

Converting Land to the New System

Under the *Land Registration Act* all parcels of land that are being sold for value, mortgaged or subdivided to create three or more lots must be converted to Nova Scotia's new land registration system. Land can also be brought into the new system voluntarily. The process for mandatory and voluntary conversion to the new system is the same. The parcel owner will need the help of an authorized* surveyor or lawyer to certify the description to the parcel, and an authorized lawyer to oversee the review of the historic title records, certify title and register the parcel. Conversion to the new system will eliminate any future requirement to search historic title records, removing a significant cost and time delay for post-conversion property transactions.

*To be authorized, a lawyer or surveyor must complete mandatory land registration education. To confirm that your lawyer or surveyor is authorized, call the toll free number.

Conversion Process

1. To convert your land you must first submit a Parcel Description Certification Application (see reverse). Once that is underway and the lawyer has completed a review of the parcel's title history back at least 40 years (just as they do now) the lawyer then prepares an Opinion of Title for the parcel. The Opinion of Title certifies who owns the property and names all others who have an interest in the parcel (such as a bank holding a mortgage).
2. Using this information, the lawyer prepares and electronically submits a draft Application for Registration (AFR) of the parcel to the Land Registration Office (LRO).
3. LRO staff review the draft AFR to ensure accuracy and completeness. The system notifies the lawyer when the draft application has been approved.
4. When the lawyer has met all the normal requirements for closing the property transaction and has prepared the necessary documentation, a final, up-to-the-minute check of the registry records is conducted online to ensure that there has been no change to the parcel's title since the initial search was completed.
5. If the search shows no problems, the lawyer electronically submits the final AFR. The parcel is then automatically converted to the new system and the registered owner of the parcel is guaranteed by the government.
6. Almost immediately, the lawyer will receive an electronic notification confirming that the parcel is registered in the land registration system.
7. If registration is triggered by the sale of the parcel, the parcel will be registered in the seller's name and will be transferred to the buyer's name after the closing. The lawyer will do this using the revision process (see the brochure "Changing Information in the Parcel Register"). The government guarantee of ownership transfers to the new registered owner after the ownership records are revised.
8. If you are getting a mortgage, you may obtain it before your property is converted, however the mortgage will not bind your property until your parcel is converted. For this reason your financial institution may require you to convert your property before it releases the mortgage funds. Please see your lender for details.

Conversion is mandatory if you:

- acquire ownership via a transfer for value (e.g. buying or trading real estate, or gifting property when a mortgage is assumed)
- create a non-family subdivision that results in three or more lots including the remainder
- place a new mortgage on your land or increase the principal amount of your existing mortgage

Further Information

Other information is available to help you understand the new land registration system.

Call Toll-free: 1-866-518-4640

Email: propertyonline@gov.ns.ca

Website:
www.servicens.ca/property/landreg


NOVA SCOTIA

Service Nova Scotia
and Municipal Relations