

**Land Registration Administration Regulations
made under Section 94 of the
Land Registration Act
S.N.S. 2001, c. 6
N.S. Reg. 207/2009 (April 29, 2009, effective May 4, 2009)
as amended by N.S. Reg. 189/2010 (November 22, 2010, effective December 15, 2010)**

Rationale appears in blue font

Citation

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

Definitions

2 (1) In these regulations,

“Act” means the *Land Registration Act*;

“AFR” means an application for registration in accordance with Section 37 of the Act;

“authorized lawyer” means a qualified lawyer who is subject to the Property Online user agreement and pre-authorized debit agreements required under Section 3;

“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;

“authorized surveyor” means a practising land surveyor licensed under the *Land Surveyors Act* who is subject to the Property Online user agreement and pre-authorized debit agreement required under Section 3;

“benefit” means an appurtenance to a registrable or registered interest in a parcel;

“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;

“Condo Common View” means the information which is displayed electronically in Property Online which is linked to a condominium corporation registered under the *Condominium Act*;

“Department” means ~~Department of Service Nova Scotia and Internal Services; Service Nova Scotia and Municipal Relations;~~
Updated department name to our new department name

“dual-purpose document” means a single document that affects 2 or more parcels, 1 or more of which is registered under the Act ~~or a single document that is recorded more than once, at the same time, in the same parcel register, to enable multiple interests.;~~

This definition now includes a document that needs to be recorded more than once to add multiple interests to the same parcel register (i.e. a deed that conveys a licence in addition to a fee simple interest).

“electronic document submission” means submission of a document using Property Online;

“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;

“lender” means a chartered bank, trust company, credit union or Provincial government lender;

“non-enabling section of a parcel register” means the section of a parcel register in which documents are recorded which do not enable an interest in the parcel but are changes of address, written directives or notices under these regulations, or provide necessary information concerning the extent of the parcel;

Added this definition to clarify the purpose of this section of the parcel register and its meaning.

“parcel description certification application” or “PDCA” means an application in accordance with Section 7 to confirm the legal description of a parcel and other related information and to provide evidence and certification that the parcel was created by a subdivision that complies with, is exempt from or is not subject to the subdivision provisions of Part IX of the *Municipal Government Act*;

Definition of “parcel description certification application” amended: N.S. Reg. 189/2010.

“PID” means parcel identification number;

“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 submitting documents under the Act and the *Registry Act*;

“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;

“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 and includes all of the following:

- (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,

- (iii) the registration district where the parcel is located;

“textual qualification” or “TQ” means a statement in the textual qualification section of the parcel register which provides

- (i) a qualification of the lawyer’s certification of title,
- (ii) an explanatory note,
- (iii) a reference to title information or documentation, or
- (iv) a reference to an interest enabled by statute or common law;

“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,

“addresses of the parties” in subsection 67(1) of the Act means a complete address at which a person is able to receive information, including notices, by mail;

“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 any of the following:

- (i) amendments other than those included under this clause,
- (ii) an assignment,
- (iii) a mortgage of a leasehold interest,
- (iv) an advance on an existing security interest that secures present and future advances up to the original principal amount secured;

“municipality” has the same meaning as in the *Municipal Government Act*;

“non-resident” means any of the following:

- (i) an individual who resides outside the Province for 183 days or more in a calendar year, and includes a person who intends to reside outside the Province for 183 days or more in the present calendar year or the next calendar year,
- (ii) 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,

- (iii) a person who acquires a parcel for or on behalf of an individual or body corporate referred to in subclause (i) or (ii);

“party” in subsection 79(1) of the Act means the person or persons who collectively make up one side of the transaction evidenced by an instrument;

Defined party to clarify that this includes ALL of the individuals on one side of the instrument

“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, or
- (ii) if a parcel is not registered under the Act, the name shown on the relevant instrument registered under the *Registry Act*;

“Provincial mapping” means the system of geographical representation of parcels created and maintained as part of the land registration system established under the Act.

- (3) In the Act and these regulations, a reference to a provision of the *Municipal Government Act* includes a reference to a provision of the *Halifax Regional Municipality Charter*, relating to the same subject matter, to the extent that it relates to property located in the Halifax Regional Municipality.

Subsection 2(3) added: N.S. Reg. 189/2010.

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) To be an authorized lawyer, a qualified lawyer must
 - (a) be a party to a current and valid Property Online authorized lawyer user agreement with the Minister; and
 - (b) be authorized under a current and valid Property Online pre-authorized debit agreement between their law firm and the Minister, **unless they are exempted**

due to the nature of their practice, under a written approval from the Registrar General.

Included an exemption clause for situations where it would not be practicable for certain lawyers to obtain a Pre-Authorized Debit agreement for Property Online.

- (4) To be an authorized lender, a lender must be a party to the following current and valid agreements with the Minister:
 - (a) an authorized lender user agreement; and
 - (b) a Property Online pre-authorized debit agreement.
- (5) If an authorized lawyer or authorized lender uses a separate debit account for payment of electronic document submission fees, they must be a party to an additional current and valid pre-authorized debit agreement for that account.
- (6) To be an authorized surveyor, a surveyor must be a party to the following current and valid agreements with the Minister:
 - (a) a Property Online parcel certification user agreement; and
 - (b) a Property Online pre-authorized debit agreement.
- (7) Except as provided in subsection (8), to query information in Property Online, a person must be a party to, or be authorized under, the following current and valid agreements with the Minister:
 - (a) a Property Online query user agreement; and
 - (b) a pre-authorized debit agreement, **unless they are exempted, due to the nature of their business, under a written agreement from the Registrar General.**

Included an exemption clause for situations where it would not be practicable for certain query users to obtain a Pre-Authorized Debit agreement for Property Online.

- (8) A person may query information in Property Online at a land registration office without a query user agreement or pre-authorized debit agreement if they pay the applicable fee prescribed under the *Land Registration General Regulations* made under the Act.

Prescribed forms

- 4 (1) The forms listed in the following table and as attached to these regulations are prescribed to be used in the administration of the Act for the purposes stated and must include a certificate of legal effect in the manner prescribed in the form as required:

Form No.	Purpose of Form	Certificate of Legal Effect Included
1	to request a PID assignment	no
2	to submit a PDCA electronically	no
5	to provide a declaration by the registered owners of a parcel on their residency status and whether the parcel is occupied without permission	no
6	to submit an AFR electronically	yes
6A	to correct errors or omissions in information previously submitted with a certificate of legal effect	yes
8	<p>to give notice to a parcel owner as required under Sections 14, 15, 16, and 18</p> <p>The requirement for notice in Form 8 when adding a benefit or burden to an affected LR parcel (flip side) has been removed. The reasoning is that now, in order to add a benefit or burden to an affected flip side parcel, the document must either be executed by the affected owner or must include their written consent. The previous regulations were written in a manner that required the lawyer to add the flip-side benefit or burden to an LR parcel, where the affected owner may not have been a party to the document , which is why notice was required to be given to that owner in Form 8.</p> <p>Sections 15 and 18 have been repealed (see those sections for details).</p>	no
8A	to register notice under the <i>Registry Act</i> as required under Section 14	no
9	to give notice to an occupier or the most recent owner as shown on the consolidated index under Section 10	no
10	to give notice of crystallization of a floating charge in a debenture that affects a parcel registered under the Act	no
15	to give notice requiring the registrar to cancel the recording of a security interest in accordance with subsection 60(2) of the Act	yes
15A	<ul style="list-style-type: none"> • to give notice as required under Section 63 of the Act, requiring a 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 holder of the interest or judgment 	yes

16	to renew the recording of a judgment in accordance with subsection 66(5) of the Act	no
19	to record a certificate of <i>lis pendens</i> against a parcel registered under the Act in accordance with Section 58 of the Act	no
20	to update the name or address of a judgment debtor or creditor in accordance with subsection 26(3) Added the ability to update the creditor name or mailing address with a form 20	no
21	<ul style="list-style-type: none"> • in accordance with Section 22 of the Act, to register a change of name of an owner of an interest in a parcel register, • to remove a deceased joint tenant as owner of a parcel registered under the Act in accordance with Section 27 of the Act, or • to correct the misspelling of the name of an owner of an interest in a parcel register 	yes- to correct misspellings
22	to change the mailing address in a parcel register for <ul style="list-style-type: none"> • a registered owner or recorded interest holder, or • occupier of lands owned by the Nova Scotia Farm Loan Board 	no
24	to change a registered interest and appurtenant interests or other interests and information in a parcel register, in accordance with Sections 29 to 32 and 37A of the Act	yes
26	<ul style="list-style-type: none"> • to record an interest in a parcel register, in accordance with Section 47 of the Act • to record a power of attorney or revocation of a power of attorney 	yes
26L	to enable a lender, or a lender's authorized agent, to record a mortgage or mortgage-related document, to which the lender, or a predecessor organization, is a party	no
26N	to file a Form 9 and written directives in a parcel register under Section 10	no
27	to request cancellation of a recorded interest	yes
27L	to enable a lender, or a lender's authorized agent, to record a release of a mortgage or mortgage-related document, to which the lender, or a predecessor organization, is a party	no

28	<p>to record any of the following relating to a parcel registered under the Act:</p> <ul style="list-style-type: none"> • a plan, boundary line agreement, statutory declaration for a deemed consolidation under Section 268A of the <i>Municipal Government Act</i> or to evidence the basis of an exemption to a subdivision requirement • an instrument of subdivision or repeal of subdivision • a condominium declaration, condominium plan, initial condominium bylaws, or termination of condominium <p>Included declarations that evidence the basis of an exemption to a subdivision requirement.</p>	no
45	to add, confirm, delete and correct the interests, textual qualifications or parcel access type that are either not shown in the parcel register or have been placed in, or removed from, a parcel register on subdivision or registration of a condominium declaration, in accordance with subsection 13(5) of the Act and Section 9	yes
46	to record a certificate of judgment in the judgment roll	no
47	to record a certificate of satisfaction relating to a judgment in the judgment roll	no
48	<p>to record in the judgment roll, a full or partial release of a judgment signed by the judgment creditor in the judgment roll and/or to cancel the recording of a judgment in a parcel register</p> <p>Added the ability to cancel a recording of judgment in a parcel register on this form, which previously had to be submitted with a Form 48A. If a full or partial release had to be recorded in the judgment roll and in a parcel register to remove a judgment, submitters had to complete two forms to do that (48 & 48A). Now, they will have the ability to do both with one form, eliminating the need for a Form 48A.</p>	no/ yes
48A	<p>removed</p> <p>Eliminated this form because it was merged with Form 48.</p>	yes
48B	to record a judgment-related document in the judgment roll and in a parcel register	no
49	<p>removed</p> <p>Eliminated this Form as all corrections can be made with a form 6A</p>	yes
50	<p>removed</p> <p>Eliminated this Form as the document can be registered</p>	no

	in the Registry of Deeds with a form 44.	
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Subsection 4(1) amended: N.S. Reg. 189/2010.

- (2) To the extent permitted by Property Online, electronic forms in Property Online that correspond to the forms prescribed in this Section are prescribed for the same purposes and in substantially the same form, but an electronic form is not required to contain all the options and datafields available on the corresponding non-electronic form.
- (3) A form that includes a certificate of legal effect may be submitted only by an authorized lawyer, and must be signed by the authorized lawyer who submits the form.
- (4) Directions and explanations included in a form prescribed in this Section are binding but may be deleted when the form is submitted for filing, registering or recording at a land registration office.
- (5) The place of execution or a jurat in a form prescribed in this Section may be altered when the form is executed.
- (6) Any reference to location or place of residence in the Province contained in a form prescribed in this Section may be altered when the form is executed.
- (7) For a parcel that is owned by more than 1 person, any of the following may sign and submit a form, other than Form 5 as provided in subsection (8), that is required to be signed by the owner or registered owner of the parcel:
 - (a) any registered owner;
 - (b) any person who is entitled to be registered as an owner of a registrable interest in the parcel.
- (8) Except as provided in 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* made under the Act, if any.
- (2) The submitter is responsible for the accuracy of all of the information required under subsection (1) and a registrar is entitled to rely on the information submitted in processing a document for registration or recording.
- (3) Subject to subsections (4) and (5), a document that is submitted non-electronically for registration or recording must be an original of the document or a copy of the document that is certified to be a true copy of the original by a court of competent jurisdiction or a registrar.

- (4) A document attachment or plan that is submitted non-electronically for registration or recording that is larger than 11 in. x 17 in. must be an original of the document and be submitted together with 1 of the following:
- (a) a duplicate original copy;
 - (b) a copy that is certified to be a true copy of the original by a person authorized under the Act to sign a certificate of execution.
- (5) A dual-purpose document that is submitted non-electronically for registration or recording must be an original of the document and be submitted together with a copy or copies, as applicable, that are certified to be true copies of the original by a person authorized under the Act to sign a certificate of execution.
- ~~(6) 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~~
- Repealed**
- Removed the requirement to pay separately for documents submitted for recording under the LRA and the *Registry Act* and to submit documents separately for recording under both systems.**
- (7) To record a plan of subdivision as exempt from the approval requirements under the *Municipal Government Act*, a submitter must provide all of the following, either on the face of the plan or in an attached affidavit:
- (a) a clear statement of the exemption relied upon and the facts that support the exemption;
 - (b) evidence of the consent of the registered owner.
- (8) A document that relates to a parcel registered under the Act must incorporate the legal description for the parcel by stating one of the following:
- (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;
 - (c) the PID for the registered parcel, as at the date of registration or recording.
- (9) A document that is submitted non-electronically for registration or recording must
- (a) be typewritten in an ink that is not green or red and that remains visible when photocopied or scanned; and
 - (b) remain legible when photocopied or scanned.

- (10) A document may not be registered or recorded unless any required affidavit or certificate of execution has been properly sworn or signed before or by a person authorized under the Act to take the affidavit or sign the certificate and the authorized person's name has been typed, stamped or printed legibly below their signature.

Submitting documents electronically

- 6 (1) To the extent permitted by Property Online, an authorized lawyer must submit a document electronically for registration or recording in a register or roll, that has been established under the Act.

- (2) Despite subsection (1), an authorized lawyer may submit a document non-electronically if the authorized lawyer meets all of the following criteria:

- (a) ~~they do not have access to high speed Internet service; they are affected by ongoing technical issues which prevent electronic submission;~~

Most authorized users now have high speed internet capabilities, however this provision still permits an exemption for other ongoing technical issues which may affect a user's ability to submit documents electronically.

- (b) they have obtained the prior written approval of the Registrar General, who may withhold approval or impose limitations or other requirements that the Registrar General considers appropriate in the circumstances.

- (3) To the extent permitted by Property Online, and in accordance with the Property Online authorized lender user agreement, an authorized lender may submit a mortgage or a release of mortgage electronically for recording in a parcel register.

- (4) 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.

- (5) 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 ~~that the land registration officers are assigned to processing the documents. the land registration office is open to the public.~~

Changed this provision to align with varied working hours of LRO staff, especially those who work flex-time.

- (6) A document that is submitted electronically must be reviewed by a registrar before it is registered or recorded, and is subject to the registration and recording requirements of the Act and regulations.

- (7) Once a document that is submitted electronically is registered or recorded, the document is deemed to have been received and indexed by the registrar at the time of submission.

- (8) Electronic submission of a document is effected by submitting all of the following electronically:
 - (a) the applicable form prescribed 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*;
 - (c) a scanned copy of the duly executed original document in portable document format, no larger than 4 megabytes (MB)
- (9) An 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.
- (10) An 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)

7 (1) Subject to subsection (3), a PDCA must be submitted electronically in Form 2.
Subsection 7(1) amended: N.S. Reg. 189/2010.

- (2) A PDCA must be one of the following types:
 - (a) an Initial PDCA—to submit the first PDCA for a parcel;
 - (b) a Correcting PDCA—to correct errors or omissions in a PDCA which has been conditionally approved under subsection (14); or
 - (c) an Amending PDCA—to amend any information in an approved PDCA.

Subsection 7(2) replaced: N.S. Reg. 189/2010.

- (2A) All of the provisions of this Section that apply to a PDCA apply to an Amending PDCA only to the extent that they relate to the amendment.

Subsection 7(2A) added: N.S. Reg. 189/2010.

- (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) Except as provided in subsection (5), a PDCA must be submitted by one of the

following who is authorized in writing by the parcel owner, or another person permitted under subsection (6), or as required in Sections 14, 15, 16 and 18:

- (a) an authorized lawyer;
 - (b) an authorized surveyor.
- (5) If a person authorized in accordance with subsection (4) confirms the information contained in the statement of compliance on a PDCA, their staff may submit the PDCA on their behalf.
- (6) Submission of a PDCA may be authorized by a person other than the owner of a parcel if the authorizing person is one of the following:
- (a) a mortgagee of a parcel, and the owner of the parcel has refused to register title to the parcel;
 - (b) 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* ;
 - (c) 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*;
 - (d) 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*; or
 - (e) a solicitor acting for a municipality on a pending tax sale of the property.

Subsections 7(6)(c) and (d) were added to match the provisions of s. 10(5)(b) and (d) relating to persons authorized to submit an AFR.

Subsection 7 (6) (e) was added to include solicitors acting for municipalities on pending tax sales.

- (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 all of the following:
- (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 .

(7A) If an authorizing person under subsection (6) is authorizing the submission of a PDCA, the submitter must provide sufficient evidence of reasonable attempts to obtain the information from the owner, a review of the records or a site visit.

When someone other than an owner authorizes a parcel description certification application the submitter must provide evidence that they made reasonable attempts to gather information about the property necessary to complete the Form 5

- (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; and

- (d) a statement that the parcel was created by a subdivision that complies with, is exempt from, or is not subject to the subdivision provisions of Part IX of the *Municipal Government Act* and, as applicable,
 - (i) the registration and other relevant details of how the parcel complies,
 - (ii) the exemption relied upon and the facts supporting the exemption, or
 - (iii) an explanation of why the parcel is not subject to the subdivision provision.

Clause 7(1)(d) replaced: N.S. Reg. 189/2010.

Clause 7(1)(e) repealed: N.S. Reg. 189/2010.

(10A) If the portion of the legal description submitted in a PDCA that describes location, boundary and/or extent of the parcel is a new or amended description of the parcel, the PDCA submitter must provide

- (i) a statement of the reason for the new or amended legal description,
- (ii) the name and designation as “surveyor, lawyer or other” of the author of the new or amended legal description, and
- (iii) the registration details of all of the registered documents in which the parcel or each portion of the parcel was most recently described.

Subsection 7(10A) added: N.S. Reg. 189/2010.

(10B) A legal description submitted under subsection (10) must be set out in the following order:

- (a) the description of the location, boundaries extent as required in clause (10)(a);
- (b) the description of all parcels excepted out of the legal description as required in clause (10)(b);
- (c) the description of each benefit as required by clause (10)(b), immediately followed by the information pertinent to the use of the benefit as required in clause (10)(c);
- (d) the description of each burden as required by clause (10)(b), immediately followed by the information pertinent to the use of the burden as required in clause (10)(c); and
- (e) the statement required in clause (10)(d).

This provision was added to provide clarity and consistency in PDCAs across parcel registers and to prevent confusion where benefits and burdens appear in conjunction with saving and excepting descriptions. Additionally, these amendments pave the way for future system changes to organize PDCAs into discrete fields on submission to ensure consistency in legal descriptions across parcel registers.

(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 an error or omission in the PDCA by the PDCA submitter.

Subsection 7(14) amended: N.S. Reg. 189/2010.

(15) An AFR of a parcel may not be submitted in final form in accordance with clause 10(2)(b) until the submitter has corrected an error or omission in the PDCA if required by the registrar.

Subsection 7(15) amended: N.S. Reg. 189/2010.

~~(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~~

Repealed

- (17) ~~Except as provided in subsection (18), if after considering the nature and use of both a watercourse and the land through which it flows, a PDCA submitter or a registrar 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~~

Repealed

- (18) ~~A parcel for which subdivision approval has been granted under the *Municipal Government Act*, or the former *Planning Act*, may not be subdivided under subsection (17).~~

Repealed

This provision is removed as it is covered by s268B of the Municipal Government Act, which was amended in 2015.

- (19) ~~If a registrar determines that a PDCA is accurate, complete and in compliance with the Act and the regulations, the registrar must approve the PDCA~~

Repealed

This provision has been removed to provide clarity respecting the Registrar's discretion to reject PDCAs

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 PDCA and parcel register on subdivision or condominium unit creation

- 9** (1) On subdivision, the registrar shall remove the parcel access type from the parcel register of each parcel created on subdivision, including the remainder parcel.

- (2) On registration of a condominium declaration, the registrar shall place in the parcel register of each unit created by the condominium declaration, the interests, and textual qualifications that were in the parcel register of the parcel existing prior to the registration of the condominium declaration.
- (3) **Subject to subsection (5), the registered owner of a parcel registered under the Act that is created on subdivision or registration of a condominium declaration ~~must file all of the following~~ must do all of the following within 30 days of the creation of the parcel and** before submitting an request to change the registered owner of the parcel:
 - (b) **create and record in all affected parcel registers all of the benefits and burdens indicated on the approved plan of survey or in the condominium declaration;**
 - (b) **submit** a Form 45 adding, confirming, deleting or correcting, as necessary, the interests, textual qualifications and parcel access type that
 - (i) are not shown in the parcel register,
 - (ii) have been placed in the parcel register under subsection 13(5) of the Act or subsection (2), or
 - (iii) have been removed from the parcel register under subsection (1);
 - (c) **submit** any consequential amendment of the PDCA for the parcel in Form 2 **which is needed to reflect the changes made under clauses (a) and (b).**

This change provides a deadline to file a form 45, as often, form 45s are not filed until individual parcels are sold.

A common problem exists where parcels located within larger developments do not contain the appropriate easements as reflected on the development/survey plan. Documents creating benefits and burdens are not being recorded for the entire subdivision and are added inconsistently on a case by case basis as parcels are sold. This often creates mismatches between parcels throughout the subdivision.

- (4) **A person authorized under subsection 7(6) is authorized to fulfill the requirements of subsection (3).**

To align with other provisions where an authorizing person/non owner instructs a lawyer to submit a PDCA or AFR

- (5) **If it is necessary to facilitate a consolidation process, a consolidation deed accompanied by an approved consolidation plan may be recorded prior to the completion of the requirements in subsection (3).**

Previously, the land registration office permitted consolidation deeds to be registered and processed prior to the Form 45 by creating a separate instrument type that would bypass the inherited interest flags, however there was no formal authorization in the regulations to do this. This

amendment provides authorization for the current practice.

Clause 9(3)(b) amended: N.S. Reg. 189/2010.

Section 9 heading amended: N.S. Reg. 189/2010.

Application for registration (AFR)

- 10 (1)** An AFR must be submitted by an authorized lawyer who is authorized to do so by the parcel owner or another person permitted under subsection (5).
- (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 is **one of the following:**
- (a) the mortgagee of a parcel and the owner of the parcel has refused to register title to the parcel;
 - (b) 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) 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*;
 - (d) 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*; *or*.
 - (e) a solicitor acting for a municipality on a pending tax sale of the property.**

To align with s. 7(6)

- (6) An 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 original or a true copy of any of the following items:
- (a) written authorization to submit the PDCA and 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 the parcel and residency status in Form 5 and, if signed by the authorized lawyer or authorized surveyor, evidence of the information relied upon under subsection (7);
 - (c) the notice of parcel registration, in Form 9, sent in accordance with this Section, together with proof of service in accordance with Section 30, and any written directions given by the Registrar General under this Section, if applicable;
 - (d) the Statement of Registered and Recorded Interests that was sent electronically to the submitting lawyer upon submission of the AFR in final form;
 - (e) the official report for the legal description from the parcel description database in *Property Online* at the time of submission of the AFR in final form;
 - (f) the abstract of title upon which the submitting lawyer's certified opinion of title is based showing the chain of ownership of the parcel; and
 - (g) evidence of compliance with the *Municipal Government Act*.
- (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 either of the following:
- (a) personal knowledge of the facts;
 - (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, **but must provide sufficient evidence of reasonable attempts to obtain information from the owner, a review of the records or a site visit.**

To align with s. 7(6)
When someone other than owner authorizes a PDCA, the submitter must provide evidence that the authorizing person/non-owner has made reasonable attempts to gather information about the property necessary to complete the

Form 5

- (9) If a parcel owner's declaration regarding occupation in Form 5 discloses that the parcel is occupied without permission, **including the use of a travelled way across the parcel**, the authorized lawyer submitting the AFR must
- (a) **submit a textual qualification with the AFR which provides the details of the occupation and the notice given to the occupiers and a statement of the owner's position with regard to the occupation;**
 - (b) **no later than 14 days prior to ~~immediately after~~ submitting the AFR in final form, provide a notice of parcel registration in Form 9 to the occupier indicating that an AFR is being submitted ~~of the parcel has been made~~; and**
 - (c) **submit a true copy of the notice sent to the occupier in Form 9 with the AFR, together with proof of service in accordance with Section 2930, using Form 26N.**

This provision includes prescriptive use on the Form 5 declaration and requires that information be included in the parcel register in order to provide notice to subsequent owners.

Previously there was no time limit for serving notice in form 9 which could be months after migration. This establishes a timeline for the Form 9 to be registered in conjunction with the submission of the AFR.

- (10) Except as provided in subsection (11), if an authorized lawyer who is certifying title to a parcel whose ownership is registered in whole or in part on the basis of adverse possession, must
- (a) **no later than 14 days prior to submitting the AFR in final form, serves ~~send a~~ notice of proposed registration in Form 9 to the last known owner on record of the parcel, based on a title search of the records maintained under the Registry Act, prior to ~~before~~ the owner(s) whose possessory interest is being registered with the AFR, ~~of the parcel as shown on the consolidated index that is maintained under the Registry Act~~; and**
 - (b) **submit a true copy of the notice sent in Form 9 and any written directions from the Registrar General under subsection 31(2) using Form 26N, together with proof of service in accordance with Section 30, immediately following submission of the AFR in final form**

Previously there was no time limit for serving the form 9, and it could be done months after migration. This provision establishes a timeline for the Form 9 to be registered in conjunction with the submission of the AFR.

- (11) Notice is not required to be sent under subsection (10) if
- (a) **the Registrar General is satisfied that it would not be practicable to give notice in the circumstances and provides written directions to the authorized lawyer**

that no notice is required; and

- (b) the authorized lawyer submits a true copy of the Registrar General's written directions using Form 26N.
- (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, they must do all of the following without delay:
- (a) complete a new Form 5;
 - (b) provide notice in Form 9 to any occupier;
 - (c) submit a true copy of the notice and proof of service, as required by subsection (9), using Form 26N-;
 - (d) add a textual qualification in the parcel register which provides the details of the occupation and the notice given to the occupiers and a statement of the owner's position with regard to the occupation.

Added a requirement to provide notice by way of a TQ on the parcel register about the details of occupation when those details become known after migration, in keeping with the requirements under s 10 (9).

- (13) An authorized lawyer who is certifying title to a parcel whose ownership is registered in whole or in part on the basis of adverse possession must ensure that all of the following are done with the necessary statutory declarations that provide evidence of the adverse possession interest being certified, in compliance with Nova Scotia Barristers' Society practice standards:
- (a) the declarations are filed in the Registry of Deeds before the parcel is registered under the Act;
 - (b) the declarations are listed as enabling documents in the registered interest portion of the AFR for the parcel, noting the registered owner as the interest holder for each of the statutory declarations.
- (14) Sections 14, 16, and 17 ~~and 18~~ apply, with necessary changes, to an AFR that includes the recording of a benefit or burden that affects another parcel in addition to the parcel being registered.

Section 18 has been repealed

10A Parcel Access Types

- (1) When providing an opinion under clause 37(9)(a)(ii) of the Act concerning the direct or indirect right of access to the parcel, if any, from a public street, highway or navigable waterway, an authorized lawyer must do all of the following:
- (a) choose the appropriate access type from the following options, for the following

circumstances:

- (i) “no documented right of access”, if there is no documentation recorded at the registry of deeds sufficient to support an opinion that there is a right, which runs with the land, of uninterrupted access from the parcel to a public street or highway,
- (ii) “public”, if the parcel abuts a public street or highway,
- (iii) “private”, if there is a document(s) recorded at the registry of deeds sufficient to support an opinion that there is a right, which runs with the land, of uninterrupted non-public access to a public street or highway, which is created by grant, prescription, implication, or through operation of law,
- (iv) “navigable waterway”, if the parcel abuts a navigable waterway;

This reduces the parcel access types to four from the previous list of 12, many of which were ambiguous. This section also provides an explanation of each access type and when it should be used.

- (b) include a textual qualification setting out a description of the actual access to the parcel, including the details of any limitations or restrictions on the access, and any additional information necessary to describe the access, including the nature of the waterway, if applicable, in all of the following cases:
 - (i) if actual access to the parcel is not as indicated by the access type chosen,
 - (ii) if there are any limitations or restrictions on actual access to the parcel if relying on the access type chosen,
 - (iii) if the access to the parcel is not apparent from the documents in the parcel register,
 - (iv) if the access is based on an unrecorded interest or statutory provision,
 - (v) if the access type chosen is “navigable waterway”.

Requires an explanation of any limitation or restrictions on the access type in the form of a TQ in order to provide additional information in a parcel register. As an example: if a parcel abuts a controlled access highway, a TQ must provide an explanation of the limitation associated with an access type of ‘Public’.

- (2) An authorized lawyer acting on behalf of a registered owner is permitted to amend a parcel register at any time in accordance with this Section, by filing a Form 24, to update a an access type previously available in Property Online to an applicable access type in subsection (1).

These provisions are not retroactive but do provide the ability for a lawyer to

update or change access on land registered parcels that have any of the former access types that are no longer in the above list, if so desired.

Textual qualifications

11 (1) An authorized lawyer submitting an opinion on title in an AFR or a certificate of legal effect may include a textual qualification if the lawyer is of the opinion that the textual qualification is the only means to provide a complete statement of all the interests affecting the parcel.

(1A) An authorized lawyer submitting an opinion on title in an AFR or a certificate of legal effect must include a textual qualification in all of the following circumstances:

(a) when registering a tenant in common interest, to indicate the percentage or fraction of interest held by each owner of a tenant in common interest in the parcel;

A TQ is required for a tenant in common interest to indicate the percentage or fraction of interest held by each TIC owner, to ensure that this information is apparent to anyone reviewing a parcel register.

(b) if the lawyer is aware about competing chains of title or claims of ownership affecting title or extent of title, to disclose the information;

A TQ is required to disclose notice of competing chains of title or ownership claims that affect title or extent of title in order to provide notice to a prospective purchaser.

(c) wherever required by the Act or the regulations.

Other TQ's must be added as required by the Act or pursuant to these regulations under the following sections; 10, 10A, 11, 14 and 17

(2) A textual qualification must meet all of the following criteria:

(a) it must include a clear statement of the certifying lawyer's opinion about its effect;

(b) it must form part of the authorized lawyer's certificate of legal effect or opinion of title;

(c) it must not limit, contradict or make ambiguous any other information in the parcel register, including the legal description.

Registration of condominium units

12 (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) Subject to the caution displayed in the Important Notice section of the Condo Common View, the relevant documents displayed in the Condo Common View, including in the linked screen views in the section entitled “Parcels as existing prior to the Condominium Declaration”, are deemed to be registered and recorded, as applicable, in the parcel register for each of the condominium corporation units, that is registered under the Act.
 - (4) A document certifying the deregistration of a condominium corporation with units registered under the Act may not be recorded unless all the units in the condominium corporation have been registered under the Act.

Registration of interest under Section 41 of the Act

13 A person registering an interest in a parcel under Section 41 of the Act must first submit

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

Addition of a benefit or burden to a parcel registered under the Act

14 (1) An authorized lawyer may add any benefit or burden permitted under the Act to be added to a parcel register, if authorized by the registered owner of the parcel, by submitting a Form 24 together with the document that conveys or evidences the benefit or burden.

(2) If a benefit or burden added under subsection (1) affects another parcel registered under the Act, and the corresponding benefit or burden is not already included in the affected parcel register, an authorized lawyer submitting a Form 24 under subsection

(1) must do one of the following if the corresponding benefit or burden is not shown in the affected parcel register:

- (a) subject to subsection (5), ensure that the corresponding benefit or burden is added to the affected parcel register; or**
- (b) add a textual qualification in the parcel register in which the Form 24 has been recorded indicating that the corresponding benefit or burden is not shown in the affected parcel register. ~~must also submit another Form 24 to add the corresponding benefit or burden to the affected parcel register.~~**

The current Regulations require the lawyer to add a benefit or burden to the corresponding “flip side” parcel when registering a benefit or burden to a Land Registered parcel. However, there may be valid reasons why this would not be possible, and in those circumstances, a lawyer is permitted to simply add the benefit or burden along with a Textual Qualification indicating that it is not appearing in the corresponding parcel register.

- (3) **Subject to subsection (3A), if a benefit or burden added under subsection (1) affects another parcel not registered under the Act, an authorized lawyer submitting a Form 24 under subsection (1) must do both of the following:**
- (a) register a notice of the corresponding benefit or burden under the *Registry Act*, by filing ~~a Form 44 and one of~~ the following documents:
 - (i) ~~a Form 44 and a Form 8A, and for all benefits or burdens other than as referred to in clause (b);~~
 - (ii) ~~each document evidencing the benefit or burden, if the document is a grant of easement or a statutory declaration, together with a Form 44 for each document filed the document evidencing the benefit or burden, if it is a grant of easement, and~~
 - (b) add a textual qualification in the parcel register in which the Form 24 has been recorded indicating that the affected parcel, identified by the property address and owner named on the Form 8A, was not registered under the Act at the time that the benefit or burden was added, but that a Form 8A was filed under the *Registry Act*.

Previously, lawyers could file the Form 8A or register the document if it was a grant of easement. This section was amended to require the recording of a grant of easement or statutory declaration if non LR parcels are affected. In addition, a Form 8A must be recorded to provide notice that an LR parcel reflects a benefit or burden affecting a non LR parcel. A TQ is required to provide confirmation that the Form 8A was filed, for anyone reviewing the LR parcel register.

- (3A) ~~If there is no assessment account associated with the affected parcel referred to in subsection (3) and the apparent owner of that parcel is shown on Property Online as unknown, owner unknown, unknown owner, local common, or road parcel owner undetermined, an authorized lawyer is exempt from the requirements of subsection (3) but must add a textual qualification in the parcel register to which the Form 24 was added under subsection (1) which states as follows:~~

~~“Under subsection 14(3A) of the *Land Registration Administration Regulations*, notice to the owner of PID (*PID of affected parcel*) shown in POL as (*ownership attribute*) was not provided concerning the addition of (*particulars of benefit/ burden*).”~~

This provision was added to eliminate the need for a lawyer to make a request to the RG for an exemption for filing the 8A if the Non-LR parcel is in the name of owner unknown or local common, etc. Lawyer's currently need permission to do so, but now lawyers can simply add the TQ as noted above if the apparent owner is one of the 'unknown' variations listed under this subsection.

- (4) An authorized lawyer who submits a Form 24 under subsection (1) must also apply to amend the legal description for each parcel registered under the Act to which a burden or benefit has been added.
- (5) An authorized lawyer who submits a Form 24 under subsection (1) ~~must serve notice, in Form 8, on the owner of the parcel to which the benefit or burden is being added under~~ must add the corresponding benefit or burden to the parcel register of an affected parcel noted in subsection (2), ~~unless the owner has~~ if the owner of the affected parcel executed the document that conveys or evidences the benefit and corresponding burden ~~or has properly executed a written consent to the addition of the interest, which must be submitted as an attachment to the document.~~

This provision makes it a requirement to add the flip side benefit/burden if the affected parcel owner is a party to the document or provides written permission attached to the document. This is to ensure that the lawyer will record the document, when appropriate, to the corresponding parcel register instead of simply adding a TQ about a mismatch.

~~(6) If notice is required to be served under subsection (5), an authorized lawyer who submits a 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 30, file both in the parcel register in which the Form 24 has been recorded using Form 26N and make it available for review by the Registrar General upon request and audit by the Nova Scotia Barristers' Society~~

Repealed

Removed the requirement to serve notice on the owner in Form 8 under clause (5).

- (7) ~~The Form 8A A document~~ filed under ~~subsection 3 clause 3 (a) or (b)~~ must reference the owner of the parcel not registered under the Act as shown on the consolidated index maintained under the *Registry Act*, unless
 - (a) an assessment account is associated with the parcel in Property Online, in which case the document may instead reference the owner of the parcel as shown in Property Online; or
 - (b) the Registrar General is satisfied that it would not be practicable to identify the owner on the consolidated index and the Registrar General does one or both of the following:
 - (i) provides written directions to the authorized lawyer about how the owner must be referenced;

- (ii) issues a written directive about how an owner may be referenced in the applicable circumstances.

This provision clarifies how the Form 8A filed under subsection 3 must reference the owner on the form. If there is an issue with identifying the owner, the lawyer can seek direction from the RG.

- (8) An authorized lawyer must retain a true copy of any written directions received under subsection (7) 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~~

- ~~15 (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 30, and make it available for review by the Registrar General upon request and audit by the Nova Scotia Barristers' Society.~~

Repealed

Section 15 put an obligation on a lawyer working on behalf of the owner of a non-land registration parcel, to add the corresponding benefit/burden to the LR parcel, which is problematic since a non LR parcel is not regulated by these regulations.

Addition of burdens and restrictive covenants which do not require identification or addition of benefit

- 16 (1) Despite Section 14 ~~and 15~~, 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) ~~if not acting on behalf of the registered owner, serve notice in Form 8, on the owner of the parcel to which the interest is being added, attach to the document that conveys or evidences the interest, the properly executed written consent of the owner to the addition of the interest, unless the owner has executed the document that conveys or evidences the interest.~~

Notice in Form 8 is no longer required (and was removed from the list of prescribed forms) because if a lawyer is not acting on behalf of a registered owner, they must now ensure that they have attached their written consent to the document that conveys or evidences the interest, unless they were a party to the document.

- (3) ~~If 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 30, and make it available for review by the Registrar General upon request and audit by the Nova Scotia Barristers' Society~~

Repealed

Removed the requirement to serve notice on the owner with a Form 8, under clause (2) (c) .

Exemption from requirement to identify or add corresponding benefit or burden

17 (1) Despite Section 14 ~~and 15~~, an authorized lawyer who is adding a benefit or burden to a parcel that is registered under the Act, ~~may be~~ is exempted from the requirement to identify or add a corresponding benefit or burden to other affected parcels ~~if a registrar is satisfied that it would not be practicable to do so.~~ in any of the following circumstances:

- (a) the location or extent of the affected parcels is uncertain;
- (b) the benefit or burden is intended to be added to future lots created in a subdivision;
- (c) a significant administrative burden would be created due to the excessive number of affected parcels;

- (d) the affected parcels are units in a condominium corporation.

This provision is to allow for the use of various PIDs for benefits and or burden without having to obtain permission from the RG and provides the circumstances where it is permitted.

- ~~(2) To obtain an exemption under subsection (1), an authorized lawyer must apply in writing to a registrar, providing the reasons for the request and any additional information requested by the registrar.~~
- ~~(3) An authorized lawyer must retain a true copy of an exemption obtained under subsection (1) and make it available for review by the Registrar General upon request and audit by the Nova Scotia Barristers' Society.~~
- (2) An authorized lawyer who is exempt under subsection (1) must add both of the following to the parcel register in which the benefit or burden has been added:
 - (a) a reference to “various PIDs” or “various owners” in relation to the benefit or burden;
 - (b) a textual qualification setting out all of the following:
 - (i) the basis of the exemption claimed under this Section,
 - (ii) any available information regarding the location and identification of the affected parcels and the source of that information,
 - (iii) a statement that the affected parcels may not reflect the corresponding benefit or burden.

This section outlines the criteria for adding a benefit or burden using ‘Various PIDs’ or ‘Various Owners’ and for the TQ that is required to be placed in the parcel register.

- (3) The Registrar General may add a textual qualification to a parcel register which had a “various PID” or “various owners” reference added regarding a benefit or burden prior to the requirement in subsection (2), which states that the affected parcel may not reflect the corresponding benefit or burden.

This provision allows the RG’s Office to add TQs to parcel registers that already have various PIDs designation for benefits and burdens so they align with the new amendments. In particular, that the TQ will state that the corresponding benefits or burdens may not be reflected in the affected parcel(s).

Notice of overriding interest in a registered parcel

~~18—Any person recording an overriding interest in a parcel registered under the Act must notify the registered~~

~~owner in Form 8 and, if adding a benefit or burden to a parcel, comply with the requirements in Sections 14, 16 and 17.~~

Repealed

Overriding interests are not permitted to be added to a parcel register unless there is a court order or the document has either been executed by the owner or contains the consent of the owner, in accordance with s 74 of the LRA. In addition, Form 8 has been repealed.

- 19**
- (1) Except as provided in Section 20 for correcting a registrar's error or omission, the Registrar General may correct an error or omission in a parcel register in accordance with this Section.
 - (2) The Registrar General must provide notice in writing of the details of any identified error or omission and the proposed correction to all of the following:
 - (a) any registered owner of the affected parcel;
 - (b) any interest holder shown in the parcel register who may be affected by the error or omission;
 - (c) the authorized lawyer who certified the information being corrected.
 - (3) Any registered owners and any interest holders notified under subsection (2) must be given 15 days from the date of the notice to consent or object to the Registrar General's proposed correction.
 - (4) If a notified registered owner or interest holder objects to a proposed correction within 15 days from the date of the notice under subsection (2), the Registrar General must make any necessary further inquiries and notify any registered owners and any interest holders who received the original notice that
 - (a) the Registrar General has abandoned the proposed correction; or
 - (b) the proposed correction will take effect 30 days after the date of the notice under this subsection unless they have commenced a proceeding in the Supreme Court of Nova Scotia and submitted a certificate of *lis pendens* in Form 19 for recording.
 - (5) If all notified registered owners and interest holders consent or do not object to the Registrar General's correction proposal, the Registrar General may direct a registrar to correct the error or omission as proposed.
 - (6) Nothing in this Section affects the Registrar General's powers under Section 56 of the Act.

Correction of registrar's errors

- 20**
- (1) The Registrar General may direct a registrar to correct a registrar's error in a parcel register caused by an error in processing, indexing or accepting a document.
 - (2) All of the following must be done to complete the correction of a registrar's error under this Section:

- (a) the registrar must ensure that a written record of the correction is placed in the parcel register;
- (b) notice is provided in accordance with Section 19, unless the Registrar General is satisfied that no registered owner or interest holder could be adversely affected by the correction.

Request for correction of errors in recorded interests previously submitted without a certificate of legal effect

21 (1) An authorized lawyer who is acting on behalf of a registered owner of an affected parcel or any other interest holder affected by an error in a request to record, or request to cancel the recording of, a recorded interest previously submitted on a Form 26, 26L, 27 or 27L that does not contain a certificate of legal effect may request correction of the error by submitting a request to a registrar in Form 6A 49; if the lawyer has done one of the following:

All corrections made by an authorized lawyer can be done with a Form 6A, eliminating the need for a Form 49. This form was rarely being used as it appears to be a common practice for lawyers to simply use Form 6A.

- (a) they have notified and obtained the consent, in writing, of the registered owner of the affected parcel and any other interest holder shown in the parcel register who may be affected by the error;
 - (b) they have obtained the prior written approval of the Registrar General, who may withhold approval or impose such notice or other requirements as the Registrar General considers appropriate in the circumstances.
- (2)** An authorized lawyer must retain a true copy of all documentation or information that supports their requested correction and any approvals and consents obtained under this Section and make them available for review by the Registrar General upon request and audit by the Nova Scotia Barristers' Society.

Correction of errors or omissions in registration, recording or other information certified by certificate of legal effect

22 (1) In this Section, "certificate of legal effect" includes an opinion of title on an AFR.

- (2)** An authorized lawyer who is aware that there is an error or omission in a registration or recording or other information in a parcel register certified by a certificate of legal effect that the authorized lawyer previously submitted as required under these regulations must, without delay, request a correction of the particulars certified by the certificate of legal effect in Form 6A and do one of the following:
- (a) notify and obtain the consent, in writing, of the registered owner of the affected parcel and any other interest holder shown in the parcel register, who may be affected by the error or omission; or
 - (b) obtain the prior written approval of the Registrar General, who may withhold approval or impose any notice or other requirements the Registrar General

considers appropriate in the circumstances.

- (3) An authorized lawyer who is acting on behalf of a registered owner of an affected parcel or any other interest holder affected by an error or omission may submit a correction of the error or omission in a registration or recording or other information in a parcel register certified by a certificate of legal effect previously submitted by another authorized lawyer, if the lawyer complies with the requirements in subsection (2) and has one of the following:
 - (a) the agreement, in writing, of the authorized lawyer who previously submitted the certificate of legal effect;
 - (b) the written approval of the Registrar General, who may withhold approval or impose any notice or other requirements the Registrar General considers appropriate in the circumstances.
- (4) An authorized lawyer must retain a true copy of all documentation or information that supports their correction and any approvals and consents obtained under this Section and make them available for review by the Registrar General upon request and audit by the Nova Scotia Barristers' Society.

Content of parcel register

23 (1) A parcel register must contain all of the following:

- (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, ~~current as of the date of registration or revision, or as subsequently amended by the owner~~;

This formerly said 'if known' regarding the mailing address which has been removed to make this a requirement for a registered interest.

- (d) the names and mailing addresses, ~~if known~~, of all holders of a recorded interest in the parcel, ~~current as of the date of recording in the parcel register, or as subsequently amended by the interest holder or the owner, unless a satisfactory explanation is provided as to why there is no ability to provide a mailing address~~;

Removed 'if known' regarding the mailing address to place more emphasis on this requirement and to afford the lawyer an opportunity to provide an explanation for circumstances when there isn't the ability to add a mailing address for a recorded interest.

- (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 , or a textual qualification with sufficient description, if based on an unrecorded interest or a statutory provision;

This provision now includes a TQ that sufficiently describes how title is affected if based on an unrecorded interest (i.e. license) or a statutory provision (i.e. s 280 (2) of the MGA).

- (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 **holder** type assigned to any registered or recorded interest;

This distinguishes an interest type or document type (i.e. deed) from the interest holder type for each category of registered and recorded interests (i.e. fee simple, mortgagee, etc.).

- (h) a reference to any judgment **and any associated renewals, assignments or postponements of 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;

This now includes other associated judgment related documents such as renewals, assignments, and postponements of judgments, that may have to be added to a parcel register at the time of migration or revision of ownership of a 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;
- (j) the manner of tenure for the registered interest in the parcel;
- (k) any textual qualification added under **these regulations Section 11**;

This includes any TQ that complies with the requirements as stated throughout these regulations, notwithstanding S 11.

- (l) **parcel access type as required by clause 37(9)(a)(ii) of the Act and Section 10A-**

To include the parcel access type as a part of the parcel register as explained under S 10 (A).

- (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.~~

Repealed

This was removed to provide clarity and avoid misinterpretation. It may have appeared to conflict with the LRA which states that a judgment recorded in the judgment roll attaches to any property that the judgment debtor owns, whether or not it appears in the parcel register.

However, the way this provision was written, it might give the impression that if a judgment wasn't appearing in the parcel register, that title wasn't affected by a judgment based upon the following wording *'a parcel register is deemed to be a complete statement of all judgments recorded...'*, which could easily be misinterpreted and which is inconsistent with the LRA. Therefore, given the ambiguity of this clause, it is being repealed.

- (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

- 24** (1) Option agreements, ~~and~~ rights of first refusal ~~and licenses~~ 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.

Added Licenses to list of prescribed contracts

Tenants in common

- 25** (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 30, 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.~~

Repealed

Removed the requirement to record a Form 50 because the deed can simply be recorded with a Form 44, pursuant to the *Registry Act*. There wasn't any purpose served in using a Form 50 and it has been removed from the list of prescribed forms.

Judgment information

26 (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 66A(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 or creditor in the judgment roll and, if applicable, the parcel register, by recording a request in Form 20.

Added the ability to change the name or address of a judgment creditor on the 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 or request for cancellation of judgments

- 27 (1)** 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.
- (2)** 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.

Security interest holder compliance with subsection 51(4) of the Act

- 28 (1)** Subsection 51(4) of the Act does not apply to a security interest that is intended to remain in place to secure future advances.
- (2)** Except as provided in subsection (3), a security interest holder is not in compliance with the requirement to record a release of a security interest in subsection 51(4) of the Act unless all necessary releases of a security interest and related documents are submitted for recording within a reasonably prompt time after the obligation secured by the security interest is paid in full.
- (3)** 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 **together with the completed and signed Form 27L** and the release is recorded.

This provision was added to ensure that the Form 27L is completed and signed by the lender and included with the release that is sent to the owner.

Notice to cancel or amend a recorded interest

- 29 (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 31 ~~0~~.

Corrected the section which was erroneously referred to as 30 instead of 31.

- (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 31.

Proof of service

30 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

31 (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, or if service under subsection (1) is not practicable, the Registrar General may provide directions for substituted service of any notice required by the Act or these regulations.

Appeals to Registrar General

32 (1) To appeal a decision of a registrar under Section 90 of the Act, a person must submit an appeal in writing to the Registrar General in paper format or electronically, ~~following the instructions in Property Online~~, together with all of the following:

Removed the requirement to follow instructions in POL because all of the requirements to appeal a decision are outlined in this section.

- (a) the fee prescribed under the *Land Registration General Regulations*, if any;
- (b) a copy of the registrar's decision that is being appealed;
- (c) a copy of the documents that are the subject matter of the appeal;

- (d) a clear statement of the reasons why the registrar's decision is incorrect and any other explanatory information.
- (2) An application for an appeal under this Section must state in bold in the subject line "Appeal of a Registrar's Decision - PID(s) (*insert PIDs of affected parcel(s)*)- County(ies) (*insert name(s) of County/ies where affected parcel(s) are located*)".