee simple estate, life estate or remainder interest that the affidavit filed pursuant to the *Municipal Government Act* discloses is made for a sale price or for value as referred to in clause 46(1)(a) of the *Land Registration Act*.

- The following Grantee(s) (new owners) have been requested to be added to the Grantor/Grantee Index:

Instrument Type:	Deed
Grantee(s) requested to be Added:	
Mailing Address of Grantee[(s)]:	

- The following Grantor(s) (previous owners) have been requested to be added to the Grantor/Grantee Index:



Apparent PID (if applicable):	
Grantor[(s)] requested to be added:	

Document Registration/Recording Fee Exempt?:

I certify that:

- An electronic copy of the duly executed original instrument is attached to this request in accordance with the *Land Registration Administration Regulations*.

Digitally signed by

--

*NOTE: Standard indexing rules or naming conventions will be applied to this document during the document indexing process. As a result, the names of the grantor(s) and grantee(s) as they appear in the Grantor-Grantee Index may not be identical to the names as they appear in this submission.*

**N.S. Reg. 186/2007**

Made: March 23, 2007

Filed: March 26, 2007

Land Registration Administration Regulations

Order dated March 23, 2007  
made by the Minister of Service Nova Scotia and Municipal Relations  
pursuant to Section 94 of the *Land Registration Act*

**In the Matter of Section 94 of Chapter 6 of the Acts of 2001,  
the *Land Registration Act***

- and -

**In the Matter of the *Land Registration Administration Regulations*  
made by the Minister of Service Nova Scotia and Municipal Relations  
under Section 94 of the *Land Registration Act***

**Order**

I, Jamie Muir, Minister of Service Nova Scotia and Municipal Relations for the Province of Nova Scotia, under Section 94 of Chapter 6 of the Acts of 2001, the *Land Registration Act*, am pleased,

(a) effective April 3, 2007:

- (i) to repeal the *Land Registration Administration Regulations*, N.S. Reg. 225/2004 made by the Minister of Service Nova Scotia and Municipal Relations on November 8, 2004, and

- (ii) to make new regulations respecting land registration administration in the form attached as Schedule “A”.

Dated and made at Halifax, Halifax Regional Municipality, Nova Scotia, March 23, 2007.

Sgd.: *Jamie Muir*  
Honourable Jamie Muir  
Minister of Service Nova Scotia and  
Municipal Relations

[Please note that we have not published the Table of Contents that was filed with this regulations.]

**Schedule “A”**  
**Regulations Respecting Administration of the *Land Registration Act***  
**made by the Minister of Service Nova Scotia and Municipal Relations**  
**under Section 94 of Chapter 6 of the Acts of 2001,**  
**the *Land Registration Act***

**Citation**

1 These regulations may be cited as the *Land Registration Administration Regulations*.

**Definitions**

2 (1) In these regulations,

- (a) “Act” means the *Land Registration Act*;
- (b) “AFR” means an application for registration in accordance with Section 37 of the Act;
- (c) “authorized lawyer” means a qualified solicitor who is subject to the Property Online user agreement and pre-authorized debit agreements required under Section 3;
- (d) “authorized lender” means a chartered bank, trust company, credit union or Provincial government lender that is subject to the Property Online user agreement and pre-authorized debit agreements required under Section 3;
- (e) “authorized surveyor” means a practicing Nova Scotia Land Surveyor who is subject to the Property Online user agreement and pre-authorized debit agreement required under Section 3;
- (f) “benefit” means an appurtenance to a registrable or registered interest in a parcel;
- (g) “burden” means a restriction or limitation on the use and enjoyment of a parcel that attaches to a registrable or registered interest in a parcel;
- (h) “Department” means the Department of Service Nova Scotia and Municipal Relations;
- (i) “dual-purpose document” means a single document that affects 2 or more parcels, 1 or more of which is registered under the Act;
- (j) “electronic document submission” means submission of a document using Property Online;
- (k) “Land Information Network–Nova Scotia” or “LINS–NS” means the Province’s electronic database in which all land-related information and documents under the Act and the *Registry Act* are maintained;

- (l) “parcel description certification application” or “PDCA” means an application in accordance with Section 7 to have the parcel identification number of the parcel certified by the registrar as matching the legal description of the parcel, as required by clause 37(4)(g) of the Act;
  - (m) “PID” means parcel identification number;
  - (n) “Property Online” means the Province’s online real property information system that provides Internet browser-based query access to Provincial mapping and other land-related information and electronic access for the submission of documents under the Act and the *Registry Act*;
  - (o) “registration and recording particulars of a document” means the year the document was registered or recorded and the document number or the book and page reference for the document;
  - (p) “short form legal description” means a legal description that describes a parcel by referring to a plan of survey or subdivision that has been registered with an instrument under the *Registry Act*, filed under the *Registry Act*, or registered or recorded under the Act by setting out
    - (i) the unique identifier for the parcel on the plan,
    - (ii) the document number or plan reference for the plan as assigned by the land registration office, and
    - (iii) the registration district where the parcel is located; and
  - (q) “user number” means the unique identification number given to a Property Online user for the purpose of document submission.
- (2) For the purposes of the Act,
- (a) “addresses of the parties” in subsection 67(1) of the Act means a complete address by which a person is able to receive information, including notices, by mail;
  - (b) “mortgage” in subsection 37(3) of the Act and clause 46(1)(c) of the Act includes any amendment to a mortgage or agreement with the lender that increases the amount of the obligation secured, increases the amount available for borrowing under a mortgage, adds an additional parcel or permits additional advances up to the original amount secured, but does not include
    - (i) other amendments,
    - (ii) an assignment,
    - (iii) a mortgage of a leasehold interest, or
    - (iv) an advance on an existing security interest that secures present and future advances up to the original principal amount secured;
  - (c) “municipality” has the same meaning as in the *Municipal Government Act*;
  - (d) “non-resident” means
    - (i) in the case of an individual, a person who resides outside of the Province for 183 days or

- more in a calendar year, and includes a person who intends to so reside in the present or next ensuing calendar year,
- (ii) in the case of a body corporate, a body corporate
    - (A) whose head office is not in the Province, or
    - (B) in which the majority of the issued and outstanding shares are beneficially owned by non-residents, unless the body corporate is registered to do business in the Province and owns or leases an office, plant, factory or other structure in the Province for use by its business, or
  - (iii) a person who acquires a parcel for or on behalf of an individual or body corporate referred to in subclause (i) or (ii);
- (e) “person’s name” in subsection 66(8) of the Act means
- (i) if a parcel is registered under the Act, the name of the registered owner of the registered interest as shown in the parcel register,
  - (ii) if a parcel is not registered under the Act, the name shown on the relevant instrument registered under the *Registry Act*; and
- (f) “Provincial mapping” means the system of geographical representation of parcels created and maintained as part of the land registration system established under the Act.

### Property Online

- 3 (1) Property Online is prescribed as the system through which persons authorized in this Section may query information or submit documents that are registered or recorded under the Act.
- (2) LIN-NS is prescribed as the system in which all documents that are registered or recorded under the Act are maintained.
- (3) An authorized lawyer must
- (a) be a party to a Property Online authorized lawyer user agreement with the Minister, which is in effect; and
  - (b) be authorized under a Property Online pre-authorized debit agreement between their law firm and the Minister, which is in effect.
- (4) An authorized lender must be a party to a Property Online authorized lender user agreement and a Property Online pre-authorized debit agreement with the Minister, which are in effect.
- (5) If an authorized lawyer or authorized lender uses a separate debit account for payment of electronic document submission fees, an additional pre-authorized debit agreement must be in effect, as applicable.
- (6) An authorized surveyor must be a party to a Property Online parcel certification user agreement and a Property Online pre-authorized debit agreement with the Minister, which are in effect.

- (7) Subject to subsection (8), in order to query information in Property Online, a person must be subject to a Property Online query user agreement and pre-authorized debit agreement with the Minister, which are in effect.
- (8) At a land registration office, a person may query information in Property Online, upon payment of the fee prescribed under the *Land Registration General Regulations*.

#### Prescribed Forms

- 4 (1) The following forms are prescribed to be used in the administration of the Act for the following purposes:
- (a) Form 1, to request a PID assignment;
  - (b) Form 2, to submit a PDCA electronically or to amend the legal description in a parcel register electronically;
  - (c) Form 5, to provide a declaration by each registered owner of a parcel regarding their residency status and any occupation of the parcel without permission;
  - (d) Form 6, to submit an AFR electronically;
  - (e) Form 6A, to correct errors in a previously submitted certificate of legal effect;
  - (f) Form 8, to provide notice to a parcel owner as required under Sections 13, 14, 15, and 17;
  - (g) Form 8A, to register notice under the *Registry Act* as required under Section 13;
  - (h) Form 9, to provide notice to an occupier or the most recent owner as shown on the consolidated index, as applicable, under subsections 10(9) and 10(10);
  - (i) Form 10, to provide notice of crystallization of a floating charge in a debenture which affects a parcel registered under the Act;
  - (j) Form 13, to record a provincial statutory lien or other charge in accordance with subsections 3(3) and (4) of the Act;
  - (k) Form 14, to record a discharge of a provincial statutory lien or other charge;
  - (l) Form 15, to provide notice requiring the registrar to cancel the recording of a security interest in accordance with subsection 60(2) of the Act;
  - (m) Form 15A, to provide notice as required under Section 63 of the Act, requiring the registrar to cancel the recording of a recorded interest or judgment that is recorded in a parcel register and to provide proof of service of the notice to the interest holder;
  - (n) Form 16, to renew the recording of a judgment in accordance with subsection 66(5) of the Act;
  - (o) Form 17, to request rectification of a registration and provide a certificate of legal effect, in accordance with Section 18;
  - (p) Form 19, to record a notice or certificate of *lis pendens* against a parcel registered under the Act in accordance with subsection 18(16) and Section 58 of the Act;

- (q) Form 20, to update the name or address of a judgment debtor in accordance with subsection 25(3);
- (r) Form 21, to register a change of name of an owner of an interest in a parcel registered under the Act or to remove a deceased joint tenant as owner of a parcel registered under the Act, in accordance with Sections 22 and 27 of the Act, or to correct the misspelling of the name of an owner of an interest in a parcel registered under the Act;
- (s) Form 22, to change the mailing address in a parcel register of a registered owner or recorded interest holder, or occupier of lands owned by the Nova Scotia Farm Loan Board;
- (t) Form 24, to request or direct revision of a registered interest and appurtenant interests and other interests and information in accordance with subsection 18(13) and Sections 29 to 32 of the Act;
- (u) Form 26, to record an interest in a parcel registered under the Act, in accordance with Section 47 of the Act, or to record a power of attorney or revocation of a power of attorney;
- (v) Form 27, to request cancellation of a recorded interest;
- (w) Form 28, to record a plan, boundary line agreement, statutory declaration regarding a deemed consolidation under Section 268A of the *Municipal Government Act*, instrument of subdivision or repeal of subdivision, condominium declaration, condominium plan, initial condominium bylaws, or termination of condominium, relating to a parcel registered under the Act;
- (x) Form 30, to issue a certificate of registered ownership, in accordance with subsection 13(5) of the Act;
- (y) Form 45, to confirm, delete and amend, as necessary, the interests and textual qualifications that have been placed in a parcel register on subdivision, and to add the access type for the parcel, in accordance with subsection 23(2) of the Act and Section 9;
- (z) Form 46, to record a certificate of judgment in the judgment roll;
- (aa) Form 47, to record a certificate of satisfaction relating to a judgment in the judgment roll;
- (bb) Form 48, to record a full or partial release of a judgment in the judgment roll;
- (cc) Form 48A, to cancel the recording of a judgment or a judgment-related document in a parcel register with a document other than a discharge of judgment;
- (dd) Form 48B, to record a judgment-related document in the judgment roll and, if applicable, in a parcel register;
- (ee) Form 49, to correct an error in a request to record or request to cancel the recording of an interest;
- (ff) Form 50, to update a parcel register to transfer an unregistered tenant in common interest in accordance with subsection 24(3); and
- (gg) Forms 24E, 26E, 27E, 46E, and 47E, for electronic document submission, for the same purposes as Forms 24, 26, 27, 46, and 47, respectively.

- (2) If a form prescribed in this Section contains a certificate of legal effect, the certificate must be signed by an authorized lawyer.
- (3) Directions and explanations included in a form prescribed in this Section are binding but may be deleted when a form is submitted for filing, registering or recording at a land registration office.
- (4) The place of execution or a jurat contained in a form prescribed in this Section may be altered to suit the circumstances prevailing at the time the form is executed.
- (5) Any reference to location or place of residence in the Province contained in a form prescribed in this Section may be altered to suit the circumstances prevailing at the time the form is executed.
- (6) Except as provided in subsection (7), if a parcel is owned by more than one person,
  - (a) any registered owner; or
  - (b) any person who is entitled to be registered as an owner of the registrable interest in the parcel may sign and submit a form that is required to be signed by the owner or registered owner of the parcel.
- (7) Subject to subsection 10(7), Form 5 must be signed by every owner of a registered interest in the parcel that is described in the form.

#### **Document Submission Requirements**

- 5**
- (1) A document that is submitted for registration or recording must be submitted together with the form prescribed for that purpose in Section 4, with all required fields completed, and the fee prescribed under the *Land Registration General Regulations*, if any.
  - (2) The submitter is responsible for the accuracy of all of the information required under subsection (1) and the registrar is entitled to rely on the information submitted upon processing a document for registration or recording.
  - (3) A document attachment or plan that is submitted non-electronically for registration or recording and that is larger than 11 in. x 17 in. must be submitted together with a duplicate original copy or a copy that has been certified to be a true copy of the original by a person authorized under the Act to sign a certificate of execution.
  - (4) A dual-purpose document that is submitted non-electronically for registration or recording must be submitted together with a copy, or copies, as applicable, that have been certified to be a true copy of the original by a person authorized under the Act to sign a certificate of execution.
  - (5) Documents that are submitted for registration under the *Registry Act* must be submitted separately from documents that are submitted for registration or recording under the Act, and payment of registration fees under the *Registry Act* must be made separately from payment of fees for registration or recording under the Act.
  - (6) In order to record a plan of subdivision as exempt from the approval requirements under the *Municipal Government Act*, the submitter must provide a clear statement of the exemption relied upon and the facts that support the exemption and provide evidence of the consent of the registered owner, either on the face of the plan or in an attached affidavit.

- (7) A document that relates to a parcel registered under the Act must incorporate the legal description for the parcel by stating
  - (a) the full text of the legal description as set out in the parcel register;
  - (b) the short form legal description as set out in the parcel register; or
  - (c) the PID for the registered parcel, as at the date of registration or recording.
- (8) A document that is submitted non-electronically for registration or recording
  - (a) must be typewritten in an ink that is not green or red and that remains visible when photocopied or scanned; and
  - (b) must remain legible when photocopied or scanned.

### Electronic Document Submission

- 6 (1) To the extent permitted by Property Online, an authorized lawyer may submit a document electronically for registration or recording in a roll or register which has been established under the Act.
- (2) To the extent permitted by Property Online, an authorized lender may submit a mortgage or a release of mortgage electronically for recording with respect to a parcel that has been registered under the Act.
- (3) Except where the Act or the regulations state otherwise, a document submitted electronically and in accordance with the Act and the regulations has the same effect for all purposes as a document that is submitted non-electronically and in accordance with the Act and the regulations.
- (4) Subject to Property Online availability, a document may be submitted electronically at any time in accordance with the regulations, but is processed during the hours the land registration office is open to the public.
- (5) A document that is submitted electronically must be reviewed by the registrar prior to registration or recording, and is subject to the registration and recording requirements of the Act and regulations.
- (6) Once it has been registered or recorded, a document submitted electronically is deemed to have been received and indexed by the registrar at the time of submission.
- (7) Electronic submission of a document is effected by submitting electronically
  - (a) the form prescribed for that purpose in Section 4, with all required fields completed;
  - (b) a scanned copy of the duly executed affidavit of value, if required under the *Municipal Government Act*; and
  - (c) a scanned copy of the duly executed original document in portable document format, no larger than 4 megabytes (MB).
- (8) The authorized lawyer or authorized lender who submits a document electronically is responsible for the creation, quality and completeness of the electronic image of the document.



- (9) The authorized lawyer or authorized lender who submits a document electronically is required to retain either an original or true copy of the executed document and make it available for review by the Registrar General upon request and, if an authorized lawyer, for audit by the Nova Scotia Barristers' Society.

**Parcel Description Certification Application (PDCA) and Application to Amend Legal Description**

- 7 (1) Subject to subsection (3), a PDCA and an application to amend a legal description must be submitted electronically in Form 2.
- (2) All of the provisions of this Section which apply to a PDCA also apply to an application to amend a legal description, to the extent that they relate to the amendment.
- (3) If the length of a legal description exceeds the space available in Form 2,
- (a) the PDCA in Form 2 must be submitted electronically and the legal description must be sent to the land registration office as a text file attached to an e-mail;
- (b) a statement that the legal description is being submitted by e-mail must be inserted into the legal description field on the PDCA; and
- (c) the PDCA number provided by the system once the PDCA is successfully submitted must be stated in the e-mail to which the legal description is attached.
- (4) Subject to subsection (5), a PDCA must be submitted by
- (a) an authorized lawyer; or
- (b) an authorized surveyor,
- who, except as provided in subsection (6) and Sections 13 to 17, is authorized in writing by the parcel owner.
- (5) If an authorized submitter has confirmed the information contained in the statement of compliance on the PDCA, staff of an authorized submitter may submit the PDCA on behalf of the authorized submitter.
- (6) Submission of a PDCA may be authorized by a person other than the owner of a parcel when the authorizing person
- (a) is the mortgagee of a parcel and the owner of the parcel has refused to register title to the parcel; or
- (b) is a mortgagee who is the plaintiff in a foreclosure action respecting the parcel, or a receiver or trustee by way of assignment in bankruptcy or otherwise and has authority to act by virtue of a court order, debenture or other document, and the document evidencing the authority has been recorded under the Act or registered under the *Registry Act*.
- (7) Subject to subsection (8), before an AFR in final form is submitted, the PDCA submitter must assist the parcel owner or authorizing person under subsection (6) in identifying the parcel's PID and take reasonable steps to identify the parcel, including
- (a) reviewing the legal description;

- (b) reviewing Provincial mapping of the parcel;
  - (c) placing a comment in the comments field if errors in the Provincial mapping of the parcel are identified.
- (8) Subsection (7) does not apply in respect to a parcel that is a condominium unit.
- (9) If a PID has not been assigned to a parcel in Provincial mapping, the parcel owner must make a request for PID assignment in Form 1 and provide such information as will enable the preparation of a geographical representation of the parcel in Provincial mapping before submitting a PDCA.
- (10) Unless the description is for a unit as defined in the *Condominium Act*, every legal description submitted to a registrar must be accurate and complete and must contain
- (a) a description of the location, boundaries and extent of the parcel
    - (i) in full text, or
    - (ii) by reference to a unique identifier on either a plan of survey or subdivision, that has been
      - (A) registered with an instrument under the *Registry Act*,
      - (B) filed under the *Registry Act*, or
      - (C) registered or recorded under the Act;
  - (b) a description of all benefits, burdens and all parcels excepted out of the legal description
    - (i) in full text,
    - (ii) by reference to a unique identifier on either a plan of survey or subdivision, that has been
      - (A) registered with an instrument under the *Registry Act*,
      - (B) filed under the *Registry Act*, or
      - (C) registered or recorded under the Act, or
    - (iii) by reference to the registration or recording particulars of a document that has been registered or recorded under the *Registry Act* or the Act, if the document contains a description in full text;
  - (c) all information pertinent to the use of easements
    - (i) in full text, or
    - (ii) by reference to the registration or recording particulars of a document that has been registered or recorded under the *Registry Act* or the Act, if the document contains the usage details in full text;

- (d) a statement that the parcel complies with, is exempt from, or is not subject to the subdivision provisions of Part IX of the *Municipal Government Act*; and
  - (e) if exempt from or not subject to the subdivision provisions of Part IX of the *Municipal Government Act*, a statement of the exemption relied upon and the facts supporting the exemption, or an explanation of why the parcel is not subject to the subdivision provisions, as applicable.
- (11) When the legal description submitted for PDCA approval relates to a unit as defined in the *Condominium Act*, the description must be accurate and complete but must contain only
- (a) the name of the county where the condominium corporation is situate, together with the condominium corporation number as assigned by the registrar of condominiums;
  - (b) the description for the unit as detailed in the condominium description on file with the registrar of condominiums;
  - (c) a benefit, using the following wording: “together with the common interest appurtenant thereto”; and
  - (d) a burden, using the following wording: “subject to the Declaration and By-Laws (*remove reference to By-Laws if none have been registered*) of (*insert condominium corporation name and number*)”.
- (12) If a legal description submitted in a PDCA makes reference to a plan of survey or approved plan of subdivision that is not registered or recorded in the land registration office, the PDCA submitter must
- (a) forward a copy of the referenced plan of survey or approved plan of subdivision to the registrar for recording in the parcel register once created; or
  - (b) include detailed reasons with the PDCA why the plan of survey or approved plan of subdivision cannot be located or obtained by the submitter.
- (13) If the legal description of a registered parcel must be amended as the result of the creation of a plan of survey or the approval of a plan of subdivision affecting the parcel, the registered owner of the parcel, or a municipal development officer, as applicable,
- (a) must record the plan upon which the legal description is based in the parcel register; and
  - (b) may use a short form legal description as the amended legal description.
- (14) A registrar may conditionally approve a PDCA subject to a correction of the legal description by the PDCA submitter.
- (15) An AFR of a parcel may not be submitted in final form in accordance with clause 10(2)(b) until the submitter has submitted an application to amend the legal description if required by the registrar.
- (16) Subject to subsection (17) and notwithstanding that watercourses are vested in the Crown by virtue of Section 103 of the *Environment Act*, a watercourse is deemed not to subdivide the parcel or parcels through which it flows.

- (17) If, after considering the nature and use of both a watercourse and the land through which it flows, a PDCA submitter determines that the watercourse creates a natural boundary,
- (a) the watercourse is deemed to subdivide the parcel or parcels through which it flows; and
  - (b) the parcel owner must make a request for PID assignment in Form 1 and provide such information as will enable the preparation of an electronic geographical representation of the parcel before making a PDCA.

#### **Creation of Legal Description on Subdivision**

- 8 (1) If a parcel registered under the Act is subsequently subdivided, a legal description must be created for each subdivided parcel and the remainder lands.
- (2) The registrar may
- (a) create a short form legal description for one or more of the subdivided parcels and the remainder lands if the details shown on the plan of survey or approved plan of subdivision for a parcel referred to in subsection (1) are sufficient; or
  - (b) require the registered owner of the parcel referred to in subsection (1) to submit the full text of the information required in subsection 7(10) by submitting a PDCA under subsection 7(1) for each subdivided parcel and the remainder lands.

#### **Amendment of Legal Description and Parcel Register on Subdivision or Condominium Unit Creation**

- 9 The registered owner of a parcel registered under the Act which is created by subdivision or registration of a condominium declaration must file
- (a) a Form 45 confirming, deleting and amending, as necessary, the interests, textual qualifications and parcel access type that have been placed in the parcel register under subsection 23(2) of the Act; and
  - (b) an amendment of the legal description for the parcel in Form 2, as applicable,

before submission of an application to revise the registered owner of the parcel.

#### **Application for Registration (AFR)**

- 10 (1) An AFR must be submitted by an authorized lawyer who, except as provided in subsection (5), is authorized to do so by the parcel owner.
- (2) An AFR must be submitted electronically in Form 6
- (a) in draft form for preliminary approval by the registrar; and
  - (b) in final form, after receipt of the preliminary approval of the registrar.
- (3) An AFR submitted in final form under clause (2)(b)
- (a) contains and satisfies the requirements under clause 37(4)(b), (ba), (f) and (g) of the Act;
  - (b) registers title to the parcel under the Act; and
  - (c) creates the parcel register for the parcel at the time the application is submitted.

- (4) A reference in the AFR to the book and page in the registry of deeds for the document that most recently conveyed the registrable interest will be accepted as evidence of compliance with Part V of the *Municipal Government Act* for the purposes of clause 37(4)(e) of the Act.
- (5) Submission of an AFR and any forms associated with the application may be authorized by a person other than the owner of a parcel if the authorizing person
  - (a) is the mortgagee of a parcel and the owner of the parcel has refused to register title to the parcel;
  - (b) is a non-owner who has permission from the owner to act in the place of the owner, and the document evidencing the permission has been recorded under the Act or registered under the *Registry Act*;
  - (c) is a mortgagee who is the plaintiff in a foreclosure action respecting the parcel, or a receiver or trustee by way of assignment in bankruptcy or otherwise and has authority to act by virtue of a court order, debenture or other document, and the document evidencing the authority has been recorded under the Act or registered under the *Registry Act*; or
  - (d) is a person who has authority to act by virtue of a court order, debenture or other document, and the document evidencing the authority has been recorded under the Act or registered under the *Registry Act*.
- (6) The authorized lawyer who submits an AFR in final form under clause (2)(b) must complete, retain and make available for review by the Registrar General upon request and audit by the Nova Scotia Barristers' Society, the following items:
  - (a) written authorization to submit [the] PDCA and/or AFR, if the submitting lawyer does not have a solicitor-client relationship with the owner of the parcel being registered;
  - (b) an owner's declaration regarding occupation of parcel and residency status, in Form 5;
  - (c) a copy of the notice of parcel registration, in Form 9, together with proof of service in accordance with Section 29, if applicable;
  - (d) a copy of the Statement of Registered and Recorded Interests that was sent electronically to the submitting lawyer upon submission of the AFR in final form, that has been signed by the authorized lawyer who submitted the AFR;
  - (e) a copy of the official report for the legal description from the parcel description database in *Property Online*; and
  - (f) a copy of the abstract of title upon which the submitting lawyer's certified opinion of title is based showing the chain of ownership of the parcel.
- (7) An owner's declaration in Form 5 may be executed by an authorized lawyer or authorized surveyor, if the authorized lawyer or authorized surveyor is able to execute the declaration based on
  - (a) personal knowledge of the facts; or
  - (b) information received from the current or previous owner.

- (8) If a person executing an owner's declaration in Form 5 is an authorizing person under subsection (5), the Form 5 may indicate that the person executing the Form 5 has no personal knowledge regarding occupancy of the parcel.
- (9) If an owner's declaration regarding occupation in Form 5 discloses the existence of occupation without permission, the parcel owner must
  - (a) immediately after submitting the AFR in final form, provide a notice of parcel registration in Form 9 to the occupier indicating that an AFR of the parcel has been made; and
  - (b) submit a copy of the notice to the occupier in Form 9 to the Registrar General, together with proof of service in accordance with Section 29.
- (10) If a parcel's ownership is registered in whole or in part on the basis of adverse possession, a notice of registration in Form 9 must be sent
  - (a) if practicable, in accordance with subsection 30(1) to the last known owner, prior to the applicant, of the parcel as shown on the consolidated index that is maintained under the *Registry Act*; or
  - (b) if not practicable, to such persons and in such manner as the Registrar General directs under subsection 30(2).
- (11) A copy of the notice in accordance with subsection (10), together with proof of service in accordance with Section 29, must be retained and made available for review by the Registrar General upon request or audit by the Nova Scotia Barristers' Society by the authorized lawyer who submitted the AFR.
- (12) If at any time after registration of title to a parcel, a registered owner becomes aware that the declaration required under clause (6)(b) was not accurate, he shall without delay complete a new Form 5, provide notice in Form 9 to any occupier and submit a copy of the notice and proof of service to the Registrar General, as required by subsection (9).

### Registration of Condominium Units

- 11 (1) An AFR for a unit as defined in the *Condominium Act* must include
- (a) a benefit, using the following wording: "together with the common interest appurtenant thereto";
  - (b) a burden, using the following wording: "subject to the Declaration and By-Laws (*remove reference to By-Laws if none have been registered*) of (*insert county name or initial(s)*) CC No. (*insert condominium corporation number*)";
  - (c) all other benefits and burdens that are not declarations, by-laws or amendments to declarations or by-laws, but are interests in the unit or the common interest appurtenant thereto, including those detailed in the condo declaration; and
  - (d) all recorded interests in the unit or the common interest appurtenant thereto.
- (2) The enabling instrument for the benefit and burden described in clauses (1)(a) and (b) must be the declaration for the condominium corporation.

- (3) An instrument that is displayed in Property Online in the condominium common view is deemed to be registered or recorded in the parcel register for each unit in the condominium corporation, which is registered under the Act.

### **Registration of Interest under Section 41 of the Act**

**12** A person registering an interest in a parcel under Section 41 of the Act must first make

- (a) a PDCA in accordance with Section 7; and
- (b) an AFR in accordance with Section 10.

### **13 Addition of a Benefit or Burden to a Parcel Registered under the Act**

- (1) Where permitted under the Act, an authorized lawyer may add a benefit or burden to a parcel register by submitting a Form 24 together with the document that conveys or evidences the benefit or burden.
- (2) If the benefit or burden added in subsection (1) affects another parcel registered under the Act, the authorized lawyer submitting the Form 24 in subsection (1) must also submit another Form 24 to add the corresponding benefit or burden, as applicable, to the affected parcel register.
- (3) If the benefit or burden added in subsection (1) affects another parcel not registered under the Act, the authorized lawyer submitting the Form 24 in subsection (1) must register a notice of the corresponding benefit or burden, as applicable, in Form 8A, under the *Registry Act*.
- (4) The authorized lawyer who submits the Form 24 in subsection (1) must also make application to amend the legal description for each parcel registered under the Act to which a burden or benefit has been added.
- (5) The authorized lawyer who submits the Form 24 in subsection (1) must serve notice, in Form 8, on the owner of the parcel to which the benefit or burden is being added under subsections (2) or (3), unless the owner has executed the document which conveys or evidences the benefit and corresponding burden.
- (6) For the purposes of subsection (5), ownership of a parcel not registered under the Act shall be as shown on the consolidated index maintained under the *Registry Act*.
- (7) Where notice is required to be served under subsection (5), the authorized lawyer who submits the Form 24 in subsection (1) must retain a true copy of the notice in Form 8 together with proof of service in accordance with Section 29, and make it available for review by the Registrar General upon request and audit by the Nova Scotia Barristers' Society.

### **Addition of a Benefit or Burden to a Parcel not Registered under the Act**

- 14** (1) A person who registers a document that creates or evidences a benefit or burden on a parcel not registered under the Act, which also affects a parcel registered under the Act, must also cause an authorized lawyer to submit a Form 24 to add the corresponding benefit or burden to the affected parcel register together with a true copy of the document that conveys or evidences the benefit and the corresponding burden, which has been certified to be a true copy of the original by a person authorized under the Act to sign a certificate of execution.
- (2) The authorized lawyer who has submitted the Form 24 under subsection (1) must also make application to amend the legal description of the parcel registered under the Act to which a benefit or burden has been added under subsection (1).

- (3) The authorized lawyer who has submitted the Form 24 under subsection (1) must serve notice, in Form 8, on the owner of the parcel registered under the Act to which a benefit or burden has been added under subsection (1), unless the owner has executed the document that conveys the benefit and the corresponding burden.
- (4) Where notice is required to be served under subsection (3), the authorized lawyer who has submitted the Form 24 under subsection (1) must retain a true copy of the notice in Form 8 together with proof of service in accordance with Section 29, and make it available for review by the Registrar General upon request and audit by the Nova Scotia Barristers' Society.

**Addition of Burdens and Restrictive Covenants which do not Require Identification or Addition of Benefit**

- 15** (1) Despite Sections 13 and 14, an authorized lawyer is not required to identify or add a corresponding benefit to other affected parcels when adding
- (a) a burden in favour of a public utility, an unidentified utility, or a municipality; or
  - (b) restrictive covenants,
- to a parcel registered under the Act.
- (2) The authorized lawyer who makes an application to add an interest in clause (1)(a) or (b) to a parcel registered under the Act must
- (a) submit a request and certificate of legal effect, in Form 24, to revise the parcel register of the parcel to which the interest is being added; and
  - (b) make application to amend the legal description of the parcel to which the interest is being added; and
  - (c) serve notice, in Form 8, on the owner of the parcel to which the interest is being added, unless the owner has executed the document that conveys or evidences the interest.
- (3) Where notice is required to be served under clause (2)(c), the authorized lawyer who makes application to add the interest in clause (1)(a) or (b) to a parcel registered under the Act must retain a true copy of the notice in Form 8 together with proof of service in accordance with Section 29, and make it available for review by the Registrar General upon request and audit by the Nova Scotia Barristers' Society.

**Exemption from Requirement to Identify or Add Corresponding Benefit or Burden**

- 16** (1) Despite Sections 13 and 14, an authorized lawyer who is adding a benefit or burden to a parcel that is registered under the Act is not required to identify or add a corresponding benefit or burden, as applicable, to other affected parcels if the registrar is satisfied that it would not be practicable to do so.
- (2) In order to obtain the exemption in subsection (1), the authorized lawyer seeking the exemption must apply in writing to the registrar, providing the reasons for the request and such additional information as requested by the registrar.



**Notice of Overriding Interest in a Registered Parcel**

17 Any person recording an overriding interest in a parcel registered under the Act must notify the registered owner and file confirmation of notification to the registered owner of the parcel affected, in Form 8, together with proof of service in accordance with Section 29 and, if adding a benefit or burden to a parcel, comply with the requirements in Sections 13, 15 and 16.

**Owner's Request for Rectification of a Registration**

- 18 (1) An owner may request rectification of an error in a registered interest by submitting a request to the registrar in Form 17.
- (2) If the registrar accepts the owner's request under subsection (1), the registrar must record the Form 17 request submitted under subsection (1) and rectify the registration as requested.
- (3) If the registrar does not accept the owner's request under subsection (1), the registrar must notify the owner that the request to rectify the registration has been refused.

**Rectification by Registrar General**

- 19 (1) If the Registrar General receives information that there is an error in a registered interest, the Registrar General shall provide notice in writing to the owner of the interest of the particulars of the error and provide the owner with 15 days to consent or object to a proposed rectification by the Registrar General.
- (2) If an owner objects to the proposed rectification, the Registrar General shall make such further inquiries as necessary, and make a determination and notify the registered owner either that
- (a) the proposed rectification has been abandoned; or
- (b) ~~that~~ the proposed rectification will take effect within 30 days of the notification unless the owner has commenced a proceeding in the Supreme Court of Nova Scotia and submitted a Certificate of *Lis Pendens* in Form 19 for recording.
- (3) If an owner consents or does not object to the Registrar General's rectification proposal, the Registrar General may direct a registrar to rectify the registration as proposed.
- (4) Nothing in this Section infringes upon the Registrar General's powers under Section 56 of the Act.

**Interest Holder's Request for Correction of Errors in Interests other than Registered Interests**

- 20 (1) Subject to subsection (4), an interest holder may request correction of an error in a request to record, or request to cancel the recording of, a recorded interest by submitting a request to the registrar in Form 49.
- (2) If the registrar accepts the request under subsection (1), the registrar must record the submitted Form 49 and correct the error as requested.
- (3) If the registrar does not accept the request under subsection (1), the registrar must notify the interest holder that the request to correct the error has been refused.
- (4) If the registered ownership of the parcel has been revised since the error was made, the Form 49 may not be submitted without the prior written approval of the Registrar General, who may withhold approval or impose such notice or other requirements as the Registrar General deems appropriate in the circumstances.

**Correction of Errors by Authorized Lawyer**

- 21** If an authorized lawyer is aware that there is an error in a certificate of legal effect which the authorized lawyer has previously submitted as required under these regulations, then the authorized lawyer must, without delay, notify the registered owner of the affected parcel, in writing, and
- (a) if the registered owner of the affected parcel has not changed since the submission of the certificate of legal effect to be corrected, submit a correction of the certificate of legal effect in Form 6A; or
  - (b) if the registered ownership of the parcel has been revised since the error was made, the Form 6A may not be submitted without the prior written approval of the Registrar General, who may withhold approval or impose such notice or other requirements as the Registrar General deems appropriate in the circumstances.

**Content of Parcel Register**

- 22 (1)** A parcel register must contain
- (a) the PID assigned to the parcel;
  - (b) a legal description for the parcel that complies with subsection 7(10);
  - (c) the name and mailing address, if known, of each registered owner of the registered interest in the parcel described in clauses 17(1)(a), (b) and (c) of the Act;
  - (d) the names and mailing addresses, if known, of all holders of a recorded interest in the parcel;
  - (e) the submission particulars or full text of every document by which the title to the parcel is affected, as registered or recorded under the Act or the *Registry Act*;
  - (f) a reference to the instrument type assigned to any registered or recorded interest, which information is provided for convenience only and is not part of the registered or recorded interest;
  - (g) a reference to the interest type assigned to any registered or recorded interest;
  - (h) a reference to any judgment recorded within the registration district which is, or may be, a charge upon the registered interests of the registered owner and any predecessor in title at the time of registration or revision of the registered ownership of the parcel;
  - (i) a reference to any statement made under Section 38 of the Act as to whether any of the owners of the interest is a non-resident; and
  - (j) the manner of tenure for the registered interest in the parcel.
- (2)** A parcel register is deemed to be a complete statement of all judgments recorded in the registration district which are, or may be, a charge upon the registered interests of the registered owner and any predecessor in title at the time of registration or, if subsequently revised, at the time of the last revision of the registered ownership of the parcel.
- (3)** An archive register is not part of a parcel register.
- (4)** A reference to an enabling instrument in a parcel register can be used to enable all benefits and burdens referred to in that instrument, which are between the same parties.

**Prescribed Contracts**

- 23** (1) Option agreements and rights of first refusal are prescribed contracts for the purposes of the definition of “interest” in clause 3(1)(g) of the Act.
- (2) A prescribed contract may be recorded in a parcel register and, if recorded, is subject to the Act’s recording and cancellation of recording provisions.

**Tenants in Common**

- 24** (1) An application for registration of a tenant in common interest in a parcel which has not been registered under the Act must be made in accordance with the provisions of Section 10 and must clearly state the percentage or share of each interest being registered.
- (2) In order to register an unregistered tenant in common interest in a parcel which has been registered under the Act, an authorized lawyer must complete and submit a request and certificate of legal effect in Form 24 and complete, retain and make available for review by the Registrar General upon request and audit by the Nova Scotia Barristers’ Society, the following items:
- (a) an owner’s declaration regarding occupation of parcel and residency status in Form 5;
- (b) a copy of the abstract of title upon which the submitting lawyer’s opinion in Form 24 is based; and
- (c) a copy of the notice of registration in Form 9, together with proof of service in accordance with Section 29, if applicable.
- (3) If an unregistered tenant in common interest in a parcel which has been registered under the Act is transferred for no value as disclosed in the affidavit filed under the *Municipal Government Act*, the owner of the unregistered tenant in common interest must apply to have the parcel register updated using Form 50.

**Judgment Information**

- 25** (1) For the purposes of recording a judgment in accordance with subsections 67(1) and (4) of the Act or requesting confirmation of a debtor’s identity in accordance with Section 68 of the Act, information that tends to distinguish a person from another person of the same or similar name includes a date of birth.
- (2) For the purposes of clause 5(2)(a) of the Act,
- (a) surnames that begin with “Mc” are identical to surnames that begin with “Mac” and *vice versa*;
- (b) surnames that include apostrophes, accents, spaces or a mixture of upper and lower case letters are identical to names of the same spelling that do not include these features; and
- (c) names of legal entities that include “the”, “a” or “an” are identical to names of the same spelling that do not include these words.
- (3) A judgment creditor who holds a judgment that is recorded in the judgment roll may update the name or address of the judgment debtor in the judgment roll and, if applicable, the parcel register, by recording a request in Form 20.
- (4) An update of name or address under subsection (3) is effective from the date and time that the request was recorded.
- (5) On the coming into force of the Act, statutory declarations respecting judgments must be recorded in

the judgment roll.

- (6) An affidavit recorded under subsection 68(3) of the Act must be recorded in the judgment roll and must have attached as exhibits
- (a) a copy of the request for confirmation that was sent to the judgment creditor under subsection 68(1) of the Act;
  - (b) proof of delivery of the request for confirmation;
  - (c) any request for further information received from the judgment creditor; and
  - (d) a copy of the response to any request for further information together with proof of delivery of the response.

### **Deemed Removal of Judgments**

**26** A judgment is deemed to be removed from the judgment roll when any of the conditions of subsection 66(4) of the Act are met.

### **Request to Cancel a Recording under Subsection 51(4) or Clause 57(1)(b) of the Act**

- 27** (1) A security interest holder is deemed to be in compliance with subsection 51(4) of the Act if, at an owner's request, the security interest holder sends a release of the security interest to the owner for recording and the release is recorded by the owner using a request in Form 27.
- (2) A Form 27 may be signed by the owner, and for that purpose the owner is deemed to be the agent of the interest holder.
- (3) Subsection 51(4) of the Act does not apply if the security interest is intended to remain in place to secure future advances.
- (4) For a judgment recorded in the judgment roll or a parcel register,
- (a) a full or partial release signed by the judgment creditor under subsection 69(3) of the Act, and recorded using a request in Form 48; or
  - (b) a certificate of satisfaction or certificate of discharge from the court that is recorded using a request in Form 47,

is deemed to be evidence of a request by the holder of the interest to cancel the recording of the interest under clause 57(1)(b) of the Act, and may be recorded by the debtor or debtor's agent.

### **Notice to Cancel or Amend a Recorded Interest**

- 28** (1) A notice in Form 15 to a registrar to cancel or amend the recording of a security interest under subsection 60(2) of the Act must be submitted together with
- (a) a statutory declaration that outlines to the registrar's satisfaction the reasonable and probable grounds that were used as a basis for the demand to cancel or amend the recording of the security interest; and
  - (b) proof that the demand was served on the security interest holder in accordance with Section 30.
- (2) A notice in Form 15A to a registrar to cancel the recording of a recorded interest or judgment under Section 63 of the Act must be submitted together with

- (a) an affidavit that complies with subsection 63(2) of the Act; and
- (b) proof that the demand was served on the interest holder in accordance with Section 30.

**Proof of Service**

**29** The service of any document may be proved by an affidavit, which must state

- (a) by whom the document was served;
- (b) the day of the week and the date on which it was served;
- (c) where it was served; and
- (d) how service was effected,

and a copy of any document served must be attached as an exhibit to the affidavit.

**Service of Notice**

- 30 (1)** Unless otherwise provided in the Act or these regulations, all notices required by the Act or these regulations to be sent must be sent by any means that affords proof of delivery.
- (2)** If the name or address of a person to whom a notice must be sent is not known, the Registrar General may provide directions for substituted service of any notice required by the Act or these regulations.

**Form 1**

*Purpose: to request a PID assignment*

Registration district: _____ Submitter's user number: _____ Submitter's name: _____	<p style="text-align: center; margin: 0;"><b>Land Registration Office use only</b></p> PID assigned _____ Property Mapper _____ Date: _____
---	---

**Select one:**

- This parcel is not mapped
- This parcel is a portion of existing PID \_\_\_\_\_.
- This parcel is not mapped and is being subdivided by deed out of existing PID \_\_\_\_\_.

Assessment account: \_\_\_\_\_ External file number: \_\_\_\_\_

Parcel location: Civic # \_\_\_\_\_ Street name: \_\_\_\_\_ Lot # \_\_\_\_\_  
 Community: \_\_\_\_\_

Additional location information: \_\_\_\_\_

Reference for latest conveyance document that contains a legal description (*include the description number if there are multiple parcels in the legal description*):

<b>Book</b>		<b>Page</b>	
<b>Document Number</b>		<b>Year</b>	
<b>Description Number (if applicable)</b>			

Is the request for parcel description certification related to a mandatory migration of a parcel to the new land registration system? Yes  No

**Note:** You must attach a legible written legal description of the parcel in accordance with subsections 5(7) to (10) of the regulations, together with a graphical representation of where the parcel is located in relation to surrounding parcels on the provincial map.

**Additional comments:**

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**Statement of Applicant**

1. I have reviewed the mapping and confirm that the parcel described in the attached legal description is not graphically represented on the provincial map.
2. I have attached information that is intended to enable the property mapper to locate and graphically represent the parcel.

**Dated at** \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia,  
 \_\_\_\_\_, 2 \_\_\_\_\_.

---

Signature of Applicant

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Fax: \_\_\_\_\_

**Form 2**

**Parcel Description Certification Application**

*Land Registration Act, S.N.S. 2001, c. 6, clause 37(4)(g)*

*Land Registration Administration Regulations, [N.S. Reg. 186/2007,] clause 5(1)(a) and subsection 7(1)  
(Electronic Application)*

PID	
-----	--

Application type: *If PID has a certified legal description, field defaults to amending parcel; if not, it defaults to existing parcel (system generated).*

User supplied reference: \_\_\_\_\_

Assessment account number (AAN): \_\_\_\_\_

Reference for latest conveyance document that contains a legal description (*put comment in comment field if multiple parcels in the legal description*):

Book: \_\_\_\_\_

Page: \_\_\_\_\_

Document/instrument number/year: \_\_\_\_\_

Parcel location: *Civic number, street name, lot number, community (all system generated)*

Apparent owners: *Name, sub-type, type, interest type, qualifier (all system generated)*

Legal description:

Comments:

Statement of Compliance:

*Please note: If the authorized submitter has confirmed the information below, staff of the authorized submitter may submit the PDCA on the authorized submitter's behalf.*

The authorized submitter is submitting this PDCA for approval and confirms that:

The owner applicant has authorized him/her to submit this application.

The authorized submitter has reviewed the legal description included in this application and checked the provincial property mapping graphics. If the graphics do not match the legal description, any apparent discrepancies have been noted in the comments field of this application.

The legal description is accurate and complete and complies with the *Land Registration Administration Regulations*, professional standards regarding legal descriptions and the PDCA standards as set out in the PDCA checklist.

Before an application for registration is submitted in final form the authorized submitter will confirm with the owner that the graphics identified by the PID appear to match the legal description for the PID.

### Form 5

#### *Purpose: Owner's declaration on occupation of parcel and residency status*

Registration district: \_\_\_\_\_

Submitter's user number: \_\_\_\_\_

Submitter's name: \_\_\_\_\_

#### **In the matter of** Parcel Identification Number (PID)

PID	
PID	

*(Expand box for additional PIDs.)*

**And in the matter of** the registration of the above-noted parcel(s) under the *Land Registration Act* and regulations:

I/We (*insert name(s)*) \_\_\_\_\_, of \_\_\_\_\_ in the County of \_\_\_\_\_, solemnly declare (*select all statements that apply*):

- I am/We are/The corporation is the owner(s) of the parcel identified as the above-noted PID.
- Her Majesty the Queen in Right of Canada/the Province of Nova Scotia is the owner(s) of the parcel identified as the above-noted PID.
- I am/The corporation is a non-owner of the parcel who is authorized under the *Land Registration Administration Regulations* to execute this declaration.
- I am/We are/The corporation is a non-resident of the Province of Nova Scotia, as defined in the *Land Registration Administration Regulations*.
- To my/our knowledge neither the parcel nor a portion of the parcel is occupied without permission.



To my/our knowledge the whole or a portion of the above-noted parcel is occupied without permission.

The occupation commenced on or about \_\_\_\_\_.

The name and address of the person in occupation is (if unknown, state "unknown")

\_\_\_\_\_.

Other details relating to the occupation without permission are as follows:


I am/We are/The corporation is submitting this declaration in support of an application for registration under Section 37 of the *Land Registration Act*.

I make/We make this solemn declaration conscientiously believing it to be true and knowing it to be of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

**Declared before me** at \_\_\_\_\_, )  
 in the \_\_\_\_\_ )  
 County of \_\_\_\_\_, )  
 Province of Nova Scotia, on \_\_\_\_\_ )  
 \_\_\_\_\_, 2\_\_\_ before me, )  
 )  
 )  
 \_\_\_\_\_ )  
 A Commissioner/Barrister of the Supreme )  
 Court of Nova Scotia )

\_\_\_\_\_  
 (Type name of deponent(s) below line.)

**Form 6**

**Application for Registration**

*Land Registration Act*, S.N.S. 2001, c. 6, subsections 18(1) and 37(4)  
*Land Registration Administration Regulations*, [N.S. Reg. 186/2007,] clause 9(2)(a)  
 (Electronic Application)

AFR tracking number: (system generated)

Parcel Identification Number (PID): \_\_\_\_\_

Location: (system generated)

Title certification date/time (yyyy-mm-dd hh:mi): \_\_\_\_\_

Parcel access: Pick from: public, public (other), private, private (by grant), private (by prescription), private (openly used and enjoyed), private (other), right of way/driveway, right of way/walkway, navigable waterway, no access, other (specify) \_\_\_\_\_

Triggered by: Pick from: deed, mortgage, subdivision, new condominium corporation, voluntary or certificate of title

Comments:

--

Manner of tenure:

Pick from: joint tenants, tenants in common, not applicable, not specified, mixture of joint tenants and tenants in common. The description of tenure field is optional if the manner of tenure is "tenants in common", and mandatory if the manner of tenure is a "mixture."

Description of tenure:

--

**Registered Interests**

Name (individual or company or entity): \_\_\_\_\_

Qualifier (if applicable):

Pick from: estate, executor, in care of, otherwise known as, owner unknown, personal representative or trustees

Interest type:

Pick from: fee simple, interest of Her Majesty, life interest or remainder interest

Instrument type:

Pick from list of document types

County (of recording for document) \_\_\_\_\_

Enabling document recording particulars: *(complete sub-screen fields)*

Mailing address: \_\_\_\_\_

Non-resident of Nova Scotia status:

*(yes or no to disclosure statement)*

**Farm Loan Board—Occupants and Mailing Address**

Name (individual or company or entity): \_\_\_\_\_

Mailing address: \_\_\_\_\_

**Benefits to the Registered Interest****Benefit Details**

Interest type:

Pick from: Easement/ROW Holder (Benefit), Condominium Interest (Benefit), Party to Agreement (Benefit), Covenant Holder (Benefit) or Licensee (Benefit)

Instrument type:

Pick from instrument type list

Enabling document recording particulars: *(complete sub-screen fields)*

Unregistered interests:

Yes or No

Servient Tenement PID

or Various PIDs (not specified)

**Benefits to the Registered Interests—Servient Tenement PIDs**

PID: \_\_\_\_\_

Choose Benefit Enabling Instrument:

*(System generated list)*

Benefit ID:

*(System generated)*

Unregistered Interest Yes or No

### Burdens on the Registered Interests

Name (individual or company or entity): \_\_\_\_\_

Qualifier (if applicable): Pick from: estate, executor, in care of, otherwise known as, owner unknown, personal representative or trustees

Interest type: Pick from: Condominium interest (burden), covenant holder (burden), easement/right of way holder (burden), party to agreement (burden), licensee (burden) or easement/ROW holder (burden)/dominant PID

Instrument type: Pick from list of document types

County (of recording for document) \_\_\_\_\_

Enabling document recording particulars: *(complete sub-screen fields)*

Dominant Tenement PID  
or Various PIDs (not specified) \_\_\_\_\_

Unregistered interest: Yes or No

Mailing address: \_\_\_\_\_

### Burdens on the Registered Interests–Dominant Tenement PIDs

PID or Various PIDs, \_\_\_\_\_

Not Specified

Instrument type: Pick from list of document types

County (of recording for document) \_\_\_\_\_

Enabling document recording particulars: Choose an existing burden/enabling instrument

Unregistered interest: Yes or No

### Textual Qualifications on Title

### Tenants in Common Not Registered Under the *Land Registration Act*

(For a new name to be added):

Name of Individual, Company or Entity: \_\_\_\_\_

Qualifier (if applicable) Pick from: estate, executor, in care of, otherwise known as, owner unknown, personal representative or trustees

Interest type: (System generated)

Import Property Online owners: *(yes or no)*

**Recorded interests**

Name (individual or company or entity): \_\_\_\_\_

Qualifier (if applicable): Pick from: estate, executor, in care of, otherwise known as, owner unknown, personal representative or trustees

Interest type: Pick from: assignee, attorney, claimant/plaintiff, condo interest, debenture holder, deponent, easement security interest, guardian, judgment creditor, lessee, licensee, mortgagee, party to agreement, personal representative, tax sale recipient or trustee.

Instrument type: Pick from list of document types

County (of recording for document) \_\_\_\_\_

Enabling document recording particulars: (*complete sub-screen fields*)

Unregistered interest: Yes or No

Mailing address: \_\_\_\_\_

**OPINION & CERTIFICATE OF TITLE**I hereby certify to the Registrar General under clause 37(4)(b) of the *Land Registration Act* as follows:

1. The information contained in the Application for Registration for this parcel is a true and correct summary of the title information with respect to the PID that is described below, as disclosed by the records on file in the Land Registration Office for the county where the parcel lies, and in the Owner's Declaration Regarding Occupation of Parcel and Residency Status in Form 5.
2. This opinion of title is based upon a title search and abstract of title that have been conducted or completed in accordance with the current Nova Scotia Barristers' Society Professional Standards: Real Property Transactions in Nova Scotia.
3. This opinion is subject to the accuracy of the indices at the office of the Registrar of Deeds.
4. The abstract of title shows a chain of ownership of the parcel to the standard required to demonstrate a marketable title under (select all that apply)
  - the *Marketable Titles Act*
  - the common law
  - the *Limitation of Actions Act*
  - other enactment (specify):

5. The root of title to this parcel is found in a document that has the following particulars:  
Instrument Type:

Execution Date (yyyy-mm-dd):    Registration Date (yyyy-mm-dd):

Book #: \_\_\_\_\_ Page #: \_\_\_\_\_ Document #: \_\_\_\_\_

6. This Application for Registration is a true and accurate summary of the registered interest, benefits, burdens, qualifications on title, recorded interests, and means of access that apply to this parcel.

7. There are no other encumbrances affecting the title to the land disclosed by the records on file in the land registration office for the county where the parcel lies except those specified herein.
8. The applicable statement respecting the subdivision provisions contained in Part IX of the *Municipal Government Act* is accurately set forth in the official parcel description for the parcel.
9. For the purposes of registration of the title of the above-noted PID a policy of title insurance (select one)
  - was not issued with respect to this parcel
  - was issued with respect to this parcel in order to (provide details of the reason a title insurance policy was required)
10. Unless noted above, this opinion is subject to
  - (a) rights in respect of the lands, which may have been acquired by adverse possession or prescription; and
  - (b) overriding interests stipulated in Section 73 of the *Land Registration Act* that are not contained in registered instruments that appear within the period covered by the title search and abstract of title referenced in this certification and opinion.
11. I have obtained all affidavits and other documents required under Section 37 of the *Land Registration Act* and the *Land Registration Administration Regulations*, and these documents, and the Abstract of Title referenced in Certification Statement Number 2, will be retained and available for audit by the Nova Scotia Barristers' Society.
12. No opinion is expressed as to
  - (a) the actual boundaries of the lands, the location of any buildings or structures in relation to the actual boundaries of the lands, or the size of the lands;
  - (b) the validity, enforceability of, or compliance with, restrictive covenants if contained in the signed Statement of Registered and Recorded Interests attached hereto; or
  - (c) the validity or effect of the recorded interests listed in the signed Statement of Registered and Recorded Interests attached hereto.

Parcel Description Information

**Form 6A**

*Purpose: to request correction to a previously submitted Certificate of Legal Effect*

**(Instrument type: 855)**

For Office Use

Registration district: \_\_\_\_\_

Submitter's user number: \_\_\_\_\_

Submitter's name: \_\_\_\_\_

**In the matter of Parcel Identification Number (PID)**

PID	
PID	

*(Expand box for additional PIDs. Maximum 9 PIDs per form)*

**Whereas** I submitted a Certificate of Legal Effect that contained an error or errors;

**And whereas** the error was made in the following *(select appropriate box. Note: errors respecting a registered interest are rectified using a Form 17)*:

- Document Number \_\_\_\_\_
- Application for Registration

**I certify that** the reason(s) for the correction is/are as follows:

---



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**I further certify that** the details of the correction are as follows *(select applicable boxes, add additional tables if required)*:

- The following interests or information are changed in the parcel's registration *(insert N/A if not applicable)*:

<b>Instrument type</b>	
<b>Expiry date</b> (if applicable)	
<b>Interest holder and type to be removed</b> (if applicable)	
<b>Interest holder and type to be added</b> (if applicable) <i>Note: include qualifier (e.g., estate of, executor, trustee, personal representative) if applicable</i>	

<b>Mailing address of interest holder to be added</b> (if applicable)	
<b>Servient Tenement PID</b> (if applicable)	
<b>Access type to be added</b> (if applicable)	
<b>Access type to be removed</b> (if applicable)	
<b>Textual Qualification to be removed</b> (if applicable)	
<b>Textual Qualification to be added</b> (if applicable)	
<b>Reference to related instrument in names-based roll/parcel register</b> (if applicable)	

- I have searched the judgment roll with respect to the registration or revision of the registered interest and have determined that it is appropriate to add the following judgment(s) or judgment-related documents to the parcel register, in accordance with the *Land Registration Act* and *Land Registration Administration Regulations*:

<b>Instrument type</b>	
<b>Interest holder name and type to be added</b>	
<b>Interest holder mailing address</b>	
<b>Judgment Roll reference</b>	

**Certificate of Legal Effect:**

I certify that it is appropriate to make the above-noted corrections to the parcel register(s) for the indicated PIDs.

**Certified at** \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia,  
 \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
*Signature of authorized lawyer*

*Name:* \_\_\_\_\_

*Address:* \_\_\_\_\_

*Phone:* \_\_\_\_\_

*E-mail:* \_\_\_\_\_

*Fax:* \_\_\_\_\_

**Form 8**

*Purpose: to give notice to the owner of a registered parcel about the recording of an overriding interest on the parcel's title*

**-or-**

*to give notice to the owner of a registered parcel about the recording of a benefit or burden on a parcel's title*

PID	
PID	

*(Expand box for additional PIDs.)*

**Take notice that** pursuant to the *Land Registration Act* and the *Land Registration Administration Regulations*, the following interest has been added to the parcel register(s) of the above-noted PID(s).

Type of interest added to the parcel register:	
Name of interest holder added:	
Servient tenement PID <i>(if applicable)</i> :	
Mailing address of interest holder:	
Document recording particulars:	

A copy of the recorded document is attached to this notice.

**And take notice that** the parcel description for the above-noted PIDs has or will be altered in accordance with the *Land Registration Administration Regulations* to reflect the addition of the interest to the parcel(s) title.

**Dated at** \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia,

\_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
*Signature of interest holder/agent*

*Name:* \_\_\_\_\_

*Address:* \_\_\_\_\_

*Phone:* \_\_\_\_\_

*E-mail:* \_\_\_\_\_

*Fax:* \_\_\_\_\_



**Form 8A**

**Purpose: to place notice of a benefit or burden in the consolidated index that is maintained pursuant to the Registry Act.**

**(Instrument code: 407)**

For Office Use

Registration district:

---

Submitter's user number:

---

Submitter's name:

---

**Whereas** the consolidated index shows the following person(s) as being the owner of unregistered parcel(s) that are affected by the addition of the benefit or burden to a parcel that is registered under the *Land Registration Act*, as indicated on this form

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*(insert owner's name from the consolidated index)*

*(Select appropriate box)*

**Take notice that** lands owned by the above-noted persons appear to benefit from the addition of a burden to the following parcel(s) that are registered under the *Land Registration Act*:

PID	
PID	

*(Expand box for additional PIDs)*

Interest holder name and type added to registered parcel	
--	--

**-or-**

**Take notice that** lands owned by the above-noted persons appear to be burdened by the addition of a benefit to the following parcel(s) that are registered under the *Land Registration Act*:

PID	
PID	

*(Expand box for additional PIDs)*

Interest holder name and type added to registered parcel	
--	--

Dated at \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia,  
 \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
*Signature of authorized lawyer*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Fax: \_\_\_\_\_

**Form 9**

*Purpose: to provide notice of parcel registration to interested parties*

**In the matter of** Parcel Identification Number (PID)

PID	
PID	

*(Expand box for additional PIDs.)*

**Whereas** the above-noted parcel(s), which is/are located at *(insert civic address of the parcel(s))*  
 \_\_\_\_\_, has/have been registered under the *Land Registration Act*;

**And whereas** \_\_\_\_\_ *(insert name(s) of holder(s) of the registered interest)*  
 has/have been registered as the owner(s) of the parcel;

**And whereas** you \_\_\_\_\_ *(insert name, address and PID number of notice recipient and the recipient's parcel)* appear to be a person who is entitled to receive notice of the registration of the above-noted parcel(s) under the *Land Registration Administration Regulations* because *(state reason)*

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_;

**And whereas** a copy of the legal description and parcel graphics from Property Online for the registered parcel are attached to this notice *(attach legal description and POL graphics for parcel)*;

**Take notice that** if you are someone who has obtained an interest in this parcel by adverse possession or prescription, you have a right to seek confirmation of the interest in the Supreme Court of Nova Scotia and register or record proof of ownership within the time limits prescribed in subsection 74(2) of the *Land Registration Act*, attached hereto as Schedule “A”.

**Dated at** \_\_\_\_\_, in the County of \_\_\_\_\_, Province of

Nova Scotia, \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
*Signature of owner/agent*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Fax: \_\_\_\_\_

#### **Schedule “A”**

##### *Land Registration Act*

#### CHAPTER 6 OF THE ACTS OF 2001

amended 2002, c. 19; 2003, c. 7, s. 4; 2004, c. 38

**74 (1)** Except as provided by Section 75, no person may obtain an interest in any parcel registered pursuant to this Act by adverse possession or prescription unless the required period of adverse possession or prescription was completed before the parcel was first registered.

**(2)** Any interest in a parcel acquired by adverse possession or prescription before the date the parcel is first registered pursuant to this Act is absolutely void against the registered owner of the parcel in which the interest is claimed ten years after the parcel is first registered pursuant to this Act, unless

- (a) an order of the court confirming the interest;
- (b) a certificate of *lis pendens* certifying that an action has been commenced to confirm the interest;
- (c) an affidavit confirming that the interest has been claimed pursuant to Section 37 of the *Crown Lands Act*; or
- (d) the agreement of the registered owner confirming the interest,

has been registered or recorded before that time.

**75 (1)** The owner of an adjacent parcel may acquire an interest in part of a parcel by adverse possession or prescription after the parcel is first registered pursuant to this Act, if that part does not exceed twenty per cent of the area of the parcel in which the interest is acquired.

**(1A)** An owner of an undivided interest in a parcel may acquire the whole interest in the parcel by adverse possession or prescription after the parcel is first registered pursuant to this Act.

**(2)** For the purpose of this Section, adverse possession and prescription include time both before and after the coming into force of this Act.

**Form 10**

*Purpose: to give notice of crystallization of debenture*

**(Instrument code: 809)**

Registration district: \_\_\_\_\_  
 Submitter's user number: \_\_\_\_\_  
 Submitter's name: \_\_\_\_\_

For Office Use



**In the matter of Parcel Identification Number (PID)**

PID	
PID	

*(Expand box for additional PIDs. Maximum 9 PIDs per form)*

*(Select one)*

- Floating charge debenture is recorded in parcel register as: document number \_\_\_\_\_ book/page \_\_\_\_\_ year \_\_\_\_\_.
- Floating charge debenture is not in parcel register and particulars are as follows.

**Floating Charge Debenture particulars** *(use only if second box was selected above)*

<b>Instrument type</b>	Floating Charge Debenture
<b>Interest holder name and type</b> <i>(to be added if debenture is registered or recorded, but not in the specified parcel register(s))</i>	
<b>Mailing address of interest holder added</b> (if applicable)	
<b>Reference to recording particulars of debenture</b>	

**Crystallization particulars** *(required whether debenture is recorded in the parcel register or not)*

<b>Instrument type</b>	Notice of Crystallization of Debenture
<b>Interest holder name and type to be added</b> <i>Note: include qualifier (e.g., estate of, executor, trustee, personal representative) if applicable</i>	
<b>Mailing address of interest holder added</b>	
<b>Reference to recording particulars of debenture being crystallized</b>	

**Notice is hereby given that the floating charge contained in the specified debenture has been crystallized.**

Dated at \_\_\_\_\_, in the County of \_\_\_\_\_, Province of  
 Nova Scotia, \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
*Signature of interest holder/agent*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Fax: \_\_\_\_\_

**Form 13**

*Purpose: to record a Provincial statutory lien or other charge*

**(Instrument code: 810 for parcel register)**

**(Instrument code: 725 for judgment roll)**

Registration district: \_\_\_\_\_

Submitter's user number: \_\_\_\_\_

Submitter's name: \_\_\_\_\_

For Office Use

**In the matter of** a lien or other charge to be recorded in the judgment roll under the following statute (*select one*):

- Labour Standards Code (judgment roll only)*
- Pension Benefits Act*
- Workers' Compensation Act*

**And in the matter of** the following PID(s)

PID	
PID	

*(Expand box for additional PIDs. Maximum 9 PIDs per form)*

**And in the matter of** registered owner \_\_\_\_\_:

<b>Interest holder and type to be added</b>	
<b>Mailing address of interest holder added</b>	

**Take notice that** a (*select one*) lien, order, claim, certificate, assessment or designation is filed in the parcel register of the above-noted PIDs under the following Act \_\_\_\_\_  
 \_\_\_\_\_ (*insert name of Act*).

**And further take notice that** this document is filed by the undersigned on behalf of (*insert name of government department*) \_\_\_\_\_ in relation to file number (*insert departmental file reference number*) \_\_\_\_\_.

**Dated at** \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia, \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
*Signature of Departmental Representative*

*Name* \_\_\_\_\_

*Address* \_\_\_\_\_

*Phone* \_\_\_\_\_

*Email:* \_\_\_\_\_

*Fax:* \_\_\_\_\_

**Form 14**

*Purpose: to record a discharge of a Provincial statutory lien or other charge*

**(Instrument code: 819 for parcel register)**

**(Instrument code: 726 for judgment roll)**

Registration district: \_\_\_\_\_

Submitter's user number: \_\_\_\_\_

Submitter's name: \_\_\_\_\_

For Office Use

**In the matter of** a release, withdrawal or discharge of lien or other charge to be recorded in the judgment roll under the following statute (*select one*):

- Labour Standards Code (judgment roll only)
- Pension Benefits Act
- Workers' Compensation Act

PID	
PID	

(Expand box for additional PIDs. Maximum 9 PIDs per form)

And in the matter of registered owner \_\_\_\_\_:

<b>Interest holder and type to be removed</b>	
<b>Recording particulars of Provincial statutory lien or other charge</b>	

**Take notice that** a (*select one*) release, withdrawal or discharge of a lien, order, claim, certificate, assessment or designation is filed in the Parcel Register under the following Act

\_\_\_\_\_ (*insert name of Act*)

**And further take notice that** this document is filed by the undersigned on behalf of (*insert name of government department*) \_\_\_\_\_.

**Dated at** \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia, \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_  
*Signature of Departmental Representative*

*Name* \_\_\_\_\_  
*Address* \_\_\_\_\_  
*Phone* \_\_\_\_\_  
*Email:* \_\_\_\_\_  
*Fax:* \_\_\_\_\_

**Form 15**

*Purpose: to provide notice to the registrar to cancel the recording of a security interest*

**(Instrument code: 831)**

For Office Use

Registration district: \_\_\_\_\_  
 Submitter's user number: \_\_\_\_\_  
 Submitter's name: \_\_\_\_\_



**In the matter of** Parcel Identification Number (PID)

PID	
PID	

*(Expand box for additional PIDs. Maximum 9 PIDs per form)*

**And in the matter of** the service of a demand made by *(select one)*

- the debtor named in the security interest:
- a person who has or had a registered interest in the parcel to which the security interest purportedly relates:

**Take notice that** the following documentation is attached to this form:

- (a) a statutory declaration that outlines the reasonable and probable grounds that were used as a basis for the demand to amend or cancel the recording of the security;
- (b) a copy of the written demand on the holder of the security interest; and
- (c) proof of service of the demand.

**And further take notice that** 30 days have passed since the service of the demand upon the secured party and the secured party has failed to comply with the demand.

**And further take notice that** the undersigned requires the registrar to cancel or amend the recording in accordance with the attached demand.

<b>Instrument type</b>	
<b>Interest holder and type to be removed</b> <i>(Note: include qualifier (e.g., estate of, executor, trustee, personal representative) if applicable)</i>	
<b>Reference to related instrument in parcel register</b> <i>(insert document/instrument number/year; include book/page if applicable)</i>	

**Dated at** \_\_\_\_\_, in the County of \_\_\_\_\_, Province of  
 Nova Scotia, \_\_\_\_\_, 2\_\_\_\_\_.



**Certificate of Legal Effect:**

I certify that it is appropriate to cancel the recording of the security interest for the indicated PIDs as outlined in this request.

Certified at \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia,  
\_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
*Signature of Authorized Lawyer*

*Name:* \_\_\_\_\_

*Address:* \_\_\_\_\_

*Phone:* \_\_\_\_\_

*E-mail:* \_\_\_\_\_

*Fax:* \_\_\_\_\_

**Form 15A**

**Purpose: to give the registrar notice to cancel a recorded interest or judgment**

**(Instrument code: 841)**

For Office Use

Registration district: \_\_\_\_\_  
Submitter's user number: \_\_\_\_\_  
Submitter's name: \_\_\_\_\_



**In the matter of** Parcel Identification Number (PID)

PID	
PID	

*(Expand box for additional PIDs Maximum 9 PIDs per form)*

**And in the matter of** the service of the attached demand made by the registered owner of the above-noted PIDs.

**Take notice that** the following documentation is attached to this form:

- (a) an affidavit showing that the interest, the recording of which is sought to be cancelled, is invalid with respect to the parcel;
- (b) a copy of the notice requiring cancellation of the recorded interest or judgment; and

(c) proof of service of the notice.

**And further take notice that:**

Sixty days has expired after the serving of the notice on the holder of the interest and, where the interest is a servitude, on the owner of every parcel identified in the recorded document as land to which the benefit of the servitude is annexed; and

No certificate of *lis pendens* has been recorded by any person certifying that proceedings in court have been commenced to substantiate the recorded interest; and

The person who caused the notice to be served is the registered owner of the parcel against which the recording to be cancelled was recorded.

<b>Instrument type</b>	
<b>Interest holder and type to be removed</b> ( <i>Note: include qualifier (e.g., estate of, executor, trustee, personal representative) if applicable</i> )	
<b>Reference to related instrument in parcel register</b> ( <i>insert document/instrument number/year; include book/page if applicable</i> )	

**Certificate of Legal Effect:**

I certify that it is appropriate to cancel the recording of the recorded interest or judgment for the indicated PIDs as outlined in this request.

Certified at \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia,  
 \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
 Signature of Authorized Lawyer

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Fax: \_\_\_\_\_

\_\_\_\_\_

**Form 16**

*Purpose: to renew the recording of a judgment*

**(Instrument code: 715–First renewal)**

**(Instrument code: 716–Second renewal)**

**(Instrument code: 717–Final renewal)**

Registration district: \_\_\_\_\_

Submitter’s user number: \_\_\_\_\_

Submitter’s name: \_\_\_\_\_

For Office Use

[Dashed box for Office Use]

**In the matter of the judgment debtor** *(insert name and mailing address)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

**And in the matter of the judgment creditor** *(insert name and mailing address)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

**Take notice that** the undersigned judgment creditor/agent of judgment creditor requests that the above-noted judgment be renewed as follows *(select one)*:

**First Renewal**

Judgment number \_\_\_\_\_ issued by the Court on *(insert date)* \_\_\_\_\_ and first recorded on *(insert date)* \_\_\_\_\_ as document *(insert document/instrument number/year; include book/page if applicable)* \_\_\_\_\_

**Second Renewal**

\_\_\_\_\_

*(insert document number of first renewal)*

**Third Renewal**

\_\_\_\_\_

*(insert document number of second renewal)*

**Dated at** \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia,  
\_\_\_\_\_, 2\_\_\_\_\_.

Witness *(Barrister/Commissioner)*

Authorized signature of judgment creditor/agent

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Fax: \_\_\_\_\_

**Certificate of Commissioner:**

I certify that on \_\_\_\_\_, 2 \_\_\_\_\_, the above-named individual executed the foregoing instrument in my presence and I signed as a witness to the execution.

\_\_\_\_\_  
 A Barrister/Commissioner of the Supreme Court of Nova Scotia  
 (Insert stamp of name or print name legibly.)

**Form 17**

*Purpose: to request a rectification of the registered interest*

**(Instrument code: 807)**

Registration district: \_\_\_\_\_  
 Submitter's user number: \_\_\_\_\_  
 Submitter's name: \_\_\_\_\_

For Office Use

**In the matter of Parcel Identification Number (PID)**

PID	
PID	

*(Expand box for additional PIDs. Maximum 9 PIDs per form)*

**Whereas** I caused an interest to be registered or revised, and that the registration or revision contained an error or errors.

**And whereas** the error was made in the following *(select appropriate box. Note: errors respecting a Certificate of Legal Effect concerning a non-registered interest are corrected using a Form 6A)*:

- Document Number \_\_\_\_\_
- Application for Registration

**I certify that** the reason(s) for the rectification is/are as follows:

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*(Select applicable box(es))*

- The following registered interests are to be rectified:

<b>Instrument type</b>	
<b>Interest holder and type to be removed (if applicable)</b>	

<b>Interest holder and type to be added</b> (if applicable) <i>Note: include qualifier (e.g., estate of, executor, trustee, personal representative) (if applicable)</i>	
<b>Mailing address of interest holder to be added</b> (if applicable)	
<b>Manner of tenure</b> (if applicable)	
<b>Description of mixture of tenants in common and joint tenancy</b> (if applicable)	
<b>Percentage or share of interest held</b> ( <i>for use with tenant in common interests</i> )	
<b>Non-resident</b> (to qualified solicitor's information and belief)( <i>Yes/No?</i> )	
<b>Reference to related instrument in parcel register</b> (if applicable)	

I request that the following textual qualifications on the registered interest in the above-noted parcel be changed:

<b>Textual qualification on title to be removed</b> <i>(insert any existing textual description being changed, added to or altered in any way)</i>	
<b>Textual qualification on title to be added</b> ( <i>insert replacement textual qualification</i> )	

**Certificate of Legal Effect:**

I certify that it is appropriate to carry out the rectification for the above-noted PIDs for the indicated reasons.

Certified at \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia, on

\_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
*Signature of authorized lawyer*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Fax: \_\_\_\_\_

**Form 19**

*Purpose: to record a Certificate of Lis Pendens against a parcel registered under the Land Registration Act*

**(Instrument code: 826)**

Registration district: \_\_\_\_\_  
 Submitter's user number: \_\_\_\_\_  
 Submitter's name: \_\_\_\_\_

For Office Use

**In the matter of** Parcel Identification Number (PID)

PID	
[PID]	

*(Expand box for additional PIDs. Maximum of 9 PIDs per form)*

**And in the matter of** registered owner \_\_\_\_\_:

**Take notice** that an action was commenced in the Supreme Court of Nova Scotia on \_\_\_\_\_, 2\_\_\_\_, between:

Plaintiff: \_\_\_\_\_

-and-

Defendant: \_\_\_\_\_

Court file no.: \_\_\_\_\_

Claim of builders' lien for \$ \_\_\_\_\_

*(For use when the pending action is with respect to a builders' lien) to enforce against the above-noted PIDs*

<b>Interest holder and type to be added</b> <b>Note:</b> include qualifier (e.g., estate of, executor, trustee, personal representative) if applicable	
<b>Mailing address of interest holder to be added</b>	

**Dated at** \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia, \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_  
 Signature of Prothonotary

**Form 20**

*Purpose: to update the name and/or address of a judgment debtor*

**(Instrument code: 713)**

Registration district: \_\_\_\_\_  
 Submitter's user number: \_\_\_\_\_  
 Submitter's name: \_\_\_\_\_

For Office Use

**In the matter of** Parcel Identification Number (PID)

PID	_____
PID	_____

**In the matter of** judgment debtor (*insert name*) \_\_\_\_\_;

**And in the matter of** an update of the name and/or address of the judgment debtor;

**And in the matter of** a certificate of judgment/renewal of judgment recorded in the judgment roll as document/instrument number (*insert document/instrument number/year; include book/page if applicable*) \_\_\_\_\_.

The judgment creditor requests that the following information be updated (*choose all options that apply*)

Update judgment debtor's name to \_\_\_\_\_

Update judgment debtor's address to \_\_\_\_\_

Update the above-noted parcel registers with this information.

**Dated at** \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia, \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_  
*Signature of judgment creditor/agent*

*Name:* \_\_\_\_\_

*Address:* \_\_\_\_\_

*Phone:* \_\_\_\_\_

*E-mail:* \_\_\_\_\_

*Fax:* \_\_\_\_\_

**Form 21**

**Purpose: to record an interest holder's change or correction of name; or to remove a deceased joint tenant as owner**

**(Instrument code: 109)**

Registration district: \_\_\_\_\_  
 Submitter's user number: \_\_\_\_\_  
 Submitter's name: \_\_\_\_\_

For Office Use

**In the matter of Parcel Identification Number (PID)**

PID	
PID	

*(Expand box for additional PIDs. Maximum 9 PIDs per form)*

**To the registrar** *(select applicable box):*

**Name Change**

- The name of a registered interest holder has changed
- The name of a recorded interest holder has changed

As a result, I request that the parcel register information be updated for the following registered or recorded instruments:

*(insert document number/book and page number of current enabling instrument(s)).*

**And take notice that** an affidavit outlining the particulars of the name change, together with such Order, certificate or document effecting the change of name is attached.

**-or-**

**Misspelling**

- The name of a registered interest holder was misspelled in the following registered instrument *(provide document number or book and page number)* \_\_\_\_\_, and the correct spelling of the name is \_\_\_\_\_.
- The name of a recorded interest holder was misspelled in the following recorded instrument *(provide document number or book and page number)* \_\_\_\_\_ and the correct spelling of the name is \_\_\_\_\_.

**And take notice that** an affidavit outlining the particulars of the misspelling is attached.

**Death of Joint Tenant**

- A joint tenant in the above-noted parcel register(s) is deceased and proof of death is attached. I hereby request that his/her name be removed as an owner of the above-noted PID,
- Change manner of tenure to \_\_\_\_\_ *(if applicable)*



Dated at \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia,  
\_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
*Signature of registered owner/interest holder/agent*

*Name:* \_\_\_\_\_

*Address:* \_\_\_\_\_

*Phone:* \_\_\_\_\_

*E-mail:* \_\_\_\_\_

*Fax:* \_\_\_\_\_

**Form 22**

***Purpose: Change of Address form***

Registration district: \_\_\_\_\_

Submitter's user number: \_\_\_\_\_

Submitter's name: \_\_\_\_\_

**In the matter of Parcel Identification Number (PID)**

PID	
PID	

*(Expand box for additional PIDs.)*

**And in the matter of** document/instrument *(insert document/instrument number/year; include book/page if applicable) (for names-based roll—include all instruments affected by the change of address)*  
\_\_\_\_\_;

**And/or in the matter of** *(select one and insert name)* the registered owner/a recorded interest holder  
\_\_\_\_\_:

**Take notice that** *(select one)*

- I am the above-noted registered owner/agent.
- I am the occupier of the above-noted PID(s), which are owned by the Nova Scotia Farm Loan Board
- I am the above-noted recorded interest holder/agent.

**And further take notice** that I have reviewed the address information contained in Property Online and hereby request that my address be changed as follows *(please print or type)*:

New address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**And further take notice** that this address change is to be applied to all tax notices and tax bills relating to the

above-noted PID(s).

- Yes
- No

**And further take notice** that I understand that this address must be used to serve all notices and documents requiring service under the *Land Registration Act*.

**Dated** at \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia,  
\_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
*Signature of owner/interest holder/agent/occupier of Nova Scotia Farm Loan Board Parcel(s)*

*Name:* \_\_\_\_\_

*Address:* \_\_\_\_\_

*Phone:* \_\_\_\_\_

*E-mail:* \_\_\_\_\_

*Fax:* \_\_\_\_\_

**Form 24**

***Purpose: to request or direct a revision of title and Certificate of Legal Effect***

For Office Use

Registration district: \_\_\_\_\_

Submitter's user number: \_\_\_\_\_

Submitter's name: \_\_\_\_\_

**In the matter of Parcel Identification Number (PID)**

PID	
PID	



*(Expand box for additional PIDs. Maximum 9 PIDs per form)*

The following additional forms are being submitted simultaneously with this form and relate to the attached document: *(check appropriate boxes, if applicable)*

- Form 24(s)
- Form 8A(s)
- This Form 24 creates or is part of a subdivision or consolidation

**Take notice that** a revision of the registration of the above-noted parcel(s) is hereby requested or directed, as set out below.

**And further take notice that** the attached document is signed by [an] attorney for a person under a power of attorney, and the power of attorney is (select one or more)

- recorded in the attorney roll
- recorded in the parcel register
- incorporated in the document
- no power of attorney applies to this document

(Select all appropriate boxes)

- The following registered interests are changed in the parcel's registration

<b>Instrument type</b>	
<b>Interest holder and type to be removed</b> (if applicable)	
<b>Interest holder and type to be added</b> (if applicable) <i>Note: include qualifier (e.g., estate of, executor, trustee, personal representative) (if applicable)</i>	
<b>Mailing address of interest holder to be added</b> (if applicable)	
<b>Manner of tenure</b> (if applicable)	
<b>Description of mixture of tenants in common and joint tenancy</b> (if applicable)	
<b>Access type to be removed</b> (if applicable)	
<b>Access type to be added</b> (if applicable)	
<b>Percentage or share of interest held</b> (for use with tenant in common interests)	
<b>Non-resident</b> (to qualified solicitor's information and belief)(Yes/No?)	
<b>Reference to related instrument in parcel register</b> (if applicable)	
<b>Reason for removal of interest</b> (For use only when interest is being removed by operation of law) <b>Instrument code: 443</b>	

- The following tenant in common interests that appear in the section of the parcel register labelled "Tenants in Common not registered pursuant to the *Land Registration Act*" are to be removed because the interests are being registered (*insert names to be removed*):

\_\_\_\_\_

\_\_\_\_\_

- I have searched the judgment roll with respect to this revision of the registered interest and have determined that it is appropriate to add the following judgment(s) or judgment-related documents to the parcel register, in accordance with the *Land Registration Act* and *Land Registration Administration Regulations*:

<b>Instrument type</b>	
<b>Interest holder name and type to be added</b>	
<b>Interest holder mailing address</b>	
<b>Judgment Roll reference</b>	

- The following benefits are to be added and/or removed in the parcel's registration:

<b>Instrument type</b>	
<b>Interest holder and type to be removed</b> (if applicable)	
<b>Interest holder and type to be added</b> (if applicable) <i>Note: include qualifier (e.g., estate of, executor, trustee, personal representative) (if applicable)</i>	
<b>Mailing address of interest holder to be added</b> (if applicable)	
<b>Servient tenement parcel(s)</b> ( <i>list all affected PIDs</i> )	
<b>Reference to related instrument in names-based roll/parcel register</b> (if applicable)	
<b>Reason for removal of interest</b> ( <i>for use only when interest is being removed by operation of law</i> ) <b>Instrument code: 443</b>	

- The following burdens are to be added and/or removed in the parcel's registration:

<b>Instrument type</b>	
<b>Interest holder and type to be removed</b> (if applicable)	
<b>Interest holder and type to be added</b> (if applicable) <i>Note: include qualifier (e.g., estate of, executor, trustee, personal representative)(if applicable)</i>	
<b>Mailing address of interest holder to be added</b> (if applicable)	
<b>Reference to related instrument in names-based roll/parcel register</b> (if applicable)	

<b>Reason for removal of interest</b> ( <i>for use only when interest is being removed by operation of law</i> ) <b>Instrument code: 443</b>	
---	--

- The following recorded interests are to be added and/or removed in the parcel's registration:

<b>Instrument type</b>	
<b>Expiry date</b> (if applicable)	
<b>Interest holder and type to be removed</b> (if applicable)	
<b>Interest holder and type to be added</b> (if applicable) <i>Note: include qualifier (e.g., estate of, executor, trustee, personal representative)(if applicable)</i>	
<b>Mailing address of interest holder to be added</b> (if applicable)	
<b>Reference to related instrument in names-based roll/parcel register</b> (if applicable)	
<b>Reason for removal of interest</b> ( <i>for use only when interest is being removed by operation of law</i> ) <b>Instrument code: 443</b>	

- I request that the following textual qualifications on the registered interest in the above-noted parcel be changed:

<b>Textual qualification on title to be removed</b> <i>(insert any existing textual description being changed, added to or altered in any way)</i>	
<b>Textual qualification on title to be added</b> ( <i>insert replacement textual qualification</i> )	
<b>Reason for change to textual qualification</b> ( <i>for use only when no document is attached</i> ) <b>Instrument code: 838</b>	

- I request that the following information about the occupier of the parcel, which is owned by the Nova Scotia Farm Loan Board, be changed (*insert n/a if not applicable*)

<b>Name and mailing address of occupier to be removed</b>	
<b>Name and mailing address of occupier to be added</b>	

**Certificate of Legal Effect:**

I certify that it is appropriate to make the above-noted changes to the parcel register(s) for the indicated PIDs.

Certified at \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia, on \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
*Signature of authorized lawyer*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Fax: \_\_\_\_\_

- This document also affects non-land registration parcels. The original will be registered under the *Registry Act* and a certified true copy for recording under the *Land Registration Act* is attached.

**Form 24E**

*Purpose: to request or direct a revision of title and Certificate of Legal Effect*

Registration district \_\_\_\_\_ User reference \_\_\_\_\_  
Submitter's name \_\_\_\_\_

**In the matter of** the Parcel Identification Number(s) (PIDs): \_\_\_\_\_

**Take notice that** the transferee hereby requests a revision of the registration of the above noted parcel(s) as set out below:

1. The following registered interests are changed in the parcel's registration:

<b>Instrument type</b>		
<b>Interest holder and type to be added</b>	<b>Mailing address of interest holder added</b>	<b>Non-res of NS?</b>
	↑ ↓	No
<b>Manner of tenure</b>		
<b>Description of mixture of tenants in common and joint tenancy</b>	↑ ↓	

2. PID:

<b>Interest holder and type to be removed</b>	
<b>Access type to be removed</b>	
<b>Access type to be added</b>	

3. The following benefits are changed in the parcel's registration:

<b>Interest type</b>	
<b>Interest holder and type to be added to PID</b>	

4. The following burdens are changed in the parcel's registration:

<b>Interest type</b>	
<b>Interest holder and type to be added to PID</b>	

Document registration/recording fee exempt      Yes  No

I certify that:

- An electronic copy of the document upon which this submission is based is attached to this request and the original document is being retained in accordance with the *Land Registration Administration Regulations*; and
- This electronic submission is a true and accurate summary of the legal effect of the original document and it is appropriate to revise the registered interest, or to record or cancel the recorded interest, as noted on this electronic submission.
- The deed transfer tax payable for this transfer has been paid to the appropriate municipality.
- There is no deed transfer tax payable on this transfer, or the parcel being transferred is located in a municipality that does not collect deed transfer tax.
- The Registrar of Land Titles will collect the deed transfer tax payable for this parcel on behalf of the municipality.

And further take notice that the attached document is signed by [an] attorney for a person under a power of attorney, and the power of attorney is (select one or more)

- recorded in the attorney roll
- recorded in the parcel register
- incorporated in the document
- no power of attorney applies to this document

Digitally signed by:

**Form 26**

*Purpose: to record an interest in a parcel; or  
to record a power of attorney in the power of attorney roll*

Registration district: \_\_\_\_\_  
 Submitter's user number: \_\_\_\_\_  
 Submitter's name: \_\_\_\_\_

For Office Use

**In the matter of** Parcel Identification Number (PID)

PID	
PID	

*(Expand box for additional PIDs. Maximum 9 PIDs per form)*

**Take notice that the undersigned** hereby requests that the registrar record the attached document (*select applicable box*):

- in the parcel register as a recorded interest
- in the power of attorney roll
- power of attorney registered under the *Registry Act*, for duplication in the power of attorney roll

**And further take notice that** the following information relates to the interest being recorded:

<b>Instrument type</b>	
<b>Expiry date</b> (if applicable)	
<b>Interest holder and type to be added</b> (if applicable) <i>Note: include qualifier (e.g., estate of, executor, trustee, personal representative) if applicable</i>	
<b>Mailing address of interest holder to be added</b> ( <i>for power of attorney, provide mailing address for donee</i> )	
<b>Name and mailing address power of attorney donor to be added</b> (if applicable)	
<b>Reference to related instrument in names-based roll/parcel register</b> (if applicable) ( <i>for power of attorney to be duplicated, insert document/instrument number/year; include book/page if applicable</i> )	

*(select all applicable statements)*

- And further take notice that** the attached document is signed by an attorney for a person under a power of attorney, and the power of attorney is
  - recorded in the attorney roll



- recorded in the parcel register
- incorporated in the document
- no power of attorney applies to this document

**Dated at** \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia,  
 \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
*Signature of interest holder/agent*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Fax: \_\_\_\_\_

- This document also affects non-land registration parcels. The original will be registered under the *Registry Act* and a certified true copy for recording under the *Land Registration Act* is attached.

**Form 26E**

*Purpose: to record an interest in a parcel; or  
 to record a power of attorney in the power of attorney roll*

Registration district \_\_\_\_\_ User reference \_\_\_\_\_

Submitter's name \_\_\_\_\_

**In the matter of** the Parcel Identification Number(s) (PIDs): \_\_\_\_\_

**Take notice that the undersigned** hereby requests that the registrar record this document as a recorded interest in the above-noted parcel(s) in the parcel register.

**And further take notice that** the following information relates to the interest being added/duplicated:

<b>Instrument type</b>				
<b>Interest holder and type to be added</b>				
<b>Mailing address of interest holder</b>				
Reference to related instrument	Document #	Book#	Page#	Registration Year

Document registration/recording fee exempt Yes  No

I certify that:

- An electronic copy of the document upon which this submission is based is attached to this request and the original document is being retained in accordance with the *Land Registration Administration Regulations*; and

**And further take notice that** the attached document is signed by [an] attorney for a person under a power of attorney, and the power of attorney is (select one or more)

- recorded in the attorney roll
- recorded in the parcel register
- incorporated in the document
- no power of attorney applies to this document

Digitally signed by:

**Form 27**

*Purpose: to request cancellation of a recorded interest*

For Office Use

Registration district: \_\_\_\_\_  
 Submitter's user number: \_\_\_\_\_  
 Submitter's name: \_\_\_\_\_

**In the matter of** Parcel Identification Number (PID)

PID	
PID	

*(Expand box for additional PIDs. Maximum 9 PIDs per form)*

<b>Instrument type</b>	
<b>Interest holder and type to be removed (if applicable)</b> <i>Note: include qualifier (e.g., estate of, executor, trustee, personal representative) if applicable</i>	
<b>Reference to related instrument in parcel register</b> <i>(insert document/instrument number/year; include book/page)</i>	

- The attached document** is signed by an attorney for a person under a power of attorney, and the power of attorney is
  - recorded in the attorney roll
  - recorded in the parcel register
  - incorporated in the document
  - no power of attorney applies to this document

Dated at \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia,  
 \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
*Signature of interest holder/agent*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Fax: \_\_\_\_\_

- This document also affects non-land registration parcels. The original will be registered under the *Registry Act* and a certified true copy for recording under the *Land Registration Act* is attached.

**Form 27E**

*Purpose: to cancel a recorded interest; or to release a judgment-related document*

Registration district \_\_\_\_\_ User reference \_\_\_\_\_

Submitter's name \_\_\_\_\_

**In the matter of** the Parcel Identification Number(s) (PIDs) listed below;

**Take notice that** the undersigned interest holder hereby requests that the registrar cancel the recording of the interest as set out below

<b>Interest holder and type to be removed</b>	Related Instrument in Names Based Roll of Parcel Register:
---	--

PID:

	BOOK/PAGE	DOC #	YEAR
--	-----------	-------	------

Document registration/recording fee exempt Yes  No

I certify that:

- An electronic copy of the document upon which this submission is based is attached to this request and the original document is being retained in accordance with the *Land Registration Administration Regulations*; **and**

And further take notice that the attached document is signed by [an] attorney for a person under a power of attorney, and the power of attorney is (select one or more)

- recorded in the attorney roll
- recorded in the parcel register
- incorporated in the document
- no power of attorney applies to this document

- The interest holder being released from the parcel register is a successor to the interest holder in the attached document and the document relating to this name change or amalgamation has been previously registered or recorded.

Digitally signed by:

**Form 28**

*Purpose: to record a non-enabling document in a parcel register*

**For Office Use**

Registration district: \_\_\_\_\_  
 Submitter's user number: \_\_\_\_\_  
 Submitter's name: \_\_\_\_\_

**Take notice that** the attached plan/document relates to the following parcels registered under the *Land Registration Act*

PID	
PID	



*(Expand box for additional PIDs.)*

**Municipal file number or land registration file number** *(insert file number used when PIDs were originally assigned during pre-approval):* \_\_\_\_\_

**In the matter of** the recording of the following non-enabling instrument *(select one)*:

- plan
- boundary line agreement
- instrument of subdivision
- statutory declaration regarding *de facto* consolidation
- condominium declaration
- initial condominium bylaws
- condominium plan
- repeal of subdivision
- termination of condominium
- other *(specify)* \_\_\_\_\_

**And in the matter of** registered owner *(insert name)* \_\_\_\_\_:

**Note:** An amending Parcel Description Certification Application may be required.

**Dated at** \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia,  
 \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
*Signature of applicant/municipal official/owner/agent*

*Name:* \_\_\_\_\_

*Address:* \_\_\_\_\_

*Phone:* \_\_\_\_\_

*E-mail:* \_\_\_\_\_

*Fax:* \_\_\_\_\_

**[Form 30]**



**CERTIFICATE OF REGISTERED OWNERSHIP**

*Land Registration Act, S.N.S. 2001, c. 6, subsection 13(5)*

*This is to certify that*

are the Registered Owners of the parcel located at \_\_\_\_\_, in the County of \_\_\_\_\_ and shown as Parcel Identification Number \_\_\_\_\_.

Certified at \_\_\_\_\_ am/pm on \_\_\_\_\_, 200\_.

\_\_\_\_\_  
**Registrar General of Land Titles**

**Disclaimer – Certificates of Registered Ownership**

*Land Registration Administration Regulations, subsection 13(3)*

This Certificate of Registered Ownership is subject to

(a) the limitations, burdens and benefits respecting the registered interest in this parcel that appear in its parcel register;

(b) the recorded interests in this parcel as shown in its parcel register; and

(c) the overriding interests set out in Section 73 of the *Land Registration Act*, and all other provisions of the *Land Registration Act* and regulations.

This certificate is null and void when the ownership of the fee simple is changed in the parcel register.

**Form 45**

*Purpose: to confirm, delete and, as necessary, amend interests that have been placed in a parcel register on subdivision, and to add the access type for the parcel*

**(Instrument code: 836)**

Registration district: \_\_\_\_\_

Submitter's user number: \_\_\_\_\_

Submitter's name: \_\_\_\_\_

For Office Use

**In the matter of Parcel Identification Number (PID)**

PID	
PID	

*(Expand box for additional PIDs. Maximum 9 PIDs per form)*

**I hereby certify that**

1. The following parcel access type (*direct or indirect right of access to the parcel, if any, from a public street, highway or navigable waterway to the parcel appearing on the face of the record*) is **to be added** (*select one*):

- |   |   |
|---|---|
| <input type="checkbox"/> public<br><input type="checkbox"/> no access<br><input type="checkbox"/> public (other)<br><input type="checkbox"/> private<br><input type="checkbox"/> private (by grant)<br><input type="checkbox"/> private (by prescription) | <input type="checkbox"/> private (openly used and enjoyed)<br><input type="checkbox"/> private (other)<br><input type="checkbox"/> right of way/driveway<br><input type="checkbox"/> right of way/walkway<br><input type="checkbox"/> navigable waterway<br><input type="checkbox"/> other _____ ( <i>specify</i> ) |
|---|---|

2. The following interests or entries that were placed in the parcel register(s) for the above-noted PID(s) on subdivision are **to be removed** from the parcel register(s) (*select all that apply*):

<b>Interest holder and type</b>	
<b>Enabling Instrument Reference</b> (insert book and page or instrument number, as applicable):	
<b>Textual Qualification</b>	

3. I certify and confirm that all other interests or entries are to remain in the parcel register(s).

**Certified at** \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia,  
 \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
*Signature of authorized lawyer*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_  
 Fax: \_\_\_\_\_  
 \_\_\_\_\_

**Note:** An amending Parcel Description Certification Application is required if benefits or burdens are being removed.

**Form 46**

**Purpose:** to record a judgment in the judgment roll established under the Land Registration Act

**(Instrument code: 707)**

For Office Use

Registration district: \_\_\_\_\_  
 Submitter's user number: \_\_\_\_\_  
 Submitter's name: \_\_\_\_\_

<b>Court file #</b>	
<b>Name of court</b>	

(Insert title of proceeding/style of cause)

**Judgment creditor information**

**Name** (must include first and last name; must include middle name or initial if available):

(first) \_\_\_\_\_ (middle) \_\_\_\_\_ (last) \_\_\_\_\_

**-Or-**

**Company name:** \_\_\_\_\_

**Address** (must include a valid Canada Post mailing address where judgment creditor can be served, and must include the civic address if available):

<b>Mailing address:</b>				
	PO Box		Town	
	Province		Postal Code	
<b>Civic address:</b> (if different from mailing address)	Street name and number			
	Town		County/Province	

**Name of lawyer** (must be included if the creditor is/was represented): \_\_\_\_\_

**Other information** (must include at least one other piece of information that tends to distinguish the judgment creditor from all others): \_\_\_\_\_

**Judgment debtor information**

**Name** (must include first and last name; must include middle name or initial if available):

(first) \_\_\_\_\_ (middle) \_\_\_\_\_ (last) \_\_\_\_\_

-Or-

**Company name:** \_\_\_\_\_

**Address** (must include a valid Canada Post mailing address where judgment debtor can be served, and must include the civic address if available):

<b>Mailing address:</b>				
	PO Box		Town	
	Province		Postal Code	
<b>Civic address:</b> (if different from mailing address)	Street name and number			
	Town		County/Province	

**Name of lawyer** (must be included if the debtor is/was represented): \_\_\_\_\_

**Other information** (must include at least one other piece of information that tends to distinguish the judgment debtor from all others): \_\_\_\_\_

<b>Debt</b>	
<b>Interest</b>	
<b>Costs</b>	
<b>Judgment</b>	

**I hereby certify** that judgment has been entered in the above-noted action for the (select one and insert name of judgment creditor) plaintiff/defendant \_\_\_\_\_, against the (select one and insert name of judgment debtor) plaintiff/defendant \_\_\_\_\_, for (insert amount of debt) \$ \_\_\_\_\_ and pre-judgment interest of \$ \_\_\_\_\_ and \$ \_\_\_\_\_ costs of suit; amounting in all to \$ \_\_\_\_\_.

**I further certify** that the foregoing is a true abstract of the original judgment in the above-noted action, entered in the records of the court at \_\_\_\_\_, which judgment was duly signed on \_\_\_\_\_, 2 \_\_\_\_\_.

**Given** under seal of the Court at \_\_\_\_\_ on \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
Signature of (Deputy) Prothonotary

(Insert name, address and contact information for lawyer/individual recording the judgment)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_



Fax: \_\_\_\_\_

**Form 46E**

*Purpose: to record a Certificate of Judgment*

Registration district: \_\_\_\_\_ User reference \_\_\_\_\_

Submitter's name: \_\_\_\_\_

**Judgment Creditor(s)**

Name	Mailing Address	Civic Address	Other Information

**Judgment Debtor(s)**

Name	Mailing Address	Civic Address	Other Information

Document Registration/ Recording Fee Exempt Yes  No

Digitally signed by:

**Form 47**

*Purpose: to cancel the recording of a judgment in the judgment roll established under the Land Registration Act*

**(Instrument code: 709)**

For Office Use

Registration district: \_\_\_\_\_

Submitter's user number: \_\_\_\_\_

Submitter's name: \_\_\_\_\_

**In the matter of** the judgment debtor(s) \_\_\_\_\_;

**In the matter of** the judgment creditor \_\_\_\_\_;

**And in the matter of** the following judgment:

**Reference of Judgment Recorded:**

Book & Page #	Document #:	Registration Year:	Other Information

**Take notice that** the undersigned hereby requests that the registrar cancel the recording of the interest as identified in the attached certificate of satisfaction and as set out below:

**Dated at** \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia, \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
*Signature of interest holder/agent/judgment debtor/owner*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Fax: \_\_\_\_\_

Court file # \_\_\_\_\_

Name of court: \_\_\_\_\_

\_\_\_\_\_  
*(Insert title of proceeding/style of cause)*

**Certificate of Satisfaction**

**I hereby certify** that the judgment in the above action, signed on \_\_\_\_\_, 2\_\_\_\_, for (enter judgment amount) \_\_\_\_\_, all inclusive of debts and costs, was fully satisfied by the judgment debtor on \_\_\_\_\_, 2\_\_\_\_\_.

**Certified** under the seal of the Court at \_\_\_\_\_, Nova Scotia, on \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
 Signature of (Deputy) Prothonotary

Return to:

\_\_\_\_\_  
*(Insert name and mailing address lawyer/individual requesting certificate)*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Fax: \_\_\_\_\_

Note: If judgment that is being removed also appears in a parcel register for any PID, it will automatically be removed from that PID's register by the system, by the next business day.

**Form 47E**

*Purpose: to cancel the recording of a judgment and Certificate of Satisfaction*

Registration District \_\_\_\_\_ User Reference \_\_\_\_\_

Submitter's Name \_\_\_\_\_

**Judgment Creditor**

Name:
IN THE MATTER OF

**Judgment Debtor(s):**

Name:

**Reference of Judgment Recorded:**

Book:	Page #	Document #	Registration Year

Document Registration/ Recording Fee Exempt      Yes  No

Digitally signed by:

--

**NOTES:**

1. If the judgment that is being removed also appears in a parcel register for any PID, it will automatically be removed from that PID's register by the system, by the next business day.

**Form 48**

*Purpose: to request to record a full or partial release of judgment in the judgment roll established under the Land Registration Act*

For Office Use

(Full release instrument code: 709)

(Partial release instrument code: 710)

Registration district: \_\_\_\_\_

--

Submitter's user number: \_\_\_\_\_

Submitter's name: \_\_\_\_\_

--

**In the matter of** the judgment that is recorded in the roll as follows:

<i>(Insert book/page and document/year reference of judgment)</i>	
<b>The judgment creditor(s)</b> <i>(insert name(s) of all judgment creditors)</i>	
<b>The judgment debtor(s)</b> <i>(insert name(s) of all judgment debtors)</i>	

**And in the matter of** *(check one)*

- a full release of the judgment by the creditor(s) against ALL judgment debtor(s); or
- a partial release of the judgment

*If partial release box is checked, complete the following:*

<b>Name of judgment debtor(s) released</b> <i>(if applicable; insert the names of all persons released from the judgment)</i>	
<b>PIDs released</b> <i>(if applicable; attach Schedule "A" or legal description for the parcels being released from the judgment)</i>	

**Take notice that** the undersigned hereby requests that the registrar record the release/partial release in the judgment roll.

**Dated at** \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia,  
 \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
*Signature of interest holder/agent*

*Name:* \_\_\_\_\_

*Address:* \_\_\_\_\_

*Phone:* \_\_\_\_\_

*E-mail:* \_\_\_\_\_

*Fax:* \_\_\_\_\_

Court File # \_\_\_\_\_

Name of Court: \_\_\_\_\_

*(Insert title of proceeding/style of cause)*

*(select one)* Full/Partial Release of Judgment

The judgment creditor hereby releases the following judgment debtor(s) named (insert the name(s) of all of the judgment debtors who are being released from the judgment) \_\_\_\_\_ from the judgment that was entered against the judgment debtor(s) on \_\_\_\_\_, 2\_\_\_\_, and recorded at the Registry of Deeds Office/Land Registration Office in \_\_\_\_\_, Nova Scotia, in (insert document/instrument number/year; include book/page if applicable) \_\_\_\_\_.

Dated at \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia, \_\_\_\_\_, 2\_\_\_\_\_.

Witness (Barrister/Commissioner)

Signature of interest holder or agent

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Fax: \_\_\_\_\_

**Certificate of Commissioner:**

I certify that on \_\_\_\_\_, 2\_\_\_\_, the above-named individual executed the foregoing instrument in my presence and I signed as a witness to the execution.

\_\_\_\_\_  
A Barrister/Commissioner of the Supreme Court of Nova Scotia  
(Insert stamp of name or print name legibly)

*Note: Judgments removed from the roll with this form will be removed from parcel registers automatically. If this form is for a full release (code 709) then the judgment will be removed from the applicable parcel register(s) by the Land Registration Office.*

**Form 48A**

**Purpose: to cancel the recording of a judgment that is recorded in a parcel register by means other than the recording of a Form 47 or Form 48 or by operation of law**

**(Instrument code: 728)**

Registration district: \_\_\_\_\_

Submitter's user number: \_\_\_\_\_

Submitter's name: \_\_\_\_\_

For Office Use

[Large dashed box for office use]

**In the matter of Parcel Identification Number (PID)**

PID	
PID	

(Expand box for additional PIDs. **Maximum 9 PIDs per form**)

- I request that the following judgments or judgment-related documents be removed from the parcel register for the specified PIDs based on the attached document.

<b>Instrument type of document attached</b>	
<b>Interest holder and type to be removed</b>	
<b>Instrument reference</b> ( <i>insert book and page or instrument number of enabling instrument being removed</i> )	

**Certificate of Legal Effect:**

I certify that it is appropriate to remove the judgment or judgment-related document from the parcel register as outlined in this request.

Certified at \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia,  
 \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
*Signature of Authorized Lawyer*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Fax: \_\_\_\_\_

**Form 48B**

***Purpose: to record a judgment-related document (documents other than judgments or partial or full discharges) in the judgment roll and parcel register, if applicable***

For Office Use

Registration district: \_\_\_\_\_

Submitter's user number: \_\_\_\_\_

Submitter's name: \_\_\_\_\_

*(Select the applicable box(es). One option for recording in the judgment roll must be selected. Recording in the parcel registers is selected, if applicable):*

- I request that the attached statutory declaration respecting judgments be recorded in the judgment roll. *(Statutory declarations respecting judgments are recorded in the judgment roll only and are not recorded in parcel registers).*

- I request that the attached assignment of judgment be recorded in the judgment roll (*assignments must be recorded in the judgment roll*).
- I request that the attached assignment of judgment be recorded in the parcel registers of the PIDs indicated below (*required only if judgment is currently recorded in parcel registers*).
- I request that the attached postponement of judgment be recorded in the judgment roll (*postponements must be recorded in the judgment roll*).
- I request that the attached postponement of judgment be recorded in the parcel registers of the PIDs indicated below (*required only if judgment is currently recorded in parcel registers*).
- I request that the attached judgment amendment be recorded in the judgment roll (*amendments and renewals must be recorded in the judgment roll*).
- I request that the attached judgment amendment be recorded in the parcel registers of the PIDs indicated below (*required only if judgment is currently recorded in parcel registers*).
- I request that the attached order for judgment be recorded in the judgment roll (*orders for judgment are recorded in the judgment roll only and are not recorded in parcel registers*).
- I request that the attached partial release re judgment debtor be recorded in the judgment roll (*Note: partial release that releases one or more, but less than all, of the judgment debtors (all partial releases re judgment debtor must be recorded in the judgment roll)*).
- I request that the attached partial release re judgment debtor be recorded in the parcel registers of the PIDs indicated below (*required only if judgment is currently recorded in parcel registers*).

The attached document appears in the parcel registers of the following PIDs:

**In the matter of Parcel Identification Number (PID)**

PID	

(Expand box for additional PIDs. **Maximum 9 PIDs per form**)

I request that the parcel register be changed as follows:

<b>Instrument type</b>	
<b>Interest holder name and type to be added</b>	
<b>Interest holder name and type to be changed</b> ( <i>used only for assignment of judgment to change current judgment creditor to "Interest Assigned"</i> )	
<b>Mailing Address of interest holder added</b>	
<b>Instrument reference</b> ( <i>insert book and page or document number of affected judgment</i> ) <i>Note: postponement of judgment requires the judgment as well as the document that is being given priority</i>	

**Dated at** \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova

Scotia, \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
Signature of interest holder/agent

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Fax: \_\_\_\_\_

**Form 49**

*Purpose: to request a correction to a recording or cancellation of recording and Certificate of Legal Effect*

**(Instrument code: 822)**

For Office Use

Registration district: \_\_\_\_\_

Submitter's user number: \_\_\_\_\_

Submitter's name: \_\_\_\_\_

**In the matter of** Parcel Identification Number (PID)

PID	
PID	

*(Expand box for additional PIDs. Maximum of 9 PIDs per form)*

**Take notice that** *(select one)*

- A Form 26 request to record an interest was made in error or contains an error;
- A Form 27 request to cancel the recording of an interest was made in error or contains an error;
- The recording of a retracement plan using Form 28 contained an error.

Explain error:

---



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---

**And further take notice that** the undersigned interest holder hereby requests that the registrar correct the parcel register in accordance with the information set out below:

<b>Instrument type</b>	
<b>Expiry date</b> (if applicable)	



<b>Interest holder and type to be removed</b> (if applicable)	
<b>Interest holder and type to be added</b> (if applicable) <i>Note: include qualifier (e.g., estate of, executor, trustee, personal representative) if applicable</i>	
<b>Mailing address of interest holder to be added</b> (if applicable)	
<b>Reference to related instrument in names-based roll/parcel register</b> (if applicable) <i>(insert document/instrument number/year; include book/page if applicable)</i>	

**Certificate of Legal Effect:**

I certify that it is appropriate to make the above-noted corrections to the parcel register(s) for the indicated PIDs.

**Certified at** \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia,  
 \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
*Signature of authorized lawyer*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Fax: \_\_\_\_\_

*Note: If the document contained an error or an interest has been added to an incorrect PID and is being removed with this Form 49, the corrected document must be attached to this Form 49.*

**Form 50**

***Purpose: to register under the Registry Act a non-triggering transfer of an unregistered tenant in common interest that is an interest in a parcel that has been registered under the Land Registration Act***

**(Instrument code: 114)**

Registration district: \_\_\_\_\_

Submitter's user number: \_\_\_\_\_

Submitter's name: \_\_\_\_\_

For Office Use

**In the matter of** Parcel Identification Number (PID)

PID	
PID	



*(Expand box for additional PIDs. Maximum of 9 PIDs per form)*

**Take notice that** an unregistered tenant in common interest in the above-noted parcel(s) has been transferred for no value as shown on the attached *Municipal Government Act* Affidavit of Value;

**And further take notice that** the undersigned owner of the unregistered tenant in common interest hereby requests that the registrar update the parcel register(s) in accordance with the information set out below:

<b>Instrument type/code</b>	
<b>Expiry date</b> (if applicable)	
<b>Interest holder and type to be removed</b> (if applicable)	
<b>Interest holder and type to be added</b> (if applicable) <i>Note: include qualifier (e.g., estate of, executor, trustee, personal representative) if applicable</i>	
<b>Mailing address of interest holder to be added</b> (if applicable)	
<b>Reference to related instrument in names-based roll/parcel register</b> (if applicable) <i>(insert document/instrument number/year; include book/page if applicable)</i>	

**Dated at** \_\_\_\_\_, in the County of \_\_\_\_\_, Province of Nova Scotia,  
\_\_\_\_\_, 2\_\_\_\_\_.

---

Witness (*Barrister/Commissioner*)

---

*Signature of owner of unregistered tenant in common interest or agent*

*Name:* \_\_\_\_\_

*Address:* \_\_\_\_\_

*Phone:* \_\_\_\_\_

*E-mail:* \_\_\_\_\_

*Fax:* \_\_\_\_\_

### Certificate of Commissioner:

I certify that on \_\_\_\_\_, 2\_\_\_\_\_, the above-named individual executed the foregoing instrument in my presence and I signed as a witness to the execution.

---

A Barrister/Commissioner of the Supreme Court of Nova Scotia  
(*Insert stamp of name or print name legibly*)

---

### **N.S. Reg. 187/2007**

Made: March 21, 2007

Filed: March 28, 2007

Off-highway Vehicles General Regulations

Order in Council 2007-153 dated March 21, 2007  
Amendment to regulations made by the Governor in Council  
pursuant to Section 25 of the *Off-highway Vehicles Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated March 21, 2007, and pursuant to Section 25 of Chapter 323 of the Revised Statutes of Nova Scotia, 1989, the *Off-highway Vehicles Act*, is pleased to amend the *Off-highway Vehicles General Regulations*, N.S. Reg. 13/88, made by the Governor in Council by Order in Council 88-66 dated January 21, 1988, to add definitions of "highway" and "established trail", amend the definition of "written permission" and provide for permission to operate off-highway vehicles on established trails, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation.

## Schedule "A"

**Amendment to the *Off-highway Vehicles General Regulations*  
made by the Governor in Council pursuant to Section 25 of  
Chapter 323 of the Revised Statutes of Nova Scotia, 1989,  
the *Off-highway Vehicles Act***

- 1 Section 1A of the *Off-highway Vehicles General Regulations*, N.S. Reg. 13/88, made by the Governor in Council by Order in Council 88-66 dated January 21, 1988, is repealed and the following Section substituted:

**Definitions for Act and its regulations**

**1A (1)** In the Act and its regulations,

- (a) "highway" means highway as defined in the *Motor Vehicle Act*, except that it does not include any of the following:
  - (i) private property that is designed to be or is accessible to the public for use of OHVs,
  - (ii) a forest access road under the administration and control of the Minister of Natural Resources, or
  - (iii) a road classified by the Minister of Transportation and Public Works as a K-class road under the administration and control of the Department of Transportation and Public Works;
- (b) "written permission" of an owner or occupier includes any of the following:
  - (i) a sign posted by or on behalf of the owner or occupier on the real property to which the permission applies,
  - (ii) a letter, map or other document signed by the owner or occupier indicating the real property to which the permission applies,
  - (iii) a document granting general permission to use real property that has been signed by the owner or occupier of the property.

- (2) In these regulations, "established trail" means a route or path in existence before April 1, 2006, that has, through traditional use, become a trail for use by OHVs, and permission to use that route or path has not been withdrawn.

- 2 The regulations are further amended by adding the following Section immediately after Section 15A:

- 16 (1)** Despite Section 14 of the Act, permission to operate an OHV on private land that is part of an established trail is deemed to have been given unless the landowner erects a sign prohibiting the use of OHVs on their land.
- (2)** Subsection (1) does not apply to permit any use that is, or would have been at the time the trail was established, prohibited under Sections 12A, 12B, 12C or 12F of the Act.

**N.S. Reg. 188/2007**

Made: March 21, 2007

Filed: March 28, 2007

## Off-highway Vehicles Designated Trails and Trail Permits Regulations

Order in Council 2007-154 dated March 21, 2007  
Amendment to regulations made by the Governor in Council  
pursuant to Section 25 of the *Off-highway Vehicles Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated March 21, 2007, and pursuant to Section 25 of Chapter 323 of the Revised Statutes of Nova Scotia, 1989, the *Off-highway Vehicles Act*, is pleased to amend the *Off-highway Vehicles Designated Trails and Trail Permits Regulations*, N.S. Reg. 224/2006, made by the Governor in Council by Order in Council 2006-534 dated December 8, 2006, to remove certain provisions respecting roads in order to accord with proposed changes to the *Off-highway Vehicles General Regulations*, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after March 21, 2007.

**Schedule "A"**

**Amendment to the *Off-highway Vehicles Designated Trails  
and Trail Permits Regulations*  
made by the Governor in Council pursuant to Section 25 of  
Chapter 323 of the Revised Statutes of Nova Scotia, 1989,  
the *Off-highway Vehicles Act***

- 1 Clause 2(c) of the *Off-highway Vehicles Designated Trails and Trail Permits Regulations*, N.S. Reg. 224/2006, made by the Governor in Council by Order in Council 2006-534 dated December 8, 2006, is repealed.
- 2 Section 4 of the regulations is repealed.

**N.S. Reg. 189/2007**

Made: March 21, 2007

Filed: March 28, 2007

## Off-highway Vehicles Safety and Training Regulations

Order in Council 2007-155 dated March 21, 2007  
Amendment to regulations made by the Governor in Council  
pursuant to Section 25 of the *Off-highway Vehicles Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated March 21, 2007, and pursuant to Section 25 of Chapter 323 of the Revised Statutes of Nova Scotia, 1989, the *Off-highway Vehicles Act*, is pleased to amend the *Off-highway Vehicles Safety and Training Regulations*, N.S. Reg. 43/2006, made by the Governor in Council by Order in Council 2006-159 dated March 30, 2006, to create components of safety training, adjust the time periods for certain exemptions, and exempt certain people who previously owned or registered off-highway vehicles from the requirement to take safety training, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation.

## Schedule "A"

**Amendment to the *Off-highway Vehicles Safety and Training Regulations*  
made by the Governor in Council pursuant to Section 25 of  
Chapter 323 of the Revised Statutes of Nova Scotia, 1989,  
the *Off-highway Vehicles Act***

- 1 Subsection 2(1) of the *Off-highway Vehicles Safety and Training Regulations*, N.S. Reg. 43/2006, made by the Governor in Council by Order in Council 2006-159 dated March 30, 2006, is amended by
- (a) adding the following clauses immediately after clause (b):
    - (ba) "competency test" means a test in a form approved by the Minister designed to assess a person's competency on the topics covered in the theoretical component;
    - (bb) "driver's license" means a driver's license as defined in the *Motor Vehicle Act*;
  - (b) adding the following clause immediately after clause (f):
    - (fb) "practical component" means the portion of a safety training program relating to the practical aspects of operating a particular class of OHV, as described in subsection 3(1);
  - (c) repealing clause 2(h) and substituting the following clause:
    - (h) "safety training program" means a program made up of a theoretical component or a practical component, or both, and that is approved in accordance with these regulations;
  - (d) adding the following clause immediately following clause (h):
    - (i) "theoretical component" means the portion of a safety training program relating to the theoretical aspects of OHV use, as described in subsection 3(2).
- 2 The regulations are further amended by repealing Section 3 and substituting the following Section:
- 3 (1)** A practical component must include training on all of the following:
- (a) safe vehicle operation, including all of the following:
    - (i) vehicle starting and stopping,
    - (ii) vehicle turning,
    - (iii) riding over obstacles,
    - (iv) reading the terrain,
    - (v) riding on hills;
  - (b) operation specific to different types of OHVs, including all of the following types:
    - (i) snow vehicles,
    - (ii) all-terrain vehicles,
    - (iii) motorcycles;

- (c) guidelines for supervising persons under 16 years old who operate OHVs.
- (2) A theoretical component must include training on all of the following:
- (a) legislation and regulations that apply to OHV operators including those relating to all of the following:
    - (i) safety equipment,
    - (ii) access over public and private land,
    - (iii) sensitive areas and environmental responsibility;
  - (b) informal codes of conduct, rules and ethics that apply to OHV operators;
  - (c) guidelines for supervising persons under 16 years old who operate OHVs;
  - (d) how land can be adversely affected by illegal use of OHVs, using photographic or other types of examples.
- 3 The regulations are further amended by repealing Section 7 and substituting the following Section:
- 7 (1) To be certified as having successfully completed OHV safety training for the purposes of Section 11 or 11A of the Act, a person 16 years old or older must
- (a) complete a safety training program that includes instruction specific to the class or classes of OHV they intend to operate; and
  - (b) successfully pass a competency test, graded on a pass or fail basis.
- (2) A person who holds a driver's license and whose driver's license or right or privilege to operate a motor vehicle in the Province has not been suspended or revoked is not required to comply with clause (1)(a) if they pass the test referred to in clause (1)(b).
- 4 The regulations are further amended by repealing Section 9 and substituting the following Sections:
- 9 (1) Despite Sections 11 and 11A of the Act and Section 7, the following persons or classes of person are exempt from the requirement to take a safety training program:
- (a) all-terrain vehicle operators who are under 14 years old, until April 1, 2008;
  - (b) OHV operators, other than all-terrain vehicle operators, who are under 14 years old, until October 1, 2008;
  - (c) OHV operators who are at least 14 years old and no more than 15 years old, until October 1, 2008;
  - (d) parents or guardians of OHV operators who are no more than 15 years old, until October 1, 2008;
  - (e) all persons who register an OHV after April 1, 2006, who have not previously operated an OHV of that type and do not qualify for an exemption under Section 13, until April 1, 2012;

- (f) persons who can demonstrate that they have successfully completed Canada Safety Council OHV training since 1991.
- (2) Despite Sections 11 and 11A of the Act and Section 7, the following persons or classes of person are exempt from the requirement to take a safety training program or pass a competency test:
  - (a) a person who
    - (i) purchased an OHV before April 1, 2006, and
    - (ii) registered an OHV on or before September 30, 2007;
  - (b) a person who is the common-law spouse, married spouse or registered domestic partner of a person listed in clause (a).
- (3) The exemption in subsection (2) does not apply to a person who is not eligible to apply for a driver's license or whose driver's license or right or privilege to operate a motor vehicle in the Province has been suspended or revoked.

**When exemptions from safety training cease to apply**

- 9A (1)** A person who is convicted of any offence under the Act or its regulations ceases, at the time of conviction, to be exempt under subsection 9(2) and must comply with the requirements of Section 7.
- (2)** A person who is not eligible to apply for a driver's license or whose driver's licence or right or privilege to operate a motor vehicle in the Province is suspended or revoked ceases, at the time of ineligibility, suspension or revocation, to be exempt under subsection 9(2) and must comply with the requirements of Section 7.

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**N.S. Reg. 190/2007**

Made: March 22, 2007

Filed: March 28, 2007

Off-highway Vehicles Safety and Training Regulations

Order in Council 2007-157 dated March 22, 2007  
Amendment to regulations made by the Governor in Council  
pursuant to Section 25 of the *Off-highway Vehicles Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated March 22, 2007, and pursuant to Section 25 of Chapter 323 of the Revised Statutes of Nova Scotia, 1989, the *Off-highway Vehicles Act*, is pleased to amend the *Off-highway Vehicles Safety and Training Regulations*, N.S. Reg. 43/2006, made by the Governor in Council by Order in Council 2006-159 dated March 30, 2006, to adjust the age exemption for safety training, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation.



## Schedule "A"

**Amendment to the *Off-highway Vehicles Safety and Training Regulations*  
made by the Governor in Council pursuant to Section 25 of  
Chapter 323 of the Revised Statutes of Nova Scotia, 1989,  
the *Off-highway Vehicles Act***

Subsection 9(2) of the *Off-highway Vehicles Safety and Training Regulations*, N.S. Reg. 43/2006, made by the Governor in Council by Order in Council 2006-159 dated March 30, 2006, is repealed and the following subsection substituted:

- (2) Despite Sections 11 and 11A of the Act and Section 7, the following persons or classes of person are exempt from the requirement to take a safety training program or pass a competency test:
- (a) a person who was at least 19 years old before April 1, 2006, and who purchased an OHV before April 1, 2006 and registered an OHV on or before September 30, 2007;
  - (b) a person who was at least 19 years old before April 1, 2006, and is the common-law spouse, married spouse or registered domestic partner of a person listed in clause (a).

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**N.S. Reg. 191/2007**

Made: March 27, 2007

Filed: March 28, 2007

Dispensing Opticians Regulations

Order in Council 2007-166 dated March 27, 2007  
Amendment to regulations made by the Board of Dispensing Opticians  
and approved by the Governor in Council  
pursuant to Section 20 of the *Dispensing Opticians Act*

The Governor in Council on the report and recommendation of the Minister of Health dated March 7, 2007, and pursuant to Section 20 of Chapter 131 of the Revised Statutes of Nova Scotia, 1989, the *Dispensing Opticians Act*, is pleased to approve of amendments made by the Board of Dispensing Opticians to the regulations respecting dispensing opticians, N.S. Reg 17/70, approved by the Governor in Council by Order in Council 70-940 dated October 6, 1970, to increase registration fees in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after March 27, 2007.

## Schedule "A"

**Resolution of the Board of Dispensing Opticians**

**Whereas** subsection II(1) of the regulations made pursuant to the *Dispensing Opticians Act* provides that the Board of Dispensing Opticians may prescribe fees for the annual renewal of Certificates of Registration for dispensing opticians, subject to the approval of the Governor in Council;

**And whereas** at the Annual General Meeting of the Board of Dispensing Opticians held on December 1, 2004, it was determined that the annual fee for renewal of Certificates of Registration shall be increased from \$450 per year to \$500 per year;

**Be it resolved** that Schedule “A” to the regulations respecting dispensing opticians, N.S. Reg. 17/70, approved by the Governor in Council by Order in Council 70-940 dated October 6, 1970, be amended to increase the annual renewal for Certificates of Registration of dispensing opticians by striking out “\$450” in clause (f) and substituting “\$500”.

The above Resolution was passed by the Board of Dispensing Opticians during its meeting held on the 1st day of December, 2004.

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John Butler, President  
Nova Scotia Board of Dispensing Opticians

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**N.S. Reg. 192/2007**

Made: March 27, 2007

Filed: March 28, 2007

Proclamation, S. 20, S.N.S. 2006, c. 15

Order in Council 2007-169 dated March 27, 2007  
Proclamation made by the Governor in Council  
pursuant to Section 20 of the  
*Justice Administration Amendment (2006) Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated February 22, 2007, and pursuant to Section 20 of Chapter 15 of the Acts of 2006, the *Justice Administration Amendment (2006) Act*, and subsection (7) of Section 3 of Chapter 235 of the Revised Statutes, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that Sections 7 and 8 of Chapter 15 of the Acts of 2006, the *Justice Administration Amendment (2006) Act*, do come into force on and not before March 27, 2007.

PROVINCE OF NOVA SCOTIA

**sgd: Mayann Francis**

G/S

ELIZABETH THE SECOND, by the Grace of God,  
of the United Kingdom, Canada and Her Other  
Realms and Territories, Queen, Head of the  
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE  
CONCERN,

GREETING:

**A PROCLAMATION**

WHEREAS in and by Section 20 of Chapter 15 of the Acts of 2006, the *Justice Administration Amendment (2006) Act*, it is enacted as follows:

- 20** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Sections 7 and 8 of Chapter 15 of the Acts of 2006, the *Justice Administration Amendment (2006) Act*, do come into force on and not before March 27, 2007;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Sections 7 and 8 of Chapter 15 of the Acts of 2006, the *Justice Administration Amendment (2006) Act*, do come into force on and not before March 27, 2007, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these our Letters to be made Patent and the Great Seal of Nova Scotia to be hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour the Honourable Mayann E. Francis, Lieutenant Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 27th day of March in the year of Our Lord two thousand and seven and in the fifty-sixth year of Our Reign.

BY COMMAND:

**sgd: Murray K. Scott**  
Provincial Secretary  
Minister of Justice and Attorney General

**N.S. Reg. 193/2007**

Made: March 27, 2007

Filed: March 28, 2007

Proclamation, S. 4, S.N.S. 2006, c. 32

Order in Council 2007-172 dated March 27, 2007  
Proclamation made by the Governor in Council  
pursuant to Section 4 of

*An Act to Amend Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code,  
to Provide Employees with a Rest or Eating Break*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated February 20, 2007, pursuant to Section 4 of Chapter 32 of the Acts of 2006, *An Act to Amend Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code, to Provide Employees with a Rest or Eating Break*, is pleased to order and declare by proclamation that Chapter 32 of the Acts of 2006, *An Act to Amend Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code, to Provide Employees with a Rest or Eating Break*, do come into force on and not before April 1, 2007.

PROVINCE OF NOVA SCOTIA

**sgd: Mayann Francis**

G/S

ELIZABETH THE SECOND, by the Grace of God,  
of the United Kingdom, Canada and Her Other  
Realms and Territories, Queen, Head of the  
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE CONCERN,

GREETING:

**A PROCLAMATION**

WHEREAS in and by Section 4 of Chapter 32 of the Acts of 2006, *An Act to Amend Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code, to Provide Employees with a Rest or Eating Break*, it is enacted as follows:

- 4 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 32 of the Acts of 2006, *An Act to Amend Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code, to Provide Employees with a Rest or Eating Break*, do come into force on and not before April 1, 2007;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 32 of the Acts of 2006, *An Act to Amend Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code, to Provide Employees with a Rest or Eating Break*, do come into force on and not before April 1, 2007, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these our Letters to be made Patent and the Great Seal of Nova Scotia to be hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour the Honourable Mayann E. Francis, Lieutenant Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 27th day of March in the year of Our Lord two thousand and seven and in the fifty-sixth year of Our Reign.

BY COMMAND:

**sgd: Murray K. Scott**  
Provincial Secretary  
Minister of Justice and Attorney General

**N.S. Reg. 194/2007**

Made: March 27, 2007

Filed: March 28, 2007

## On-site Sewage Disposal Systems Regulations

Order in Council 2007-173 dated March 27, 2007  
Regulations made by the Governor in Council  
pursuant to Sections 66 and 110 of the *Environment Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated March 15, 2007, and pursuant to Sections 66 and 110 of Chapter 1 of the Acts of 1994-95, the *Environment Act*, is pleased, effective on and after March 27, 2007, to

- (a) repeal the *On-site Sewage Disposal Systems Regulations*, N.S. Reg. 51/97, made by the Governor in Council by Order in Council 97-297 dated May 20, 1997; and
- (b) make new regulations respecting on-site sewage disposal systems in the form set forth in Schedule “A” attached to and forming part of the report and recommendation.

**Schedule “A”**

**Regulations Respecting On-site Sewage Disposal Systems  
made under Section 66 of Chapter 1  
of the Acts of 1994-95, the *Environment Act***

**Interpretation****Citation**

1 These regulations may be cited as the *On-site Sewage Disposal Systems Regulations*.

**Definitions**

2 In these regulations, the following definitions apply:

- (a) “Act” mean[s] the *Environment Act*;
- (b) “approved central sewage collection and treatment system” means a system for central sewage collection and treatment that has been approved in writing by the Minister, and includes an approved extension or modification of a system;
- (c) “cluster system” means a system intended to service more than 1 building, structure or dwelling;
- (d) “development officer” means a development officer as defined in the *Municipal Government Act* and appointed by a municipality to approve subdivisions;
- (e) “disposal field” means the part of a system that distributes treated sewage into the soil;
- (f) “drilled well” means a drilled well as defined in the *Well Construction Regulations* made under the Act;
- (g) “dug well” means a dug well as defined in the *Well Construction Regulations* made under the Act, and includes a drilled well with less than 6.1 m of well casing;

- (h) “effluent pipe” means a non-perforated pipe used in a system to transfer effluent from a septic tank, pump or siphon chamber to a disposal field;
- (i) “foundation drainage system” means the perforated piping and crushed rock or gravel laid around the exterior of the foundation of a dwelling or a structure and includes any part of the piping that extends to a point of discharge;
- (j) “holding tank” means a system that consists of a closed watertight receptacle that does not discharge effluent, but is designed and used to receive and store sewage before it is collected by a septic-tank cleaner;
- (k) “innovative sewage disposal system” means an experimental system or other type of system that has not been approved for use in the Province and that is being installed or constructed for evaluation purposes;
- (l) “installer” means a person who holds a valid certificate of qualification issued in accordance with Section 31 to install or construct systems;
- (m) “instrument of subdivision” means an instrument of subdivision under the *Municipal Government Act*;
- (n) “level 1 qualified person” means a person who meets the requirements of Section 25;
- (o) “level 2 qualified person” means a person who has a valid certificate of qualification in accordance with Section 26;
- (p) “lot width” means the minimum width of a lot measured from the centre of the proposed or existing system to the boundaries of the lot;
- (q) “malfunctioning system” means a system that the Department considers causes or may cause an adverse effect;
- (r) “minor alteration” means a small modification or repair to a system that is required to reduce any possible impact or adverse effect on public health and the environment and includes any of the following:
  - (i) replacing a septic tank, pump or siphon chamber of the same size at the same location on the lot,
  - (ii) diverting sewage away from groundwater and a dwelling structure,
  - (iii) repairing any portion of a pipe between the septic tank and the pump or siphon chamber,
  - (iv) repairing any portion of an effluent pipe,
  - (v) replacing imported sand fill or final cover material in an eroded system;
- (s) “municipal system” means a sewage collection system owned and operated by or on behalf of a municipality;
- (t) “on-site sewage disposal system” means a system for disposing of sewage that is not directly connected to a central sewage collection and treatment system or a municipal system and includes all of the following:

- (i) a septic tank, a disposal field and inter-connecting pipes,
- (ii) a holding tank,
- (iii) a pit privy,
- (iv) a vault privy,
- (v) a sewage disposal system, other than one described in subclauses (i) to (iv) or a wastewater treatment facility, that is approved or adopted by the Department as an on-site sewage disposal system and meets any specifications established by the Department;
- (u) “*On-site Sewage Disposal Systems Technical Guidelines*” means the guidelines published by the Department that set specifications and standards for selecting, designing, installing and constructing on-site sewage disposal systems;
- (v) “permeable soil” means a soil that is determined to be permeable in accordance with the *On-site Sewage Disposal Systems Technical Guidelines*;
- (w) “pit privy” means a structure and the pit over which the structure sits, in which human waste is emitted from the pit into the soil;
- (x) “portable rest room” means a mobile receptacle used for the temporary storage of sewage;
- (y) “qualified person” means a level 1 qualified person or a level 2 qualified person;
- (z) “septic tank” means a watertight, covered receptacle designed and constructed to treat sewage before it is discharged to a disposal field or discharged for further treatment;
- (aa) “septic-tank cleaner” means a person who holds a valid certificate of qualification in accordance with Section 36 to empty and dispose of the contents of a septic tank, a pump siphon chamber, a holding tank, a vault privy or a portable rest room;
- (ab) “sewage” means any human waste or wastewater emitted from a building, dwelling or structure and includes wastewater from ablutions, culinary activities or laundering;
- (ac) “sewage management program” means a program for an on-site sewage disposal system that is acceptable to the Department for maintaining and controlling the storage and disposal of sewage from a holding tank or septic tank;
- (ad) “soil assessment” means a procedure that uses a test pit to evaluate any factors that affect the subsurface attenuation of sewage, including all of the following:
  - (i) the rate of movement or flow of water through soil in its natural state,
  - (ii) the depth of bedrock,
  - (iii) groundwater conditions;
- (ae) “subdivider” means the registered owner of an area of land proposed to be subdivided and includes anyone acting with the owner’s consent;

- (af) “subdivision” means a subdivision as defined in the *Municipal Government Act*;
- (ag) “surface watercourse” means a watercourse, excluding groundwater;
- (ah) “system” means, except where the context requires otherwise, an on-site sewage disposal system, or any part of an on-site sewage disposal system;
- (ai) “vault privy” means a structure and the closed watertight receptacle over which the structure sits, the receptacle of which stores human waste and is required to be pumped out regularly;
- (aj) “wastewater treatment facility” means a wastewater treatment facility as defined in the *Water and Wastewater Facilities and Public Drinking Water Supplies Regulations* made under the Act;
- (ak) “waterfront lot” means a lot that contains or is proposed to contain a system in which a portion of the system is or will be located within 60 m of a surface watercourse or marine water body.

### Departmental services in place of qualified person

- 3 The Minister may establish policies or criteria that set out when the Department may provide services in place of a qualified person.

### Activities designated as requiring approval

- 4 Any of the following activities on or for a system, including a cluster system or an innovative sewage disposal system is designated as an activity under the Act that requires an approval in accordance with Section 50 of the Act:

- (a) selecting;
- (b) designing;
- (c) installing;
- (d) constructing;
- [(e)]~~(f)~~ repairing;
- [(f)]~~(g)~~ modifying;
- [(g)]~~(h)~~ altering, other than a minor alteration;
- [(h)]~~(i)~~ upgrading;
- [(i)]~~(j)~~ replacing.

### Systems on Lots Being Subdivided

#### Application of these regulations to lots being subdivided

- 5 These regulations apply to any lot shown on a plan or instrument of subdivision that must be submitted to a development officer for approval by a municipality and is proposed to be serviced by a system except for a lot that is larger than 9000 m<sup>2</sup> in area and 75 m or more in lot width and is identified on an application for subdivision as not intended for development purposes.

#### Subdivision review process

- 6 (1) A subdivider who proposes to put a system on their lot must prepare and submit documentation that includes all the following information to the Department and to a development officer as part of the application process under the *Municipal Government Act*:



- (a) the name, address, including civic number, and telephone number of the owner of the lot to be subdivided;
  - (b) the name, address, including civic number, and telephone number of the subdivider;
  - (c) the name and address, including civic number, of all owners of land abutting the lot to be subdivided;
  - (d) for a subdivider who is not the owner of the lot, proof from the owner that the subdivider is appointed as the agent of the owner to make the application;
  - (e) a plan or sketch of the lot to be subdivided showing all of the following:
    - (i) the dimensions and area of the lot,
    - (ii) the lot layout, including all of the following, whether proposed or existing:
      - (A) buildings,
      - (B) systems,
      - (C) driveways,
      - (D) water wells,
    - (iii) the location on the lot and adjoining lots of all the following:
      - (A) surface watercourses,
      - (B) wetlands,
      - (C) marine water bodies,
      - (D) any features that may influence the selection or design of the system including any ditches, roads or easements,
    - (iv) the surface slopes and directions,
    - (v) the location of any test pits;
  - (f) an explanation of all of the following:
    - (i) the extent to which the system will be used,
    - (ii) the expected volume for the system,
    - (iii) what uses the system will be subjected to.
- (2)** In addition to the information provided under subsection (1), a subdivider must provide the Department with an assessment report prepared by a level 1 qualified person or a level 2 qualified person that assesses the lot's suitability to support a system and includes all of the following:
- (a) an evaluation of the results of a soil assessment;
  - (b) the proposed system selected or designed for the lot;
  - (c) any information required by the Department.

- (3) The Department may review and audit the information provided under subsections (1) and (2) and may conduct any inspections considered necessary to verify the information, including inspecting any test pit on the proposed lot, and may request additional test pits.
- (4) If requested by a development officer, the Department must send a written response to the development officer, and copy it to the subdivider, respecting the assessment report on the suitability of the lot being subdivided to support a system that indicates one of the following:
  - (a) that the information provided by the subdivider is insufficient to allow the Department to determine whether the lot is suitable for the proposed system and that the subdivider must provide additional information;
  - (b) that the lot is suitable for the proposed system and specifying any terms and conditions that must be met;
  - (c) that the lot is not suitable for the proposed system and specifying the reasons for this determination.
- (5) A written response made by the Department under subsection (4) is deemed to be based on the physical conditions of the lot being subdivided and the abutting properties at the time of the assessment report, and any change in the conditions since the time of the assessment report may nullify any determination by the Department that the lot is suitable.

#### Minimum lot requirements for lots being subdivided

- 7 (1) Except as provided for in subsections (3) and (5), a lot ~~being~~ that is [being] subdivided on which a subdivider proposes to install or construct a system that has a maximum daily flow of up to 1500 L per day must meet the minimum lot size requirements set out in the following table:

Minimum Lot Size Requirements		
Depth of Permeable Soil (mm)	Lot Area (m <sup>2</sup> )	Lot Width (m)
0–149	9000	76
150–299	6800	60
300–600	4500	53
601–899	3150	37
900 and deeper	2700	37

- (2) Except as provided for in subsections (3) and (5), a lot that is being subdivided that is a waterfront lot with permeable soil deeper than 600 mm and on which a subdivider proposes to install or construct a system that has a maximum daily flow of up to 1500 L per day must be a minimum of 3700 m<sup>2</sup> in area and have a lot width of a minimum of 45 m.
- (3) To prevent an adverse effect, the Department may require a lot that is being subdivided on which a subdivider proposes to install or construct a system that has a maximum daily flow of greater than 1500 L per day to meet lot areas and widths larger than the minimum size requirements set in this Section.
- (4) For a lot that is being subdivided on which a subdivider proposes to install or construct a system, the following minimum requirements must be met:

- (a) the lot must have enough soils of the type, permeability, depth and area to support the proposed system on the lot;
  - (b) the system must meet the clearance distances required by Section 13.
- (5) The minimum lot size requirements in subsections (1) and (2) do not apply to a lot that a subdivider plans to create by consolidating 2 or more parcels of land in accordance with the *Municipal Government Act*, if a system can be selected or designed for the proposed lot that complies with the clearance distances in Section 13.

### System Application and Approval

#### System approval requirements

- 8 (1) A person responsible for releasing sewage into the environment, other than through a system for which an approval has been issued, must apply to the Minister for an approval to install or construct a system or to replace an existing system no later than 15 days after the date they become aware of the discharge.
- (2) A person who installs or constructs a system or causes a system to be installed or constructed without first obtaining an approval as required by Section 50 of the Act may be required by the Department to do any of the following at the person's expense:
- (a) uncover the system for inspection;
  - (b) remove the system;
  - (c) modify the system.
- (3) A person must not construct, install, use or operate a system or cause a system to be constructed, installed, used or operated if an adverse effect may result.

#### Selection and design of system

- 9 (1) A level 2 qualified person or inspector who selects a system or a level 1 qualified person or departmental engineer who selects or designs a system for a lot must include all of the following in their selection or design:
- (a) the location of any well or other source of water supply on the lot and adjoining lots;
  - (b) the topography of the lot;
  - (c) the maximum elevation of the groundwater table of the lot;
  - (d) the elevation of bedrock on the lot;
  - (e) the soil characteristics of the lot;
  - (f) the area available for the system on the lot;
  - (g) the expected occupancy and intended use of any existing or proposed dwelling, building or structure to be serviced by the system;
  - (h) the capacity of the system.

- (2) A system must be suitable for the lot it is located on and must be selected or designed from the options and in accordance with the specifications in the *On-site Sewage Disposal Systems Technical Guidelines*.
- (3) Except for a cluster system, a system must be located on the lot on which the building or dwelling the system serves is located.
- (4) If there is a change in the selection or design of a system, a person must obtain an amendment to the approval issued for the system before installing or constructing the system or causing the system to be installed or constructed.
- (5) A person must not select or design more than 1 system on a lot unless all of the following conditions are met:
  - (a) the minimum lot size requirements in Section 7 are met for each system proposed on the lot;
  - (b) the total of the minimum lot size requirements in Section 7 for each system do not exceed the actual size of the lot;
  - (c) each system meets the clearance distances prescribed in Section 13; and
  - (d) a separate lot may be created containing the dwelling, building or structure and the system.

**Persons who may select or design systems**

- 10** (1) A system for a single unit detached dwelling or structure must be selected by one of the following:
- (a) a level 1 qualified person;
  - (b) a level 2 qualified person;
  - (c) an inspector;
  - (d) a departmental engineer.
- (2) A system for a single unit detached dwelling or structure must be designed by one of the following:
- (a) a level 1 qualified person;
  - (b) a departmental engineer.
- (3) A system for a commercial, institutional, industrial or residential structure, other than one described in subsection (1) must be designed by one of the following:
- (a) a level 1 qualified person;
  - (b) a departmental engineer.

**Review of application for approval**

- 11** (1) During a review of an application for approval, the Minister may require additional test pits to be dug to obtain additional information in accordance with subsection 53(2) of the Act.
- (2) During a review of an application for approval, the Minister may require a change in the selection or design of the system, if the selection or design is not as required by these regulations.

**Reason for refusal of approval**

**12** Without restricting the generality of subsection 56(1) of the Act, an approval of a system may be refused by the Minister under subsection 56(1) of the Act for any of the following reasons:

- (a) the selection or design of the system is not as required by these regulations;
- (b) an adverse effect may result from the selection, design, installation or construction of the system;
- (c) an existing municipal system or an approved central sewage collection and treatment system is located within 30 m from the boundary of the lot for the system.

**Clearance distances**

**13 (1)** A person must not install or construct a system or cause a system to be installed or constructed unless the minimum clearance distances are as follows:

- (a) from any part of the system other than a part specified in clause (b), the minimum clearance distances must be greater than or equal to all of the following:
  - (i) 3 m from all boundaries,
  - (ii) 9 m from any downslope boundary,
  - (iii) 15.2 m from any drilled well, if the casing of the well extends 6.1 m or deeper below the surface,
  - (iv) 30.5 m from any dug well or other domestic water supply,
  - (v) 8 m from any cistern or contained water system,
  - (vi) 30.5 m from any surface watercourse, wetland or marine water body,
  - (vii) 15 m from any down slope drain or ditch that flows intermittently or any artificially created water body, other than an interceptor ditch,
  - (viii) 6 m from any municipal or private water distribution system,
  - (ix) 6 m from any foundation drainage system;
- (b) from the septic tank, pump or siphon chamber and the effluent pipe, the minimum clearance distances must be greater than or equal to all of the following:
  - (i) 3 m from all boundaries,
  - (ii) 9 m from any downslope boundary,
  - (iii) 15.2 m from any drilled well, if the casing of the well extends 6.1 m or deeper below the surface,
  - (iv) 30.5 m from a dug well or other domestic water supply,
  - (v) 5 m from a cistern or contained water system,

- (vi) 15.2 m from any surface watercourse or marine water body,
  - (vii) 30.5 m from any wetland,
  - (viii) 3 m from any municipal or private water distribution system,
  - (ix) 1.5 m from any foundation drainage system.
- (2) A person must not install or construct a system or cause a system to be installed or constructed if there is not a minimum vertical separation distance of 1 m between the bottom of the distribution trench of the disposal field and any of the following:
- (a) the bedrock;
  - (b) the maximum groundwater table;
  - (c) soil with permeability greater than  $500 \times 10^{-6}$  metres per second.
- (3) If the Minister considers that a system that conforms with the minimum clearance distances in this Section may cause an adverse effect, the Minister may require greater clearance distances and must provide the reasons in writing to the applicant.

#### **Installing a system**

- 14 (1) A person who installs or constructs a system or causes a system to be installed or constructed must ensure that the system is installed or constructed in accordance with all of the following:
- (a) the Act;
  - (b) these regulations;
  - (c) the *On-site Sewage Disposal Systems Technical Guidelines*;
  - (d) any approval issued for the system.
- (2) Before a [a] system is constructed or installed, the installer must notify the qualified person, inspector or departmental engineer who selected or designed the system of the proposed date of the installation or construction.
- (3) A qualified person must notify the Department before a system is installed or constructed no later than as required by the Department.
- (4) Immediately after a system is installed or constructed, the installer must notify the qualified person, inspector or departmental engineer who selected or designed the system that the installation or construction is completed.
- (5) If a change in conditions occurs before or during the installation or construction of a system that may have an impact on the suitability of the selection or design that is approved for the system, the installer must immediately
- (a) notify the qualified person, inspector or departmental engineer who selected or designed the system of the change; and
  - (b) cease the installation or construction of the system until an amendment of the approval is obtained.

- (6) A qualified person, inspector or departmental engineer who is notified of a change in conditions must review the changed conditions and submit a revised application for an approval of the selection or design of the system to the Minister.

**Covering a system**

- 15 (1) Before covering a system or causing a system to be covered, an installer must obtain permission to cover the system from the qualified person, inspector or departmental engineer who selected or designed the system.
- (2) An inspector, departmental engineer or qualified person must give an installer permission to cover a system only if the system has an approval issued for it and has been installed as required by these regulations.

**Completion of work form**

- 16 (1) An installer must complete a completion of work form for each system they install or construct immediately after completing the installation or construction of the system.
- (2) An installer must send a copy of the completion of work form for a system to the qualified person, inspector or departmental engineer who is required to issue the certificate of installation for the system under subsection 17(1).
- (3) A qualified person who receives a completion of work form from an installer must, no later than as required by the Department, send a copy of the completion of work form to the Department.

**Certificate of installation**

- 17 (1) After the installation of a system is complete and the installer has covered the system, the qualified person, inspector or departmental engineer who selected or designed the system must complete a certificate of installation certifying that the system has been installed or constructed as required by these regulations.
- (2) Except as provided in subsection (3), only the qualified person, inspector or departmental engineer who selected or designed a system may issue a certificate of installation for the system.
- (3) If the qualified person who selected or designed a system has not maintained their qualifications or is dead, ill or otherwise unavailable to issue a certificate of installation for the system, another qualified person may issue the certificate of installation if they make a written request to the Department and written permission is granted.
- (4) A qualified person who issues a certificate of installation must, no later than as required by the Department, send a copy of the certificate of installation to all of the following:
  - (a) the Department;
  - (b) the building inspector;
  - (c) the approval holder;
  - (d) the installer.

**Refusal to issue certificate of installation**

- 18 (1) A qualified person, inspector or departmental engineer may refuse to issue a certificate of installation for a system that is not installed or constructed as required by these regulations.
- (2) A qualified person, inspector or departmental engineer who refuses to issue a certificate of installation must send a written report explaining why the system is not as required by these

regulations to the owner of the lot and the Department no later than 15 days after the date they are notified that the system is installed or constructed.

- (3) A written report prepared by the qualified person must be reviewed by the Department to assess whether the system is as required by these regulations.
- (4) An installer, an owner or a qualified person may be required by the Department, at their own expense, to uncover a system that is not as required by these regulations for inspection and to repair or replace the system within a set period of time.

#### **Auditing and inspecting systems**

- 19 (1) The Department may review any assessment report, plan, certificate of installation or any other information or document prepared by a qualified person.
- (2) The Department may audit and inspect any test pits for, or the installation of, a system selected or designed by a qualified person.
  - (3) When the Department becomes aware of deficiencies in the selection, design, installation or construction of a system, that reveal that it has not been done as required by these regulations, the Department
    - (a) must notify all of the following in writing of the deficiencies:
      - (i) the qualified person who selected or designed the system,
      - (ii) the installer who installed or constructed the system,
      - (iii) the owner of the lot for the system; and
    - (b) may require any of the persons notified to remedy the deficiencies at their own expense within a set period of time.

#### **Maintaining a system**

- 20 (1) The owner of a lot must maintain a system installed or constructed on their lot.
- (2) The Department may request that a municipality, community or town adopt a sewage maintenance program.

#### **Malfunctioning system**

- 21 (1) The owner of a lot must ensure proper functioning of a system on their lot and must replace, alter, or repair a malfunctioning system.
- (2) An approval may be issued for a selection or design of a replacement system for a malfunctioning system or to alter or repair a malfunctioning system that is not as required by these regulations if the Minister considers that the replacement, alteration or repair will immediately reduce any adverse effects.

#### **Minor alterations to system**

- 22 (1) In an emergency situation, an installer may make a minor alteration to a system to reduce the potential for an adverse effect, if the alteration is in accordance with the Act, these regulations and the *On-site Sewage Disposal Systems Technical Guidelines*.



- (2) No later than 3 working days after the date that a minor alteration to a system is made, the installer must notify the Department of what was done to the system and must send the Department a written report in a form acceptable to the Department.
- (3) The Department may audit and inspect any minor alteration made to a system.
- (4) The Department may require an installer to uncover, remove or modify a minor alteration made to a system in an emergency situation within a set period of time if the Department considers that the minor alteration
  - (a) is not as required by these regulations; or
  - (b) may create an adverse effect.

**Holding tanks**

- 23** (1) Only an installer may install or construct a holding tank or cause a holding tank to be installed or constructed.
- (2) A person may install or construct a holding tank pursuant to an approval under any of the following conditions:
- (a) there is an existing malfunctioning system that cannot be corrected by installing another system, other than a pit or vault privy, or by upgrading the existing system;
  - (b) the lot does not have a system and all of the following criteria are met:
    - (i) the lot was created before August 6, 1984,
    - (ii) the lot is unsuitable for installing another system, other than a pit or vault privy,
    - (iii) the owner has prepared a sewage management program;
  - (c) the holding tank is for commercial, industrial or institutional use and meets one of the following conditions:
    - (i) it will be used for no longer than 1 year,
    - (ii) it will be used for no more than 3 consecutive months of a year,
    - (iii) it will be receiving sewage at a volume of less than 500 L per week.
- (3) An owner of a lot must immediately discontinue using a holding tank and connect the dwelling, building or structure to a municipal system or approved central sewage collection and treatment system if one becomes available within 30 m from the boundary of the lot.

**Cluster systems**

- 24** (1) A cluster system must be designed by a level 1 qualified person.
- (2) An approval to install or construct a cluster system may be issued if clearance distances and design requirements set out in policies and guidelines adopted by the Department are met.

**Certificates of Qualification****Level 1 qualified person**

- 25** (1) When requested by a person, the Department must include the name of the person on the list of level 1 qualified persons kept by the Department if the person

- (a) provides the Department with proof that they are a professional engineer who is registered to practise in the Province;
- (b) has either
  - (i) taken a course of instruction recognized by the Department, or
  - (ii) obtained an approval for the design of at least 1 system.
- (2) A level 1 qualified person must comply with the requirements of all of the following:
  - (a) the Act;
  - (b) these regulations;
  - (c) any guidelines, standards, and policies established or adopted by the Department.
- (3) The Department must keep a list of level 1 qualified persons and make the list available to the public.

**Level 2 qualified person**

- 26** (1) A person must hold a certificate of qualification for a level 2 qualified person to do any of the following:
- (a) hold themselves out to be a level 2 qualified person;
  - (b) perform any service required by these regulations to be performed by a level 2 qualified person.
- (2) A level 2 qualified person may perform any of the following services:
- (a) select a system;
  - (b) inspect a system;
  - (c) submit an application for an approval of a system and supporting documentation;
  - (d) issue a certificate of installation;
  - (e) submit a completion of work form;
  - (f) conduct lot evaluation and soil assessment.
- (3) A certificate of qualification is not required for a person who is assisting a level 2 qualified person.
- (4) A person must meet all of the following qualifications to be issued a certificate of qualification as a level 2 qualified person:
- (a) they must demonstrate the minimum academic, practical and technical criteria as adopted by the Department;

- (b) they must successfully complete a written and verbal test of competence in system selection and inspection and demonstrate a working knowledge of the Act, these regulations and the *On-site Sewage Disposal Systems Technical Guidelines*;
  - (c) they must successfully complete a relevant course of instruction established or adopted by the Department;
  - (d) they must successfully complete any field test required by the Department to demonstrate practical knowledge of system selection and inspection.
- (5) An application for a certificate of qualification for a level 2 qualified person must be
- (a) on a form prescribed by the Department; and
  - (b) accompanied by proof of valid professional liability insurance.
- (6) A level 2 qualified person must comply with the requirements of all of the following:
- (a) the Act;
  - (b) these regulations;
  - (c) any guidelines, standards, and policies established or adopted by the Department;
  - (d) any certificate of qualification issued to them.

**List of level 2 qualified persons**

27 The Department must keep a list of level 2 qualified persons and make the list available to the public.

**Written notice of changes to level 2 qualified person's identifying information**

28 A level 2 qualified person must notify the Department in writing of any change to their address or to any other identifying information provided with their application no later than 14 days after the date of the change.

**Level 2 qualified person certificate of qualification in possession**

- 29 (1) A level 2 qualified person must carry their valid certificate of qualification at all times while performing the services of a level 2 qualified person.
- (2) When requested by an inspector, a level 2 qualified person must present their valid certificate of qualification while performing the services of a level 2 qualified person.

**Level 2 qualified person certificate of qualification expiry and renewal**

- 30 (1) A certificate of qualification issued for a level 2 qualified person expires on May 31 of the calendar year immediately after the year it is issued unless a shorter period is specified on the certificate of qualification.
- (2) An application for renewal of a certificate of qualification for a level 2 qualified person must be
- (a) on a form established by the Department; and
  - (b) accompanied by proof of valid professional liability insurance.

- (3) A certificate of qualification issued to a level 2 qualified person may be renewed if the level 2 qualified person provides proof that they meet one of the following qualifications:
- (a) they have participated [in] and successfully completed a continuing education program established or approved by the Department;
  - (b) they have successfully completed, on a frequency established by the Department, a course of instruction established or adopted by the Department.

### Installers

- 31 (1) A person must hold a certificate of qualification for an installer to do any of the following:
- (a) hold themselves out to be an installer;
  - (b) perform any of the following services, other than as listed for a septic-tank cleaner in clause 36(1)(a) or a service excluded in [clause] (2)(b):
    - (i) install, construct, repair, modify or alter a system,
    - (ii) cause a system to be installed, constructed, repaired, modified or altered.
- (2) A certificate of qualification is not required for any of the following persons:
- (a) a person who is assisting an installer while the person is under the direct supervision of the installer during any installation, construction, repair or modification of a system that they assist with;
  - (b) a person who installs or constructs a pit privy.
- (3) A person must meet all of the following qualifications to be issued a certificate of qualification as an installer:
- (a) they must demonstrate the minimum entry criteria as adopted by the Department;
  - (b) they must successfully complete a written and verbal test of competence in system installation and construction and demonstrate a working knowledge of the Act, these regulations and the *On-site Sewage Disposal Systems Technical Guidelines*;
  - (c) they must successfully complete a relevant course of instruction established or adopted by the Department;
  - (d) they must successfully complete any field test required by the Department to demonstrate practical knowledge of system installation and construction.
- (4) An application for a certificate of qualification for an installer must be
- (a) on a form prescribed by the Department; and
  - (b) accompanied by proof of valid general contractors liability insurance.
- (5) An installer must comply with the requirements of all of the following:
- (a) the Act;

- (b) these regulations;
- (c) any guidelines, standards, and policies established or adopted by the Department;
- (d) CSA Standard CSA C22.1SB-06, *Canadian Electrical Code*, as adopted for use in the Province;
- (e) the *National Plumbing Code, 2005*, issued by the Canadian Commission of Building and Fire Codes of the National Research Council, as adopted for use in the Province;
- (f) any certificate of qualification issued to them.

**List of installers**

**32** The Department must keep a list of installers and make the list available to the public.

**Written notice of changes to installer's identifying information**

**33** An installer must notify the Department in writing of any change to their address or to any other identifying information provided with their application no later than 14 days after the date of the change.

**Installer certificate of qualification in possession**

- 34** (1) An installer must carry their valid certificate of qualification at all times while performing the services of an installer.
- (2) When requested by an inspector, an installer must present their valid certificate of qualification while performing the services of an installer.

**Installer certificate of qualification expiry and renewal**

- 35** (1) A certificate of qualification issued for an installer expires on May 31 of the calendar year after the year it is issued unless a shorter period is specified on the certificate of qualification.
- (2) An application for renewal of a certificate of qualification for an installer must be
- (a) on a form established by the Department; and
  - (b) accompanied by proof of valid general contractors liability insurance.
- (3) A certificate of qualification issued to an installer may be renewed if the installer provides proof that they meet one of the following qualifications:
- (a) they have participated [in] and successfully completed a continuing education program established or approved by the Department;
  - (b) they have successfully completed, on a frequency established by the Department, a course of instruction established or adopted by the Department.

**Septic-tank cleaners**

- 36** (1) A person must hold a certificate of qualification for a septic-tank cleaner to do any of the following:
- (a) hold themselves out to be a septic-tank cleaner;
  - (b) pump, repair or modify a septic tank, holding tank or vault privy or cause a septic tank, holding tank or vault privy to be pumped, repaired or modified;

- (c) pump portable rest rooms or causes portable rest rooms to be pumped;
  - (d) clean a system using pressurized water or air.
- (2) A certificate of qualification is not required for a person who is assisting a septic-tank cleaner.
- (3) A person must meet all of the following qualifications to be issued a certificate of qualification as a septic-tank cleaner:
- (a) they must demonstrate the minimum entry criteria as adopted by the Department;
  - (b) they must successfully complete a written and verbal test of competence in pumping, repairing or modifying septic tanks or holding tanks or portable rest rooms and demonstrate a working knowledge of the Act, these regulations and the *On-site Sewage Disposal Systems Technical Guidelines*;
  - (c) they must successfully complete a relevant course of instruction established or adopted by the Department;
  - (d) they must successfully complete any field test required by the Department to demonstrate practical knowledge of pumping, repairing or modifying septic tanks or holding tanks or portable rest rooms.
- (4) An application for a certificate of qualification for a septic-tank cleaner must be
- (a) on a form prescribed by the Department; and
  - (b) accompanied by proof of valid general contractors liability insurance.
- (5) A septic-tank cleaner must comply with the requirements of all of the following:
- (a) the Act;
  - (b) these regulations;
  - (c) any guidelines, standards, and policies established or adopted by the Department;
  - (d) any certificate of qualification issued to them.

**List of septic-tank cleaners**

37 The Department must keep a list of septic-tank cleaners and make the list available to the public.

**Written notice of changes to septic-tank cleaner's identifying information**

38 A septic-tank cleaner must notify the Department in writing of any change to their address or to any other identifying information provided with their application no later than 14 days after the date of the change.

**Septic-tank cleaner certificate of qualification in possession**

- 39 (1) A septic-tank cleaner must carry their valid certificate of qualification at all times while performing the services of a septic-tank cleaner.
- (2) When requested by an inspector, a septic-tank cleaner must present their valid certificate of qualification while performing the services of a septic-tank cleaner.

**Septic-tank cleaner certificate of qualification expiry and renewal**

- 40 (1) A certificate of qualification issued for a septic-tank cleaner expires on May 31 of the calendar year after the year it is issued unless a shorter period is specified on the certificate of qualification.
- (2) An application for renewal of a certificate of qualification for a septic-tank cleaner must be
- (a) on a form established by the Department; and
  - (b) accompanied by proof of valid general contractors liability insurance.
- (3) A certificate of qualification issued to a septic-tank cleaner may be renewed if the septic-tank cleaner provides proof that they meet one of the following qualifications:
- (a) they have participated [in] and successfully completed a continuing education program established or approved by the Department;
  - (b) they have successfully completed, on a frequency established by the Department, a course of instruction established or adopted by the Department.
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**N.S. Reg. 195/2007**

Made: March 23, 2007

Filed: March 30, 2007

Revenue Act Regulations

Order in Council 2007-159 dated March 23, 2007  
Amendment to regulations made by the Governor in Council  
pursuant to subsection 92(1) and clause 92(2)(s) of the *Revenue Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated March 23, 2007, and pursuant to subsection 92(1) and clause 92(2)(s) of Chapter 17 of the Acts 1995-96, the *Revenue Act*, is pleased, effective on and after 12:01 a.m. on March 24, 2007, to amend subsection 6(3) of the *Revenue Act Regulations*, N.S. Reg. 63/96, by striking out “9/10 of a cent per litre” and substituting “2 and 5/10 of a cent per litre”.

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**N.S. Reg. 196/2007**

Made: March 30, 2007

Filed: April 2, 2007

Proclamation, S. 7, S.N.S. 2006, c. 47

Order in Council 2007-178 dated March 30, 2007  
Proclamation made by the Governor in Council  
pursuant to Section 7 of  
*An Act to Amend Chapter 14 of the Acts of 1993, the Tobacco Access Act*

The Governor in Council on the report and recommendation of the Minister of Health Promotion and Protection dated March 15, 2007, pursuant to Section 7 of Chapter 47 of the Acts of 2006, *An Act to Amend Chapter 14 of the Acts of 1993, the Tobacco Access Act*, is pleased to order and declare by proclamation that Chapter 47 of the

Acts of 2006, *An Act to Amend Chapter 14 of the Acts of 1993, the Tobacco Access Act*, do come into force on and not before March 31, 2007, with effect on and after March 31, 2007.

PROVINCE OF NOVA SCOTIA

sgd: **Mayann Francis**

G/S

ELIZABETH THE SECOND, by the Grace of God,  
of the United Kingdom, Canada and Her Other  
Realms and Territories, Queen, Head of the  
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE  
CONCERN,

GREETING:

### A PROCLAMATION

WHEREAS in and by Section 7 of Chapter 47 of the Acts of 2006, *An Act to Amend Chapter 14 of the Acts of 1993, the Tobacco Access Act*, it is enacted as follows:

- 7 This Act has effect on and after March 31, 2007, upon the Governor in Council so ordering and declaring by proclamation.

AND WHEREAS it is deemed expedient that Chapter 47 of the Acts of 2006, *An Act to Amend Chapter 14 of the Acts of 1993, the Tobacco Access Act*, do come into force on and not before March 31, 2007, with effect on and after March 31, 2007;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 47 of the Acts of 2006, *An Act to Amend Chapter 14 of the Acts of 1993, the Tobacco Access Act*, do come into force on and not before March 31, 2007, with effect on and after March 31, 2007, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these  
our Letters to be made Patent and the  
Great Seal of Nova Scotia to be  
hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour  
the Honourable Mayann E. Francis, Lieutenant  
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional  
Municipality, this 30th day of March in the year  
of Our Lord two thousand and seven and in the  
fifty-sixth year of Our Reign.

BY COMMAND:

sgd: **Murray K. Scott**  
Provincial Secretary  
Minister of Justice and Attorney General



**N.S. Reg. 197/2007**

Made: March 30, 2007

Filed: April 2, 2007

Proclamation, S. 50(8), S.N.S. 2004, c. 3

Order in Council 2007-179 dated March 30, 2007

Proclamation made by the Governor in Council

pursuant to subsection 50(8) of the

*Financial Measures (2004) Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated February 27, 2007, pursuant to subsection (8) of Section 50 of Chapter 3 of the Acts of 2004, the *Financial Measures (2004) Act*, and subsection (7) of Section 3 of Chapter 235 of the Revised Statutes, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that Sections 6 to 15 of Chapter 3 of the Acts of 2004, the *Financial Measures (2004) Act*, do come into force on and not before March 30, 2007.

PROVINCE OF NOVA SCOTIA

**sgd: Mayann Francis**

G/S

ELIZABETH THE SECOND, by the Grace of God,  
of the United Kingdom, Canada and Her Other  
Realms and Territories, Queen, Head of the  
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE  
CONCERN,

GREETING:

**A PROCLAMATION**

WHEREAS in and by subsection (8) of Section 50 of Chapter 3 of the Acts of 2004, the *Financial Measures (2004) Act*, it is enacted as follows:

- 50 (8)** Sections 6 to 15, 19, 40 and 41 come into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Sections 6 to 15 of Chapter 3 of the Acts of 2004, the *Financial Measures (2004) Act*, do come into force on and not before March 30, 2007;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Sections 6 to 15 of Chapter 3 of the Acts of 2004, the *Financial Measures (2004) Act*, do come into force on and not before March 30, 2007, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these  
our Letters to be made Patent and the  
Great Seal of Nova Scotia to be  
hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour  
the Honourable Mayann E. Francis, Lieutenant  
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 30th day of March in the year of Our Lord two thousand and seven and in the fifty-sixth year of Our Reign.

BY COMMAND:

**sgd: Murray K. Scott**  
Provincial Secretary  
Minister of Justice and Attorney General

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**N.S. Reg. 198/2007**

Made: March 30, 2007

Filed: April 2, 2007

Proclamation, S. 63(1), S.N.S. 2006, c. 2

Order in Council 2007-180 dated March 30, 2007  
Proclamation made by the Governor in Council  
pursuant to subsection 63(1) of the  
*Financial Measures (2006) Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated March 7, 2007, pursuant to subsection (1) of Section 63 of Chapter 2 of the Acts of 2006, the *Financial Measures (2006) Act*, and subsection (7) of Section 3 of Chapter 235 of the Revised Statutes, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that Sections 59 to 62 of Chapter 2 of the Acts of 2006, the *Financial Measures (2006) Act*, do come into force on and not before May 1, 2007.

PROVINCE OF NOVA SCOTIA

**sgd: Mayann Francis**

G/S

ELIZABETH THE SECOND, by the Grace of God,  
of the United Kingdom, Canada and Her Other  
Realms and Territories, Queen, Head of the  
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE  
CONCERN,

GREETING:

**A PROCLAMATION**

WHEREAS in and by subsection (1) of Section 63 of Chapter 2 of the Acts of 2006, the *Financial Measures (2006) Act*, it is enacted as follows:

- 63 (1)** This Act, except Sections 2, 10, 11, 18, 19 and 21, subsections 25(2) and (3), Section 26, clauses 27(1)(a), (b) and (d) and Sections 52 and 53, comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Sections 59 to 62 of Chapter 2 of the Acts of 2006, the *Financial Measures (2006) Act*, do come into force on and not before May 1, 2007;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Sections 59 to 62 of Chapter 2 of the Acts of 2006, the *Financial Measures (2006) Act*, do come into force on and not before May 1, 2007, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these our Letters to be made Patent and the Great Seal of Nova Scotia to be hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour the Honourable Mayann E. Francis, Lieutenant Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 30th day of March in the year of Our Lord two thousand and seven and in the fifty-sixth year of Our Reign.

BY COMMAND:

**sgd: Murray K. Scott**  
Provincial Secretary  
Minister of Justice and Attorney General

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**N.S. Reg. 199/2007**

Made: March 30, 2007

Filed: April 2, 2007

Summary Offence Tickets Regulations

Order in Council 2007-181 dated March 30, 2007  
Amendment to regulations made by the Minister of Justice and the Governor in Council pursuant to Section 8 of the *Summary Proceedings Act*

The Governor in Council on the report and recommendation of the Minister of Justice and Attorney General dated March 7, 2007, and pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, is pleased to amend Schedule 4A of the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, to designate certain offences under the new *Motor Vehicle Inspection Regulations*, N.S. Reg. 214/2006, as summary offence ticket offences and set the out-of-court settlement amounts for the offences in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after March 30, 2007.

**Order**

I, Murray K. Scott, M.B., Minister of Justice and Attorney General of Nova Scotia, hereby order and direct pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, that the penalty to be entered on a summons in respect of an offence set out in amendments to the Schedules to the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, as set forth in Schedule "A", is the amount of the out-of-court settlement set out opposite the description of that offence, and the out-of-court settlement amount includes the charge provided for, and in accordance with, Sections 8 and 9 of the Act.

This Order is effective on and after the making by the Governor in Council of the amendments to the *Summary Offence Tickets Regulations* set out in Schedule “A”.

**Dated and made** March 7, 2007, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

Sgd.: *Murray Scott*  
Honourable Murray K. Scott, M.B.  
Minister of Justice and Attorney General of Nova Scotia

### Schedule “A”

**Amendment to the *Summary Offence Tickets Regulations*  
made by the Governor in Council pursuant to Section 8 of Chapter 450  
of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act***

Schedule 4A of the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, is amended by repealing items 1 through 4 under the heading “Motor Vehicle Inspection Regulations (MVIR)” and substituting the following items:

1. Making false statement in application for tester’s license or renewal of tester’s license (specify)	8	G
2. Selling inspection sticker or inspection certificate when not authorized by regulations	13(3)	G
3. Person who is not tester or vehicle inspector inspecting vehicle or issuing inspection sticker or certificate (specify)	15(1)	G
4. Tester inspecting vehicle that tester is not qualified to inspect	15(2)	G
5. Unauthorized person affixing or removing (specify) inspection sticker	15(4)	G
6. Conducting inspection or issuing, affixing or removing inspection sticker (specify) at place other than official testing station	16(1)	E
7. Failing to conduct or certify (specify) inspection in accordance with regulations	17(1)(a)	G
8. Failing to complete or issue (specify) inspection certificate and inspection sticker for each vehicle inspected	17(1)(b)	G
9. Failing to notify Registrar that information on vehicle permit does not correspond with actual vehicle	17(1)(c)	C
10. Failing to provide Registrar with true, accurate and complete information for vehicle inspected or inspection sticker or inspection certificate issued (specify)	17(1)(d)	E
11. Falsely certifying inspection	17(3)(a)	G
12. Knowingly issuing rejection sticker for vehicle that should be approved	17(3)(b)	G
13. Knowingly issuing approval sticker for vehicle that should be rejected	17(3)(c)	G
14. Issuing voided inspection certificate or voided inspection sticker (specify) for vehicle or affixing voided inspection sticker to vehicle (specify)	17(3)(d)	E
15. Issuing or affixing (specify) rejection sticker to vehicle that tester or vehicle inspector believes is unroadworthy	20(2)	G
16. Owner or operator of vehicle failing to ensure that vehicle is inspected and certified by tester or vehicle inspector as ordered by the Minister	26(1)(a)	C

17.	Owner or operator of vehicle failing to produce valid inspection certificate for vehicle at request of peace officer	26(1)(b)	B
18.	Owner or operator of vehicle operating vehicle without valid inspection sticker in place or possessing valid inspection certificate for vehicle (specify)	26(2)	B
19.	Selling vehicle that has not been inspected or certified by tester or vehicle inspector or that does not have valid approval sticker and corresponding inspection certificate (specify)	28(1)	G
20.	Failing to have vehicle that was purchased outside of Province and that is required to be registered in Province inspected 10 days after vehicle entered Province	29(1)	B
21.	Making false statement in application for official testing station license or renewal of official testing station license (specify)	33	G
22.	Licensee failing to return to Department original official testing station license, all unused inspection stickers and inspection certificates, all voided inspection stickers and inspection certificates or any other material given to licensee (specify) when official testing license is cancelled or suspended	39	E
23.	Licensee failing to provide true, accurate and complete information to Registrar	42(a)	G
24.	Licensee failing to ensure that all inspections are conducted in accordance with regulations	42(b)	E
25.	Licensee failing to allow Registrar or authorized person to inspect equipment, premises and materials used for inspections	42(c)	B
26.	Licensee failing to notify Registrar 14 days before ownership of official testing station changes or before operation of official testing station is suspended or terminated (specify)	42(d)	A
27.	Licensee failing to notify Registrar 5 business days before start date or end date (specify) of tester's employment with licensee	42(e)	A
28.	Licensee failing to maintain record of inspection conducted at official testing station for 3 years following inspection date	42(f)	E
29.	Licensee failing to promptly provide inspection records or relevant information requested by Registrar or by peace officer (specify)	42(g)	B
30.	Licensee failing to display all signs and licenses issued to licensee in manner required by Registrar	42(h)	A
31.	Licensee failing to notify Registrar in writing of names of persons authorized by licensee to buy inspection stickers and inspection certificates on behalf of licensee	42(i)	A
32.	Licensee failing to take all necessary precautions to safeguard inspection stickers and inspection certificates from loss or theft	42(j)	E
33.	Licensee failing to immediately forward Department's copy of issued certificates to Department	42(k)(i)	B
34.	Licensee failing to immediately forward voided inspection stickers or voided inspection certificates (specify) to Department	42(k)(ii)	C
35.	Licensee failing to report lost or stolen inspection stickers or certificates to Registrar 2 business days after date licensee became aware of loss or theft	42(1)	E
36.	Licensee failing to report stolen inspection stickers or certificates to local police authorities 2 business days after date licensee became aware of theft	42(l)	E

**N.S. Reg. 200/2007**

Made: March 30, 2007

Filed: April 2, 2007

## Summary Offence Tickets Regulations

Order in Council 2007-182 dated March 30, 2007

Amendment to regulations made by the Minister of Justice and the Governor in Council pursuant to Section 8 of the *Summary Proceedings Act*

The Governor in Council on the report and recommendation of the Minister of Justice and Attorney General dated March 7, 2007, and pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, is pleased to amend Schedule 18-I to the *Summary Offence Ticket Regulations*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, to include certain offences under the Municipality of the District of West Hants Dog By-law as summary offence ticket offences and to set the out-of-court settlement amounts for the offences, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after March 30, 2007.

**Order**

I, Murray K. Scott, M.B., Minister of Justice and Attorney General of Nova Scotia, hereby order and direct pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, that the penalty to be entered on a summons in respect of an offence set out in amendments to the Schedules to the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, as set forth in Schedule "A", is the amount of the out of court settlement set out opposite the description of that offence, and the out of court settlement amount includes the charge provided for, and in accordance with, Sections 8 and 9 of the Act.

This Order is effective on and after the making by the Governor in Council of the amendments to the *Summary Offence Tickets Regulations* set out in Schedule "A".

**Dated and made** March 7, 2007, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

Sgd.: *Murray Scott*

Honourable Murray K. Scott, M.B.

Minister of Justice and Attorney General of Nova Scotia

**Schedule "A"**

**Amendment to the *Summary Offence Tickets Regulations*  
made by the Governor in Council pursuant to  
Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989,  
the *Summary Proceedings Act***

Schedule 18-I of the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, is amended by repealing items 1-9 under the heading "Dog By-Law" and substituting the following items:

- |  |      |          |
|--|------|----------|
| 1. Owner of dog failing to license dog   | 2    | \$330.00 |
| 2. Owner of dog failing to keep issued tag affixed on dog other than as permitted by by-law                          | 4(3) | \$330.00 |
| 3. Owner of dog failing to confine dog to lands and premises of owner other than under effective restraint by person | 5(1) | \$330.00 |

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4. Owner of dog permitting dog to run at large	6(1)(a)	\$330.00
5. Owning fierce or dangerous dog	6(1)(c)	\$330.00
6. Owning dog which without provocation attacked or injured (specify) any person, domestic animal or property (specify)	6(1)(d)	\$330.00
7. Owning dog which disturbs quiet of neighbourhood by barking, howling or in other manner (specify)	6(1)(e)	\$330.00
8. Owner of dog failing to remove dog feces from public or private property	6A	\$330.00

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**N.S. Reg. 201/2007**

Made: March 30, 2007

Filed: April 2, 2007

## Summary Offence Tickets Regulations

Order in Council 2007-183 dated March 30, 2007

Amendment to regulations made by the Minister of Justice and the Governor in Council pursuant to Section 8 of the *Summary Proceedings Act*

The Governor in Council on the report and recommendation of the Minister of Justice and Attorney General dated March 7, 2007, and pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, is pleased to amend the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, to reflect an increase in the out of court settlement amounts resulting from amendments to the *Summary Proceedings Act*, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after May 1, 2007.

**Order**

I, Murray K. Scott, M.B., Minister of Justice and Attorney General of Nova Scotia, hereby order and direct pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, that the penalty to be entered on a summons in respect of an offence designated in the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, is the out of court settlement amount listed or indicated by category letter in the out of court settlement column set out opposite the description for the offence, as increased by the amendments to the regulations as set forth in Schedule "A", and includes the charge provided for by and in accordance with Sections 8 and 9 of the Act.

This Order is effective on and after the making by the Governor in Council of the amendments to the *Summary Offence Tickets Regulations* set out in Schedule "A".

**Dated and made** March 7, 2007, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

Sgd.: *Murray Scott*

Honourable Murray K. Scott, M.B.

Minister of Justice and Attorney General of Nova Scotia

## Schedule "A"

**Amendment to the *Summary Offence Tickets Regulations*  
made by the Governor in Council pursuant to Section 8 of Chapter 450  
of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act***

- 1 The *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, are amended by striking out the table in clause 5A(1)(b) and substituting the following table:

Category	Offence	Out of Court Settlement
A	first offence second offence third or subsequent offence	\$135.75 \$164.50 \$222.00
A (parking)	first offence second offence third or subsequent offence	\$ 57.00 <sup>1</sup> \$ 82.00 <sup>1</sup> \$132.00 <sup>1</sup>
B	first offence second offence third or subsequent offence	\$164.50 \$222.00 \$337.00
B (parking)	first offence second offence third or subsequent offence	\$ 82.00 <sup>1</sup> \$132.00 <sup>1</sup> \$232.00 <sup>1</sup>
C	first offence second offence third or subsequent offence	\$222.00 \$337.00 \$567.00
C (parking)	first offence second offence third or subsequent offence	\$132.00 <sup>1</sup> \$232.00 <sup>1</sup> \$432.00 <sup>1</sup>
C (double) <sup>2</sup>	first offence second offence third or subsequent offence	\$337.00 \$567.00 \$1027.00
D	first offence second offence third or subsequent offence	\$279.50 \$452.00 \$797.00
D (double) <sup>2</sup>	first offence second offence third or subsequent offence	\$452.00 \$797.00 \$1487.00
E	first offence second offence third or subsequent offence	\$337.00 \$567.00 \$797.00
F	first offence second offence third or subsequent offence	\$394.50 \$682.00 \$1257.00



F (double) <sup>2</sup>	first offence second offence third or subsequent offence	\$682.00 \$1257.00 \$2407.00
G	first offence second offence third or subsequent offence	\$682.00 \$1257.00 \$2407.00
H	first offence second offence third or subsequent offence	\$1257.00 \$2407.00 \$5857.00
I	first offence second offence third or subsequent offence	\$1257.00 \$2407.00 \$4707.00
J	first offence second offence third or subsequent offence	\$1832.00 \$2982.00 \$5857.00
<p><sup>1</sup> The amount to be paid for out of court settlement of a parking offence is reduced by \$32 if it is paid during the first 60 days after the ticket is issued.</p> <p><sup>2</sup> "Double" indicates that the penalty prescribed for the offence is set at double the usual penalty for the category letter.</p>		

- 2 Section 6 of the regulations is amended by
- (a) striking out "100" and "30" in subsection (1) and substituting "107" and "32" respectively; and
  - (b) striking out "30" where it appears in subsection (2) and substituting "32".
- 3 Each schedule to the regulations is amended by increasing all out of court settlement amounts listed in the out of court settlement column, other than those listed by category or as 'Nil', by \$7, except for the following parking-infraction out of court settlement amounts which are increased by \$2:
- (a) Schedule PT, all items;
  - (b) Schedule 14A, items 9 to 14;
  - (c) Schedule 18-B, item 54 under the heading "Streets Ordinance–No 180:";
  - (d) Schedule 18-J, item 9 under the heading "Public Market By-law–No 10:";
  - (e) Schedule 18-K, item 2 under the heading "Town Property By-law:";
  - (f) Schedule 18-M, items 1 and 2 under the heading "Parking Meters By-law–No 20:";
  - (g) Schedule 19, item 16 under the heading "Halifax-Dartmouth Bridge Commission By-laws".

**N.S. Reg. 202/2007 to 203/2007**

Made: March 30, 2007

Filed: April 1, 2007

Grassy Island Wildlife Management Area Designation and Regulations

Order in Council 2007-190 dated March 30, 2007  
Designation made by the Governor in Council  
pursuant to Section 15 and 113(1) of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated February 1, 2007, and pursuant to Section 15 and subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased, effective on and after March 30, 2007, to

- (a) designate an area of land described in Schedule "A" attached to and forming part of the report and recommendation to be a wildlife management area, to be known as the Grassy Island Wildlife Management Area; and
- (b) make regulations respecting the Grassy Island Wildlife Management Area in the form set forth in Schedule "B" attached to and forming part of the report and recommendation.

**N.S. Reg. 202/2007**

Grassy Island Wildlife Management Area Designation

**Schedule "A"**

**Designation of Grassy Island Wildlife Management Area  
made by the Governor in Council pursuant to clause 15(a)  
and subsection 113(1) of Chapter 504 of the Revised Statutes  
of Nova Scotia, 1989, the *Wildlife Act***

The following area, the approximate boundaries of which are shown on the map attached as Appendix A to this designation, is designated as a wildlife management area to be known as Grassy Island Wildlife Management Area:

**All** that certain area of land including land covered by water, known as Grassy Island, situate, lying and being seaward from the extreme easterly shoreline of Big Tancook Island, known as Southern Head, County of Lunenburg, Province of Nova Scotia, said area is shown on the attached plan having field plot number P-017/94 and is more particularly described as follows:

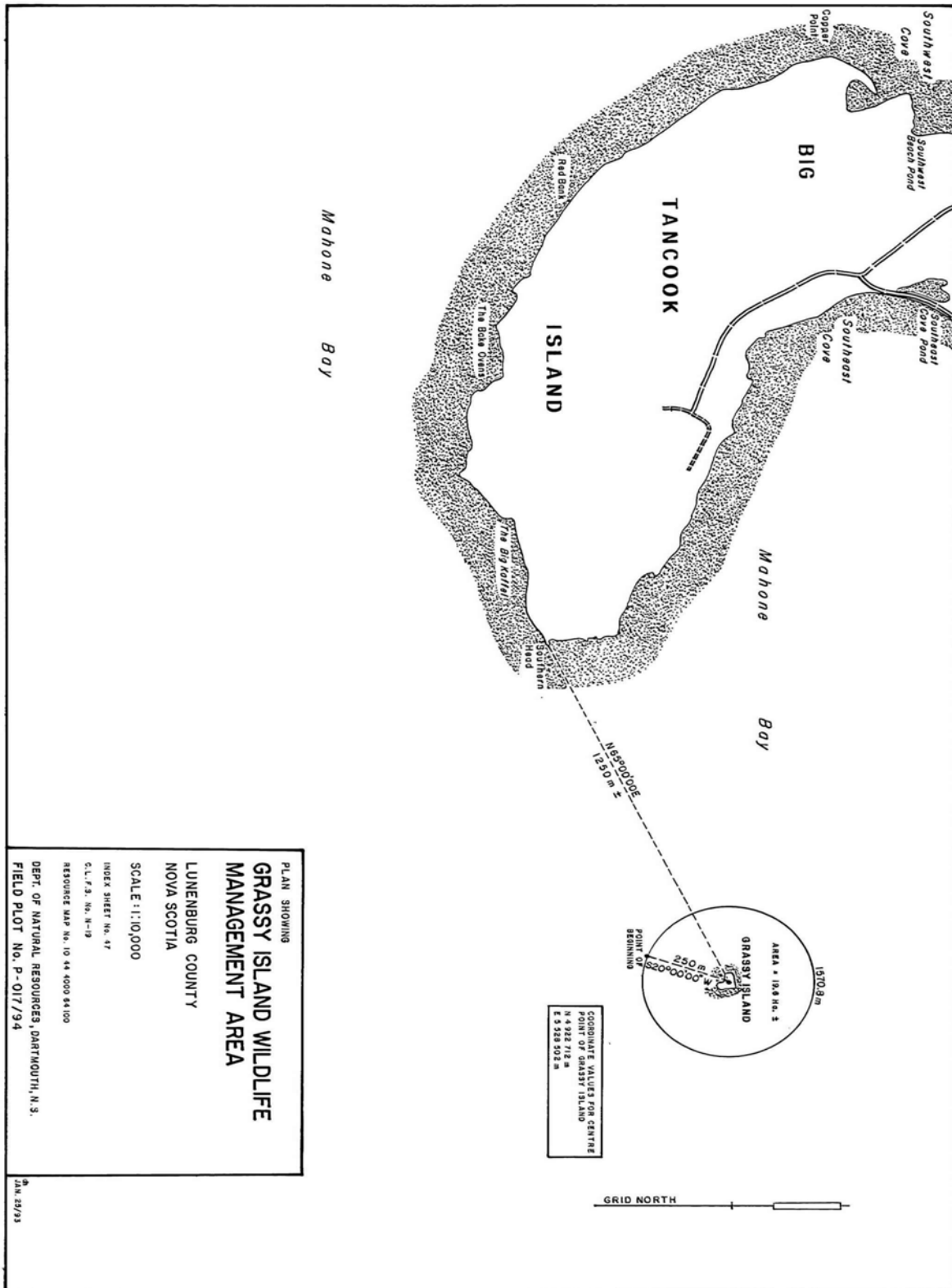
**Commencing** at a point, said point being the approximate geographic centre of Grassy Island, said point being N 65° 00' 00" E a distance of 1250 m more or less from the most easterly shoreline of Big Tancook Island known as Southern Head; said point also having grid coordinates of North 4922712 m, East 5528502 m referenced to the 3° Modified Transverse Mercator Projection, Zone 5, Central Meridian 64° 30' West longitude;

**From thence** S 20° 00' 00" W following a radial line of a circle 250 m to the **point of beginning**;

**Thence** in a clockwise direction following the circumference of a circle having a constant radius of 250 m, an arc distance of 1570.8 m to the **point of beginning** containing an area of 19.6 ha more or less.

Appendix "A"

Map of Grassy Island Wildlife Management Area



**N.S. Reg. 203/2007**

## Grassy Island Wildlife Management Area Regulations

**Schedule "B"**

**Regulations Respecting the Management of the  
Grassy Island Wildlife Management Area  
made under Section 15 and subsection 113(1) of Chapter 504  
of the Revised Statutes of Nova Scotia, 1989,  
the *Wildlife Act***

**Citation**

1 These regulations may be cited as the *Grassy Island Wildlife Management Area Regulations*.

**Purpose**

2 The purpose of these regulations is to provide for the conservation of roseate terns and other wildlife, and their habitats, on Grassy Island, Lunenburg County, Nova Scotia.

**Definitions**

3 In these regulations,

- (a) "Act" means the *Wildlife Act*;
- (b) "Director" means the Director of Wildlife, as defined in the Act;
- (c) "Management Area" means the Grassy Island Wildlife Management Area.

**No unauthorized altering of wildlife habitats**

- 4 (1) A person must not alter a wildlife habitat in the Management Area, or any live or dead vegetation or structures in the wildlife habitat that provide food or cover for wildlife, without the written authorization of the Director.
- (2) The Director must not authorize a person under subsection (1) if the alteration would have an adverse effect on roseate tern habitat.

**No camping or fires**

5 A person must not camp or light or maintain a fire in the Management Area.

**No vehicles**

6 A person must not operate a vehicle in the Management Area.

**Restricted entry period**

7 A person must not enter or remain on the islands in the Management Area after March 31 and before September 1 without the written authorization of the Director.

**No disturbing wildlife**

- 8 (1) Except as provided in subsection (2), after March 31 and before September 1, a person must not do any of the following:
- (a) disturb any wildlife in the Management Area;
  - (b) hunt in the Management Area;

- (c) discharge a firearm in or over the Management Area.
- (2) The Director may give a person written authorization to remove any animals from the Management Area if the animals are threatening the roseate tern population.

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**N.S. Reg. 204/2007 to 205/2007**

Made: March 30, 2007

Filed: April 1, 2007

## The Brothers Islands Wildlife Management Area Designation and Regulations

Order in Council 2007-191 dated March 30, 2007  
Designation made by the Governor in Council  
pursuant to Section 15(a) and 113(1)(d) of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated February 1, 2007, and pursuant to clauses 15(a) and 113(1)(d) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased, effective on and after March 30, 2007, to

- (a) designate an area of land described in Schedule "A" attached to and forming part of the report and recommendation to be a wildlife management area, to be known as The Brothers Islands Wildlife Management Area; and
- (b) make regulations respecting The Brothers Islands Wildlife Management Area in the form set forth in Schedule "B" attached to and forming part of the report and recommendation.

**N.S. Reg. 204/2007**

## The Brothers Islands Wildlife Management Area Designation

**Schedule "A"**

The following area, the approximate boundaries of which are shown in the map attached as Appendix A to this designation, is designated as a Wildlife Management Area to be known as The Brothers Islands Wildlife Management Area.

All those certain two areas of land including land covered by water, comprised of two islands, together known as The Brothers, situate, lying and being seaward from the extreme westerly shoreline of Lower West Pubnico, County of Yarmouth, Province of Nova Scotia, are more particularly described as follows:

**Area A**

**Commencing** at a point, said point being the approximate geographic centre of the most northerly island of The Brothers so-called, said point being distant 680 metres more or less on a grid azimuth of due west from the most westerly shoreline of Lower West Pubnico, said point also having grid coordinates of North 4 833 820 metres, East 5 393 210 metres referenced to the 3° Average Terrestrial System 1977 Modified Transverse Mercator Projection, Zone 5, Centre Meridian 64° 30' west longitude;

**From thence** on a grid azimuth of 135° 00' 00" following a radial line of a circle 250 metres to the **point of beginning**;

**Thence** in a clockwise direction following the circumference of a circle having a constant radius of 250 metres, an arc distance of 1570.8 metres to the Place of Beginning containing an area of 19.6 hectares more or less.

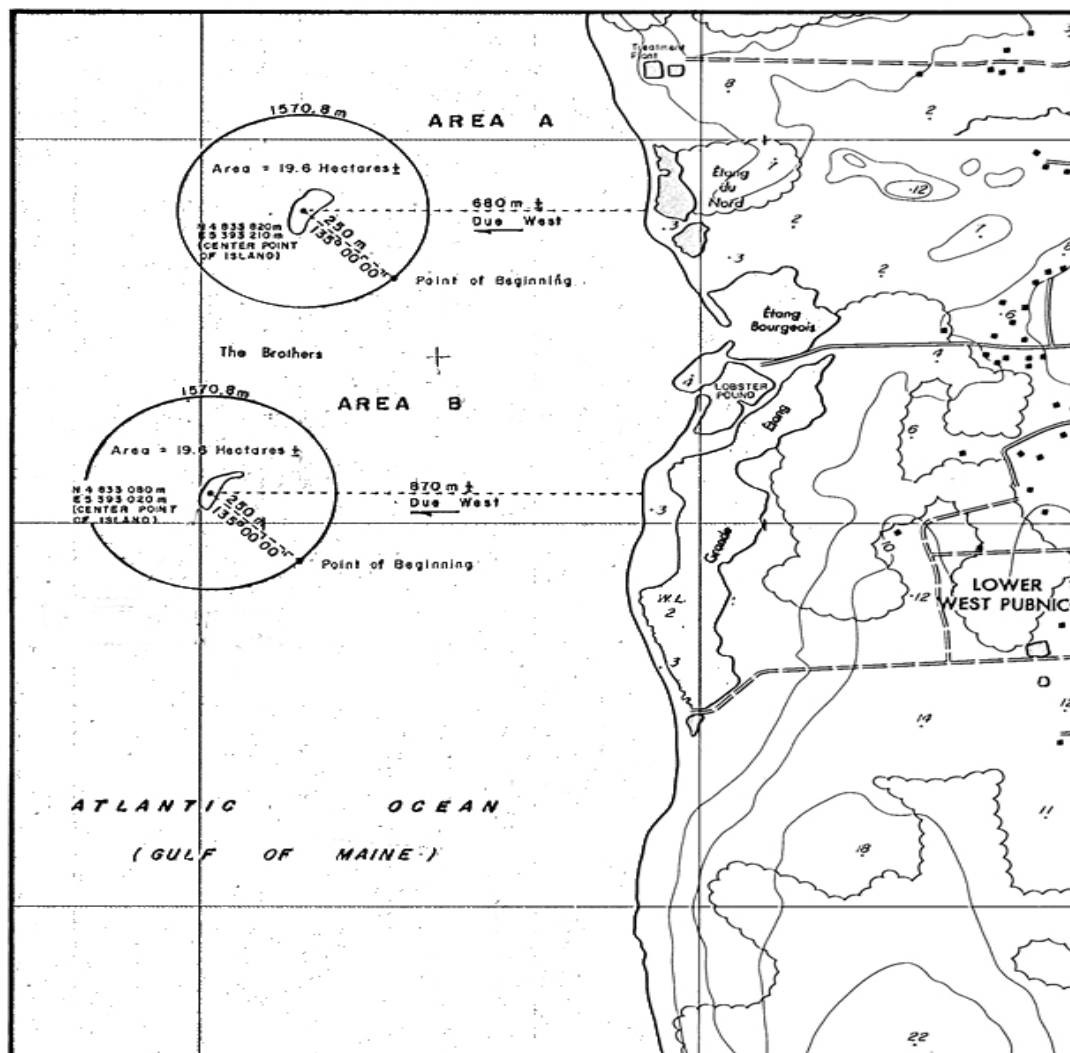
**Area B**

**Commencing** at a point, said point being the approximate geographic centre of the most southerly island of The Brothers so-called, said point being distance 870 metres more or less on a grid azimuth of due west from [from] the most westerly shoreline of Lower West Pubnico, said point also having grid coordinates of North 4 833 080 metres, East 5 393 020 metres referenced to the 3° Average Terrestrial System 1977 Modified Transverse Mercator Projection, Zone 5, Centre Meridian 64° 30' west longitude;

**From thence** on a grid azimuth of 135° 00' 00" following a radial line of a circle 250 metres to the **point of beginning**;

**Thence** in a clockwise direction following the circumference of a circle having a constant radius of 250 metres, an arc distance of 1570.8 metres to the Place of Beginning containing an area of 19.6 hectares more or less.

**Appendix A**



**N.S. Reg. 205/2007**

The Brothers Islands Wildlife Management Area

**Schedule “B”****Regulations Respecting the Management of  
The Brothers Islands Wildlife Management Area  
made under Sections 15 and 113 of Chapter 504  
of the Revised Statutes of Nova Scotia, 1989,  
the *Wildlife Act*****Citation**

1 These regulations may be cited as *The Brothers Islands Wildlife Management Area Regulations*.

**Purpose**

2 The purpose of these regulations is to provide for the conservation of roseate terns and other wildlife, and their habitats, on The Brothers islands, Yarmouth County, Nova Scotia.

**Definitions**

3 In these regulations,

- (a) “Act” means the *Wildlife Act*;
- (b) “Director” means the Director of Wildlife, as defined in the Act;
- (c) “Management Area” means The Brothers Islands Wildlife Management Area.

**No unauthorized altering of wildlife habitats**

- 4 (1) A person must not alter a wildlife habitat in the Management Area, or any live or dead vegetation or structures in the wildlife habitat that provide food or cover for wildlife, without the written authorization of the Director.
- (2) The Director must not authorize a person under subsection (1) if the alteration would have an adverse effect on roseate tern habitat.

**No camping or fires**

5 A person must not camp or light or maintain a fire in the Management Area.

**No vehicles**

6 A person must not operate a vehicle in the Management Area.

**Restricted entry period**

7 A person must not enter or remain on the islands in the Management Area after March 31 and before September 1 without the written authorization of the Director.

**No disturbing wildlife**

- 8 (1) Except as provided in subsection (2), after March 31 and before September 1, a person must not do any of the following:
- (a) disturb any wildlife in the Management Area;
  - (b) hunt in the Management Area;

- (c) discharge a firearm in or over the Management Area.
- (2) The Director may give a person written authorization to remove any animals from the Management Area if the animals are threatening the roseate tern population.