

Land Registration General Regulations

made under Section 93 and subsection 128(2) of the

Land Registration Act

S.N.S. 2001, c. 6

O.I.C. 2002-581 (December 17, 2002, effective March 24, 2003), N.S. Reg. 157/2002

as amended up to O.I.C. 2008-176 (March 31, 2008, effective April 1, 2008), N.S. Reg. 177/2008

Citation

1 These regulations may be cited as the Land Registration General Regulations.

Definitions

2 In these regulations,

(a) “Act” means the Land Registration Act;

(b) “designated county” means a county designated in Section 3 [4] for the purposes of subsection 128(2) of the Act, which provides that Sections 2 to 64 and 70 to 95 only apply to a designated county.

Application of Act

3 For greater certainty,

(a) Section 39 and subsections 21(4), 31(4) and 52(2) of the Act do not apply within any designated county until those provisions are proclaimed in force;

(b) subsection 119(3) of the Act does not apply within any county until it is proclaimed in force; and

(c) Section 5 of the Act applies within each county in Nova Scotia.

Designation of counties

4 (1) The County of Colchester is a designated county.

Section 4 renumbered subsection 4(1): O.I.C. 2003-383, N.S. Reg. 157/2003.

(2) Effective on and after December 1, 2003, the following counties are designated counties:

(a) the County of Antigonish;

(b) the County of Cumberland; and

(c) the County of Pictou.

Subsection 4(2) added: O.I.C. 2003-383, N.S. Reg. 157/2003.

(3) Effective on and after March 1, 2004, the following counties are designated counties:

(a) the County of Hants;

(b) the County of Kings;

(c) the County of Annapolis; and

(d) the County of Digby.

Subsection 4(3) added: O.I.C. 2003-533, N.S. Reg. 217/2003.

(4) Effective on and after December 1, 2004, the County of Halifax is a designated county.

Subsection 4(4) added: O.I.C. 2003-533, N.S. Reg. 217/2003.

(5) Effective on and after March 1, 2005, the following counties are designated counties:

- (a) the County of Cape Breton;
- (b) the County of Guysborough;
- (c) the County of Inverness;
- (d) the County of Lunenburg;
- (e) the County of Queens;
- (f) the County of Richmond;
- (g) the County of Shelburne;
- (h) the County of Victoria; and
- (i) the County of Yarmouth.

Subsection 4(5) added: O.I.C. 2003-533, N.S. Reg. 217/2003.

Establishment of registration districts

5 Each county in Nova Scotia is a registration district.

Qualified solicitors - performing duties and exercising powers of registrar

6 (1) Qualified solicitors are prescribed as a class of persons who may perform the duties and exercise the powers of a registrar to create a parcel register and register a parcel.

(2) A qualified solicitor may perform the duties and exercise the powers set out in subsection (1), if the qualified solicitor

(a) maintains a level of liability insurance at least equal to the level required by the Nova Scotia Barristers' Society;

(b) complies with any education requirements of the Nova Scotia Barristers' Society relating to the land registration system; and

(c) executes an agreement with the Minister, in a form approved by the Minister, that sets out the qualified solicitor's contractual obligations regarding registration and any other terms prescribed by the Minister.

Prescribed fees

7 The fees for services that are provided pursuant to the Act are as set out in Appendix 1 - Fees for Services Under the Land Registration Act.

Transition provisions

8 (1) Subsection 37(2) of the Act does not apply to a transfer for value completed before a county becomes a designated county, as long as the transfer documents are submitted for registration to the registry of deeds for the county within 90 days after that county becomes a designated county.

(2) Subsection 37(3) and clause 46(1)(c) of the Act do not apply to a mortgage or security interest under which the funds are advanced before a county becomes a designated county, as long as the mortgage or security interest documents are submitted for registration to the registry of deeds for the county within 90 days after that county becomes a designated county.

(3) Clause 46(1)(b) of the Act does not apply to a subdivision, if the plan of subdivision is submitted to the municipality for final approval before the county in which the plans are submitted becomes a designated county.

(4) Subsection 46(2) of the Act does not apply to the registration of a condominium corporation declaration if all the documents necessary for acceptance of the registration are submitted to the Registrar of Condominiums before the county in which the registration is submitted becomes a designated county and the accepted condominium registration is submitted to the registry of deeds for the county within 90 days after that county becomes a designated county.

(5) Subsection 51(5) of the Act does not apply to a security interest entered into before March 24, 2003.

Appendix 1 - Fees for Services Under the Land Registration Act

1 All fees must be paid at the time of registration, recording or filing of the document referred to, or at the time of service.

2 If documents are combined or attached together, or if several instrument types are combined together in one instrument or document, each instrument or document type is considered to be separate and the fee is payable for each.

3 Despite clause 4(a), there is no fee to register or record a document if a fee has been paid to file, enter or register the same document pursuant to the Registry Act.

4 The fees for services that are provided under the Act are as follows:

(a) to register or record, by any means, any document except a boundary retracement survey plan prepared by a surveyor authorized under the Land Surveyors Act, a subdivision plan approved before April 16, 1987, a statutory declaration respecting judgments, an application form or cover page not registered or recorded in a roll or parcel register, an Affidavit of Name Change required by subsection 22(1), an abstract, an affidavit of verification, an owner's authorization, an opinion of title, a certificate of legal effect, a parcel description certification application or amendment, or an application for registration.....\$81.08

(b) to register, record or file a copy of any document submitted with information that must accompany an application for registration pursuant to Section 37 of the Act that is not already registered, recorded or filed pursuant to the Act or the Registry Act except a boundary retracement survey plan prepared by a surveyor authorized under the Land Surveyors Act, a subdivision plan approved before April 16, 1987, or a statutory declaration respecting judgments.....\$81.08

(c) to process information that must accompany an application for registration pursuant to Section 37 of the Act and that is submitted after the time permitted by regulation or submitted within the time required but is incomplete, payable by qualified solicitor.....\$108.83

(d) for certification by a registrar of a document, extract from a document or extract from electronic data.....\$11.64

(e) for searching any books, indexes or files, per person per half day.....\$5.77

(f) for each registered or recorded document required by a registrar to be produced for inspection.....\$2.18

(g) for supplying copies of registered or recorded documents or extracts from those documents, for each page copied by a photocopier, per page.....\$1.09

(h) for entering and registering the following documents under the Condominium Act:

(i) declarations.....\$116.45
plus \$11.64 per unit

(ii) any following documents (by-laws, etc.), per document.....\$38.09

(iii) certifying any document.....\$27.21

5 A registrar may waive the fee for

(a) recording an Application by Owner to the Registrar General for Review of a Registrar's Refusal to Revise or Rectify a Registration pursuant to subsection 18(14) or subsection 33(5) of the Act, if the Registrar General does not confirm the registrar's refusal;

(b) recording a Request by Owner for Rectification pursuant to subsection 33(2) of the Act, if the error in the registration was the responsibility of a registrar.

Appendix "1" replaced: O.I.C. 2008-176, N.S. Reg. 177/2008.

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