

## Guideline Form 9

**Purpose of Form:** This form is used by an authorized lawyer to give notice to an occupier or the most recent owner as shown on the consolidated (Grantor/Grantee) index maintained under the Registry Act in accordance with Section 10 or 25 of the *Land Registration Administration Regulations*.

**Instrument Type:** 858 (Form 9 is attached to a Form 26N)

**LR or ROD:** A Form 9 is attached to a Form 26N which is indexed under the land registration system only.

**Mandatory E-Submission Applies:** No (currently there is no electronic Form 26N)

**Fee Required:** No

**Accompanying Instrument Required:** Yes (Form 9 must be attached to a Form 26N and the documentation indicated to be attached from the check boxes selected on the Form 26N must be attached).

### Acceptance Criteria for Form 9:

LRO staff do not complete any checks regarding the appropriate use or completeness of a Form 9 by an authorized lawyer. Staff simply confirm that if a Form 26N indicates that a Form 9 is attached, that it is, in fact attached. The Form 9 is collected and maintained for review on request by the Registrar General and audit by the Nova Scotia Barristers' Society.

Note: See Form 26N, required cover form to submit a Form 9 with respect to acceptance criteria for submission.

### Description of Use of Form:

Form 9 is required if an authorized lawyer is certifying title to a parcel whose ownership is, in whole or in part based on adverse possession.

Notice must be sent in Form 9 to the last known owner, before the owner whose interest is being registered with the AFR, of the parcel as shown on the consolidated index (Grantor/Grantee) that is maintained under the *Registry Act* and 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 (See Section 10 of the regulations for particulars and for exceptions to notice requirements in 10(10)).

A Form 9 is also used to provide notice to the occupier where a parcel owner's declaration regarding occupation in Form 5 discloses that the parcel is occupied without permission.

If at any time after the registration of title to a parcel, a registered owner becomes aware that the Form 5 was not accurate and an occupier may exist, the lawyer must without delay: complete a new Form 5, provide a notice in Form 9 to any occupier and submit a true copy of the notice and proof of service, as required in 10(9) using Form 26N.

**Supporting Form(s) / Documents required:**

Must be attached to a Form 26N

Any written directions or directives given by the RG, if applicable.