

Revisions to the Registered Ownership Process Summary

Relevant LRA Sections	20, 22
Relevant LRA Admin Reg Sections	4, 14, 16, 21
Relevant Forms	9, 21, 24, 25, 45
For More Information on Revisions and Related Resources	www.gov.ns.ca/snsmr/property/registry/training/lawyers/lawyers01.asp

What is Revision?

Revision is the process by which registered interests in a land registration parcel are changed. The following interests can be registered in a land registration parcel:

- 1) A fee simple estate (includes a dominant tenement or easement benefit ownership interest—an appurtenance to the ownership, as well as any qualifications on the fee simple, e.g. restrictive covenants);
- 2) A life estate and the remainder interests; and
- 3) An interest of Her Majesty.

The registered interests relate to the ownership of the parcel and are the only interests guaranteed by the Government.

How Do I Revise the Ownership of a Land Registration Parcel?

1. Prepare the document (deed, grant of probate, etc) and submit to the LRO with a cover page that identifies the parcels (PIDs) affected by the revision. **See below for a list of some typical revision documents and the required form.**
2. If there are multiple PIDs on the request or direction to revise, the instructions to staff must apply equally to all of the PIDs listed. If they do not, separate requests or directions should be done for each PID requiring different instructions.
3. A Form 24, 25 or 9 will be used to revise the registered ownership of a parcel. Each of these forms includes a certificate of legal effect (CLE), which must be completed by an eligible lawyer.
4. The LRO staff will accept the revision document for processing and provide a proof of submission to the submitter. Staff then continues processing the document for final registration.
5. A revision document will not be accepted when:
 - a. Any or all of the required forms are missing.
 - b. If someone other than an eligible lawyer has signed the CLE.
 - c. The document is not properly prepared, executed and witnessed. (**NOTE:** a wafer or corporate seal is no longer required for documents affecting land registration parcels).

- d. The request or direction to revise is missing required information (e.g. PID, signature, interest holder, instrument type, etc).
 - e. The holder of the registered interest on the Request or Direction to Revise is not the same as the grantee on the document attached.
 - f. A Notice of Request to Revise (Instrument Type 806) is on the parcel register, the 30-day period has not expired, and a subsequent revision for that parcel is submitted for processing.
 - g. The Grantor on the revision document (e.g. deed) does not match the current holder of the registered interest in the parcel register. Differences include spelling differences in the names. **Note:** If there are differences in the names a Form 21 included in the revision to correct the name is required.
6. If the document is not accepted, staff will call the lawyer to explain the problem before rejecting the document. The submitter will then receive a rejection notice and the rejected document will be returned with its cover page.

Refusal by Registrar of Request to Revise

1. A registrar may refuse the owner's request to revise the registration of a parcel. If the registrar refused to revise, the registrar shall contact the owner to explain the situation and see if the revision documents can be corrected.
2. If the owner disagrees with the registrar's opinion regarding the revision of the parcel and wishes to proceed with the revision, the registrar shall inform the owner of his/her right apply to the Registrar General for a review of the registrar's decision and record a Notice of Request to Revise in the relevant parcel register.
3. If the person who requests the revision does not apply to the Registrar General within 30 days after the refusal, the registrar shall cancel the recording of the notice of request for revision and no revision is made to the parcel register.
4. While a Notice of Request to Revise is on the parcel register (30 day period), no subsequent request for revision of that parcel may be accepted. Any request to revise shall be rejected.
5. If the Registrar General agrees with the requested revision and the revision is registered, the submitter will receive a Statement of Registered and Recorded Interests (SRI) as confirmation that the document is registered and the staff followed the submitter's revision directions.

Request to Revise or Direction to Revise?

The LRA makes a distinction between a request and a direction to revise. A request to revise is initiated by the owner to correct or change something related to the ownership information contained in the parcel register. A direction to revise comes from an external body or event such as a court or will and cannot be refused by the Registrar other than for standard accept/reject criteria (e.g. incorrect or incomplete information on cover page, unsigned document).

When do I Use a Direction to Revise the Registered Ownership (Form 25)?

All directions and requests to revise require a CLE and have the same general criteria for acceptance by staff. The act defines them separately so the forms were developed as separate forms. The following revisions to the registered owner shall be presented as a direction to revise the registration of a parcel:

- Expropriation [LRA s. 29]
- Receiving Order or Assignment in Bankruptcy [LRA s. 30]
- Tax Deed [LRA s. 31]
- A judgment or order of a court [LRA s. 32(1)(a)]
- An enactment of Canada or the Province or an order in council [LRA s. 32(1)(b)]
- An order, judgment or certificate issued pursuant to the *Land Titles Clarification Act* or the *Quieting Titles Act* [LRA s. 32(1)(d)]
- Any other instrument or proceeding (including the purchase of the land by a person at a judicial sale from someone other than the registered owner) [LRA s. 32(1)(c)&(e)]

Addition Parcels Relating to Consolidations on Land Registration Plans

- When a Request to Revise (Form 24) relates to an addition parcel or parcels on a land registration plan, the submitter must ensure that the PID for the parcel to which the addition parcel is being added is noted on the form. (E.g. Note that the addition parcel is part of PID 12345678.) This will assist front counter LRO staff in identifying that the revision relates to an addition parcel. Specific procedures for internal processing are required for these.

What Do I do when the Document (Interest) applies to Land Registration Parcels and Non-Land Registration Parcels?

- A dual purpose document is one that applies to both land registration and non-land registration parcels. A dual purpose document cannot be accepted for registration or recording pursuant to both the *Land Registration Act* (LRA) and the *Registry Act* unless the original document is accompanied by a true copy of the original.
- A Notary Public must certify the copy to be a true copy. [LR Administration Regulations subsection 4(5).]
- The original document must be submitted to the Registry of Deeds system (*Registry Act* requires submission of originals) with a Form 44 attached.
- The notarized true copy must be submitted to the Land Registration Office (LRO) with the appropriate Land Registration cover page attached.
- There is only one document fee for recording both the original and the copy.

Land Registration or Registry of Deeds?

1. The person submitting a document for recording at the LRO must determine whether the document relates to a parcel that has been converted to the new land registration system or a parcel that is a non-land registration parcel. Front counter staff is not responsible for determining whether the parcel affected by an instrument is a land registration parcel or a non-land registration parcel. See the **LRO Front Counter Decision Tree** for a guide on submitting documents to the correct system with the correct form.
2. A Form 44 or Form 44A must accompany any instrument submitted for recording under the *Registry Act*. All instruments submitted for recording under the LRA must have a cover page attached, or must incorporate the required information on the first page of the document being submitted.
3. Upon submission of a document, a proof of submission and receipt will be generated and provided to the submitter. This will be proof that the documents were submitted to either the land registration system or pursuant to the *Registry Act*, depending on which request was made by the submitter.
4. If a document is submitted to the land registration system and the cover form refers to PIDs that are not in the land registration system, LRO staff will not accept the document.
5. If a document is submitted pursuant to the *Registry Act*, it will be recorded there. If, during traditional parcel indexing, the mapper concludes that the document affects land registration parcels or should have been a trigger to the new system, the mapper will contact the lawyer as a courtesy.
6. If the document is submitted pursuant to the *Registry Act*, but should have been submitted to the land registration system, the fee paid when the document was submitted under the *Registry Act* will not be refunded and the fee to submit the document in the land registration system must also be paid. It is therefore important that care be taken to ensure that the documents are filed properly.

NOTE: Any document recorded in the traditional registry after the affected parcel has been converted to the land registration system **does not** have any effect against the related parcel, until it is recorded in the parcel register for that parcel.

Change of Name after Registration of a Parcel

If a person or company that is the owner of an interest in a parcel changes their name, (e.g. through marriage, death of spouse, company or personal name change), the person or enterprise may submit a change of name in Form 21 (instrument 109). All name changes are included in the judgment roll as a search option. Proof of Death of Joint Tenant must also be submitted with a Form 21 to have the deceased person's name removed from the parcel register. There is no fee for the submission of a Form 21. The Form 21 can also be used by the Registrar and the interest holder or agent to correct spelling errors in interest holder names previously made.

Some Typical Documents and Required Cover Page

Note: For the complete list of instruments and associated forms, see **Instrument Types and Forms** on the Land Registration Lawyer's Resource Page.

Instrument Type	Form Used
ABANDONMENT OF EXPROPRIATION	Form 24
ASSIGNMENT OF BANKRUPTCY	Form 25
CHANGE OF NAME	Form 21
CONDOMINIUM DECLARATION	Form 24
COURT ORDER	Form 25
CROWN GRANT	Form 24
DEED	Form 24
DEED UNDER POWER OF SALE (foreclosure order)	Form 24
ELECTION UNDER THE I.S. ACT	Form 24
ESTATE DEED	Form 24
EXPROPRIATION	Form 25
LAND TITLES CLARIFICATION	Form 25
LIFE ESTATE DEED	Form 24
ORDER (TRANSFER OF OWNERSHIP)	Form 24
ORDER IN COUNCIL	Form 25
OWNERSHIP TRANSFER DOCUMENT (other)	Form 24
PARTIAL INT. DEED	Form 24
PETITION FOR ADMINISTRATION	Form 24
PROOF OF DEATH	Form 25
QUIETING TITLES ACT CERTIFICATE	Form 25
TAX DEED	Form 25
WILL/GRANT OF PROBATE	Form 24