

The Land Registration System

How does it affect land owners?

The Government of Nova Scotia has enacted legislation and acquired technology that has modernized our 250-year-old Registry of Deeds system. The *Land Registration Act* moves Nova Scotia from an antiquated, names-based system to a system that guarantees ownership and provides access to land-related information for subscribers through an Internet browser. The Act came into force across the province in March 2005. The following questions and answers are intended to provide land owners with information on how the land registration system will affect them.

What are the benefits of the land registration system?

The government guarantees ownership of each parcel of land that is registered in the land registration system. The registered owner is, by law, conclusively the owner of the parcel. In the old registry system, ownership can only be determined after a review of all relevant title documents deposited at the Registry of Deeds. Lawyers then give their opinion as to who owns and has legal rights in the property (opinion on title). After a parcel is converted to the land registration system, there is no need to do a historic review of title – a person wishing to know who owns a parcel of land simply has to do a quick check in the system database to see who is listed as the registered owner. This eliminates the wasteful, expensive, and repetitive need to search the historic title to land each time it is transferred, subdivided, or mortgaged.

Under the land registration system, information is indexed according to parcels of land, instead of by the owner's name. Tying ownership and interests in land to a particular parcel makes searching simpler and less prone to confusion and error.

The system also provides online links to other land-related information, such as outstanding municipal tax balances, reducing the costs associated with distributing this information. The system will connect all land-related information needed to make all land transactions simpler for everyone. Since land transactions are the chief economic drivers in any market economy, this system will help improve the economy and benefit all Nova Scotians.

When was the land registration system implemented?

The land registration system was rolled out on a region-by-region basis, becoming fully implemented province-wide on March 1, 2005.

Do I have to convert my land to the new system?

Conversion to the land registration system is required any time a land owner is selling or mortgaging property, or subdividing it into three or more lots for the purpose of selling those lots. Land owners may also voluntarily convert their land to the land registration system. When land is sold, the buyer and seller may agree, as a condition of the sale, on who will pay the fees for preparing the necessary paperwork to convert the property into the land registration system.

What are the benefits of converting property voluntarily?

Conversion not only gives property owners guaranteed ownership of their land; it makes it easier for them to finance or sell their property. Once converted, the bank/buyer will not have to perform an historic search of the title in order to mortgage or purchase the land - *the owner is guaranteed by the government to be the owner of the parcel*. Conversion also prevents squatters from obtaining an interest in the land if they do not have a claim already.

How does an owner convert property in the land registration system?

The owner will need the help of an authorized surveyor or authorized lawyer to complete the first step in conversion - getting the parcel description certified (see below for more details). Authorized lawyers can also handle the property registration steps, which include reviewing the historic title records, certifying title, and filing an Application for Registration which will trigger the conversion of the parcel to the new system. To find an authorized surveyor please visit the Association of Nova Scotia Land Surveyors website, www.ansls.ca. To find an authorized lawyer please visit the Nova Scotia Barristers Society website, www.nsbs.org.

What is a Parcel Description Certification Application?

A Parcel Description Certification Application (PDCA) is used to match the property description written in a deed with the unique parcel identification number (PID) for the parcel. With the help of a lawyer or surveyor, an owner must locate their parcel in the electronic provincial mapping system using *Property Online*, the government's online property information service. This must be done before any parcel can be converted from the registry of deeds system to the land registration system. The lawyer or surveyor then completes and submits the electronic PDCA. A separate bulletin on the PDCA process is available online.

Are there new requirements for subdividing land under the land registration system?

Non-family subdivisions which result in three or more parcels all on a single plan will trigger the conversion of the existing parcel to the land registration system. The existing parcel must be transferred to the land registration system before the subdivider applies for final subdivision approval. If the subdivision is exempt from conversion because it is solely for the purpose of gifting to family, the owner must submit a sworn affidavit stating so along with the application for final subdivision approval. A separate bulletin on subdivision changes is available online.

How much extra work is involved in converting a parcel?

The government estimates that the added steps required to convert a standard parcel take approximately two hours of a lawyer's time. Additional parcels that have the same title history should take less than one extra hour of a lawyer's time to convert. Because the state of the property's title is being certified to the Government, your lawyer will take as much time as is required to ensure that all of the information about the state of the title is completely accurate. Often if you are using the services of a lawyer who has previous knowledge about the property, there will be a savings as the earlier title work can be used in the conversion process.

Will there be higher fees as a result of the land registration system?

There are no additional government fees for converting a property - the government charges the same document filing fee for converted and unconverted properties, but the lawyer or surveyor will charge a fee for their professional services related to the property transaction. The lawyer and surveyor are required to take some one-time steps in helping you to convert your property into the new system that are in addition to the services normally required in a sale or mortgage transaction. Fees for the added services are determined by each lawyer and surveyor, not the government, so, as with any service, it is important for consumers to ask in advance what those fees will be. Fees will vary, depending on the complexity of a property's description and title. Do not hesitate to ask your lawyer to review with you the fees that will be charged for your transaction.

What is guaranteed under the land registration system?

For parcels registered under the land registration system, the government guarantees that the person listed as the registered owner of the parcel *is* the person entitled to occupy and deal with the land. The government *does not* guarantee the boundaries, location or size of the parcels. The land registration system also provides more certainty about other interests (such as easements, rights of way, well agreements, etc.) that may affect each parcel. The system does not guarantee that interests (other than those that are registered) are valid but the system makes non-registered interests easier to identify and evaluate.

Which government office deals with land registration issues?

The former Registries of Deeds and Land Information Centres have been renamed as Land Registration Offices. These offices will continue to handle all land transactions including all land registration issues and any remaining Registry of Deeds matters.

Questions?

Call toll-free: 1-800-670-4357

Email: propertyonline@gov.ns.ca

Website: www.gov.ns.ca/snsmr/access/land