

# The New Land Registration System

## How does it affect land owners?

The Government of Nova Scotia has enacted new legislation and acquired new technology to modernize 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 will be in force across the province by March 2005. The following questions and answers are intended to provide land owners with information on how the new system will affect them.

### What are the benefits of the new land registration system?

The government guarantees ownership of each parcel of land that is registered in the new 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 new land registration system, there is no need to do an 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 new 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. When fully implemented 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 new system will help improve the economy and benefit all Nova Scotians.

### When will the new land registration system be in place?

The new land registration system is being rolled out on a region-by-region basis and will be implemented province-wide by March 2005. Call toll-free 1-866-518-4640 for the rollout date for your county.

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

Conversion to the new land registration system is required anytime 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 new 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 new 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.



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## How does an owner convert property in the new 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 out which lawyers and surveyors are authorized or for more information on the conversion process, call the toll-free number listed below.

## 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 old registry system to the new system. The lawyer or surveyor then completes and submits the electronic PDCA. A separate brochure on the PDCA process is available - call toll-free 1-866-518-4640.

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

As the new land registration system is implemented in each county, non-family subdivisions which result in three or more parcels on a single plan will trigger the conversion of the existing parcel to the new land registration system. The existing parcel must be transferred to the new 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 brochure on subdivision changes is available - call toll-free 1-866-518-4640.

## 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 lawyer's time to convert. 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 this new 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 property's description and title. Do not hesitate to ask your lawyer to review with you fees that will be charged for your transaction.

## What is guaranteed under the new land registration system?

For parcels registered under the new 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 new 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?

As the new land registration system is implemented around the province, the old Registries of Deeds and Land Information Centres will be 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.

## 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](mailto:propertyonline@gov.ns.ca)

**Website:** [www.servicens.ca/property/landreg](http://www.servicens.ca/property/landreg)