

## Subdivision Process Summary

Relevant LRA Sections	46, 119 (7)
Relevant LRA Admin Reg Sections	5,6,7,8
Relevant Forms	28, 43, 44,44A
For More Information on the Subdivision Process	<a href="http://www.gov.ns.ca/snsmr/property/registry/training/lawyers/lawyers01.asp">www.gov.ns.ca/snsmr/property/registry/training/lawyers/lawyers01.asp</a>

### Subdivision Trigger

- Non-family subdivisions resulting in three or more parcels will require the existing parcels to be converted to the land registration system. The trigger for conversion is one subdivision plan that results in three or more parcels, including any remainder. [LRA clause 46(1)(b)]
- Subdivisions that affect both land registration parcels and non land registration parcels are required to have the non land registration parcel(s) converted to the new system even if the plan creates fewer than three parcels.
- Even though a subdivision of three or less parcels does not require conversion of the existing affected parcels, if any of the new parcels is transferred for value or mortgaged, this will trigger the mandatory conversion of that parcel under subsection 46(1).
- If the subdivision is triggered into the new system the existing parcel(s) must be converted to the new system prior to the application for final subdivision approval.
- Once the existing parcel(s) is/are under the land registration system, any parcels created from the existing parcel are automatically created as land registration parcels.
- If a parcel is subdivided off an unregistered parcel, for the purposes of consolidation with a registered parcel, the consolidation cannot take place until the land from which the parcel is taken is registered in the land registration system [LRA subsection 119 (7), which amends the MGA Section 282].

### Exemptions from Mandatory Conversion

- Triggering subdivisions that are submitted for final approval before the LRA is designated in a county are exempt.
- The sale of an addition parcel, which has been created for the purposes of completing a consolidation, is not a trigger into the new system.
- Family subdivisions regardless of the number of parcels being created do not have to be transferred to the new system. If the owner is subdividing solely for the purpose of gifting to family members [as defined in the LRA clause 46(1)(b)] a sworn affidavit to this effect must be submitted with the application for final subdivision approval.

## **Subdivision Process Steps**

1. The property mappers will review subdivision plans prior to submission for final approval in order to assist the municipal unit in identifying those subdivision plans that are mandatory triggers.
2. The municipal office will complete and attach a plan cover page (Form 28) on those plans, which are triggers under the LRA and are being submitted to the Land Registration Office.
3. For subdivision plans that do not trigger conversion of the parcel under the LRA the municipal unit will attach a Notice of Subdivision and a Form 44 or 44A to the plan for submission to the Registry of Deeds. The Notice of Subdivision was the form used for submission of the plans prior to the coming into force of the LRA.
4. After the plan is processed and registered by the mapper, a Statement of Registered and Recorded Interests (SRI) [Form 29] is generated by the system and e-mailed to the municipal office.
5. Assessment accounts are created and/or adjusted by staff.
6. After the lawyer has received the SRI [Form 29], the lawyer may revise the registered owner of the new parcel to a new owner. The SRI confirms that the final plan of subdivision was accepted and the parcels have been registered.
7. If a Final Application for Subdivision is received at the LRO and it is discovered that a parcel needs to be migrated to the land registration system before the subdivision can occur, a Notice of Intention to Cancel Plan [Form 43] is sent to the municipal office.
8. The registration of the plan and any conveyance of the parcels created by the plan are delayed until the existing parcel is migrated.
9. The municipal unit notifies the developer of the notice of intention to cancel the plan, and the developer then has 30 days to migrate the parcel.
10. If the developer does not migrate the parcel within the 30 days, the LRO notifies the municipal office, who cancels the plan and notifies the developer of the cancellation.
11. If a plan is received at the LRO and it is discovered that the consolidation deeds are not present, a Notice of Refusal to Register (internal form) is sent to the Development Officer and the Developer. A system generated rejection notice is emailed to the Development Officer as well.
12. When a Notice of Refusal to Register a Land Registration Plan (internal form) is sent out, there is no time limit for the developer to fix the problem, although the plan will not be registered under the land registration system until the problem is fixed.

## **Creation of Short form Description by Mapper**

- If a parcel registered pursuant to the Act is subsequently subdivided, the mapper may create a short form description that complies with Section 19 of the Act for one or more of the subdivided parcels and the remainder lands.
- The mapper may require the owner to submit a PDCA for one or more of the subdivided parcels or remainder lands if the information on the plan does not permit the mapper to use a short forms description.

**NOTE:** If the owner wishes to submit a full text description for the newly created parcels, which are fully surveyed, they may. In this case the mapper creates the short form description as per the normal procedure so that the parcel can be created, then the owner can submit an amending PDCA to replace the short form with a long form description. An easement benefit or encumbrance can also be added to the description in the amending PDCA upon the first conveyance of the new parcel.

## **What is Contained in a Short Form Description?**

Municipality/County:	TOWN OF TRURO
Designation of Parcel on Plan:	LOT 1
Registration County:	COLCHESTER COUNTY
Registration Number of Plan:	10001494
Registration Date of Plan:	2003-03-06 12:57:10

## **What is Considered Enough Information on the Plan to Create a Short Form Description?**

For new or newly configured parcels that do not show survey information, the minimum standards required for the mapper to generate a short form description from a survey plan are:

- A lot label (e.g. Lot 1 or Lot A etc.),
- The entire configuration of the parcel must be shown on the plan,
- The abutting owners must be indicated on the plan,
- ± Distances from surveyed lines to each corner of the parcel.