

Land Registration Administration Regulations

made under Section 94 of the

Land Registration Act

S.N.S. 2001, c. 6

N.S. Reg. 207/2009 (April 29, 2009, effective May 4, 2009)

as amended by N.S. Reg. 189/2010 (November 22, 2010, effective December 15, 2010)

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Citation

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

Definitions

2 (1) In these regulations,

“Act” means the Land Registration Act;

“AFR” means an application for registration in accordance with Section 37 of the Act;

“authorized lawyer” means a qualified lawyer who is subject to the Property Online user agreement and pre-authorized debit agreements required under Section 3;

“authorized lender” means a chartered bank, trust company, credit union or Provincial government lender, that is subject to the Property Online user agreement and pre-authorized debit agreements required under Section 3;

“authorized surveyor” means a practising land surveyor licensed under the Land Surveyors Act who is subject to the Property Online user agreement and pre-authorized debit agreement required under Section 3;

“benefit” means an appurtenance to a registrable or registered interest in a parcel;

“burden” means a restriction or limitation on the use and enjoyment of a parcel that attaches to a registrable or registered interest in a parcel;

“Condo Common View” means the information which is displayed electronically in Property Online which is linked to a condominium corporation registered under the Condominium Act;

“Department” means Service Nova Scotia and Municipal Relations;

“dual-purpose document” means a single document that affects 2 or more parcels, 1 or more of which is registered under the Act;

“electronic document submission” means submission of a document using Property Online;

“Land Information Network-Nova Scotia” or “LINS-NS” means the Province’s electronic database in which all land-related information and documents under the Act and the Registry Act are maintained;

“lender” means a chartered bank, trust company, credit union or Provincial government lender;

“parcel description certification application” or “PDCA” means an application in accordance with Section 7 to confirm the legal description of a parcel and other related information and to provide evidence and certification that the parcel was created by a subdivision that complies with, is exempt from or is not subject to the subdivision provisions of Part IX of the Municipal Government Act;

Definition amended: N.S. Reg. 189/2010.

“PID” means parcel identification number;

“Property Online” means the Province’s online real property information system that provides Internet browser-based query access to Provincial mapping and other land-related information and electronic access for submitting documents under the Act and the Registry Act;

“registration and recording particulars of a document” means the year the document was registered or recorded and the document number or the book and page reference for the document;

“short form legal description” means a legal description that describes a parcel by referring to a plan of survey or subdivision that has been registered with an instrument under the Registry Act, filed under the Registry Act, or registered or recorded under the Act and includes all of the following:

- (i) the unique identifier for the parcel on the plan,
- (ii) the document number or plan reference for the plan as assigned by the land registration office,
- (iii) the registration district where the parcel is located;

“textual qualification” or “TQ” means a statement in the textual qualification section of the parcel register which provides

- (i) a qualification of the lawyer’s certification of title,

- (ii) an explanatory note,
- (iii) a reference to title information or documentation, or
- (iv) a reference to an interest enabled by statute or common law;

“user number” means the unique identification number given to a Property Online user for the purpose of document submission.

(2) For the purposes of the Act,

“addresses of the parties” in subsection 67(1) of the Act means a complete address at which a person is able to receive information, including notices, by mail;

“mortgage” in subsection 37(3) of the Act and clause 46(1)(c) of the Act includes any amendment to a mortgage or agreement with the lender that increases the amount of the obligation secured, increases the amount available for borrowing under a mortgage, adds an additional parcel or permits additional advances up to the original amount secured, but does not include any of the following:

- (i) amendments other than those included under this clause,
- (ii) an assignment,
- (iii) a mortgage of a leasehold interest,
- (iv) an advance on an existing security interest that secures present and future advances up to the original principal amount secured;

“municipality” has the same meaning as in the Municipal Government Act;

“non-resident” means any of the following:

(i) an individual who resides outside the Province for 183 days or more in a calendar year, and includes a person who intends to reside outside the Province for 183 days or more in the present calendar year or the next calendar year,

(ii) a body corporate

(A) whose head office is not in the Province, or

(B) in which the majority of the issued and outstanding shares are beneficially owned by non-residents, unless the body corporate is registered to do business in the Province and owns or leases an office, plant, factory or other structure in the Province for use by its business,

(iii) a person who acquires a parcel for or on behalf of an individual or body corporate referred to in subclause (i) or (ii);

“person’s name” in subsection 66(8) of the Act means

(i) if a parcel is registered under the Act, the name of the registered owner of the registered interest as shown in the parcel register, or

(ii) if a parcel is not registered under the Act, the name shown on the relevant instrument registered under the Registry Act;

“Provincial mapping” means the system of geographical representation of parcels created and maintained as part of the land registration system established under the Act.

(3) In the Act and these regulations, a reference to a provision of the Municipal Government Act includes a reference to a provision of the Halifax Regional Municipality Charter, relating to the same subject matter, to the extent that it relates to property located in the Halifax Regional Municipality.

Subsection 2(3) added: N.S. Reg. 189/2010.

Property Online

3 (1) Property Online is prescribed as the system through which persons authorized in this Section may query information or submit documents that are registered or recorded under the Act.

(2) LIN-NS is prescribed as the system in which all documents that are registered or recorded under the Act are maintained.

(3) To be an authorized lawyer, a qualified lawyer must

(a) be a party to a current and valid Property Online authorized lawyer user agreement with the Minister; and

(b) be authorized under a current and valid Property Online pre-authorized debit agreement between their law firm and the Minister.

(4) To be an authorized lender, a lender must be a party to the following current and valid agreements with the Minister:

(a) an authorized lender user agreement; and

(b) a Property Online pre-authorized debit agreement.

(5) If an authorized lawyer or authorized lender uses a separate debit account for payment of electronic document submission fees, they must be a party to an additional current and valid pre-authorized debit agreement for that account.

(6) To be an authorized surveyor, a surveyor must be a party to the following current and valid agreements with the Minister:

(a) a Property Online parcel certification user agreement; and

(b) a Property Online pre-authorized debit agreement.

(7) Except as provided in subsection (8), to query information in Property Online, a person must be a party to, or be authorized under, the following current and valid agreements with the Minister:

(a) a Property Online query user agreement; and

(b) a pre-authorized debit agreement.

(8) A person may query information in Property Online at a land registration office without a query user agreement or pre-authorized debit agreement if they pay the applicable fee prescribed under the Land Registration General Regulations made under the Act.

Prescribed forms

4 (1) The forms listed in the following table and as attached to these regulations are prescribed to be used in the administration of the Act for the purposes stated and must include a certificate of legal effect in the manner prescribed in the form as required:

Form No.

Purpose of Form

Certificate of Legal Effect Included

1

to request a PID assignment

no

2

to submit a PDCA electronically

no

5

to provide a declaration by the registered owners of a parcel on their residency status and whether the parcel is occupied without permission

no

6

to submit an AFR electronically

yes

6A

to correct errors or omissions in information previously submitted with a certificate of legal effect

yes

8

to give notice to a parcel owner as required under Sections 14, 15, 16, and 18

no

8A

to register notice under the Registry Act as required under Section 14

no

9

to give notice to an occupier or the most recent owner as shown on the consolidated index under Section 10
no

10

to give notice of crystallization of a floating charge in a debenture that affects a parcel registered under the Act
no

15

to give notice requiring the registrar to cancel the recording of a security interest in accordance with subsection 60(2) of the Act
yes

15A

- to give notice as required under Section 63 of the Act, requiring a registrar to cancel the recording of a recorded interest or judgment that is recorded in a parcel register, and

- to provide proof of service of the notice to the holder of the interest or judgment
yes

16

to renew the recording of a judgment in accordance with subsection 66(5) of the Act
no

19

to record a certificate of lis pendens against a parcel registered under the Act in accordance with Section 58 of the Act
no

20

to update the name or address of a judgment debtor in accordance with subsection 26(3)
no

21

- in accordance with Section 22 of the Act, to register a change of name of an owner of an interest in a parcel register,

- to remove a deceased joint tenant as owner of a parcel registered under the Act in accordance with Section 27 of the Act, or

- to correct the misspelling of the name of an owner of an interest in a parcel register
yes- to correct misspellings

22

to change the mailing address in a parcel register for

- a registered owner or recorded interest holder, or

- occupier of lands owned by the Nova Scotia Farm Loan Board
no

24

to change a registered interest and appurtenant interests or other interests and information in a parcel register, in accordance with Sections 29 to 32 and 37A of the Act
yes

26

- to record an interest in a parcel register, in accordance with Section 47 of the Act
 - to record a power of attorney or revocation of a power of attorney
- yes

26L

to enable a lender, or a lender's authorized agent, to record a mortgage or mortgage-related document, to which the lender, or a predecessor organization, is a party
no

26N

to file a Form 9 and written directives in a parcel register under Section 10
no

27

to request cancellation of a recorded interest
yes

27L

to enable a lender, or a lender's authorized agent, to record a release of a mortgage or mortgage-related document, to which the lender, or a predecessor organization, is a party
no

28

to record any of the following relating to a parcel registered under the Act:

- a plan, boundary line agreement, statutory declaration for a deemed consolidation under Section 268A of the Municipal Government Act
 - an instrument of subdivision or repeal of subdivision
 - a condominium declaration, condominium plan, initial condominium bylaws, or termination of condominium
- no

45

to add, confirm, delete and correct the interests, textual qualifications or parcel access type that are either not shown in the parcel register or have been placed in, or removed from, a parcel register on subdivision or registration of a condominium declaration, in accordance with subsection 13(5) of the Act and Section 9
yes

46

to record a certificate of judgment in the judgment roll
no

47

to record a certificate of satisfaction relating to a judgment in the judgment roll
no

48

to record a full or partial release of a judgment in the judgment roll

no

48A

to cancel the recording of a judgment or a judgment-related document in a parcel register with a document other than a discharge of judgment

yes

48B

to record a judgment-related document in the judgment roll and in a parcel register

no

49

to correct an error in a request to record or request to cancel a recorded interest, which was previously submitted without a certificate of legal effect

yes

50

to update a parcel register to transfer an unregistered tenant in common interest in accordance with subsection 25(3)

no

Subsection 4(1) amended: N.S. Reg. 189/2010.

(2) To the extent permitted by Property Online, electronic forms in Property Online that correspond to the forms prescribed in this Section are prescribed for the same purposes and in substantially the same form, but an electronic form is not required to contain all the options and datafields available on the corresponding non-electronic form.

(3) A form that includes a certificate of legal effect may be submitted only by an authorized lawyer, and must be signed by the authorized lawyer who submits the form.

(4) Directions and explanations included in a form prescribed in this Section are binding but may be deleted when the form is submitted for filing, registering or recording at a land registration office.

(5) The place of execution or a jurat in a form prescribed in this Section may be altered when the form is executed.

(6) Any reference to location or place of residence in the Province contained in a form prescribed in this Section may be altered when the form is executed.

(7) For a parcel that is owned by more than 1 person, any of the following may sign and submit a form, other than Form 5 as provided in subsection (8), that is required to be signed by the owner or registered owner of the parcel:

(a) any registered owner;

(b) any person who is entitled to be registered as an owner of a registrable interest in the parcel.

(8) Except as provided in subsection 10(7), Form 5 must be signed by every owner of a registered interest in the parcel that is described in the form.

Document submission requirements

5 (1) A document that is submitted for registration or recording must be submitted together with the form prescribed for that purpose in Section 4, with all required fields completed, and the fee prescribed under the Land Registration General Regulations made under the Act, if any.

(2) The submitter is responsible for the accuracy of all of the information required under subsection (1) and a registrar is entitled to rely on the information submitted in processing a document for registration or recording.

(3) Subject to subsections (4) and (5), a document that is submitted non-electronically for registration or recording must be an original of the document or a copy of the document that is certified to be a true copy of the original by a court of competent jurisdiction or a registrar.

(4) A document attachment or plan that is submitted non-electronically for registration or recording that is larger than 11 in. x 17 in. must be an original of the document and be submitted together with 1 of the following:

(a) a duplicate original copy;

(b) a copy that is certified to be a true copy of the original by a person authorized under the Act to sign a certificate of execution.

(5) A dual-purpose document that is submitted non-electronically for registration or recording must be an original of the document and be submitted together with a copy or copies, as applicable, that are certified to be true copies of the original by a person authorized under the Act to sign a certificate of execution.

(6) Documents that are submitted for registration under the Registry Act must be submitted separately from documents that are submitted for registration or recording under the Act, and payment of registration fees under the Registry Act must be made separately from payment of fees for registration or recording under the Act.

(7) To record a plan of subdivision as exempt from the approval requirements under the Municipal Government Act, a submitter must provide all of the following, either on the face of the plan or in an attached affidavit:

- (a) a clear statement of the exemption relied upon and the facts that support the exemption;
- (b) evidence of the consent of the registered owner.

(8) A document that relates to a parcel registered under the Act must incorporate the legal description for the parcel by stating one of the following:

- (a) the full text of the legal description as set out in the parcel register;
- (b) the short form legal description as set out in the parcel register;
- (c) the PID for the registered parcel, as at the date of registration or recording.

(9) A document that is submitted non-electronically for registration or recording must

(a) be typewritten in an ink that is not green or red and that remains visible when photocopied or scanned; and

- (b) remain legible when photocopied or scanned.

(10) A document may not be registered or recorded unless any required affidavit or certificate of execution has been properly sworn or signed before or by a person authorized under the Act to take the affidavit or sign the certificate and the authorized person's name has been typed, stamped or printed legibly below their signature.

Submitting documents electronically

6 (1) To the extent permitted by Property Online, an authorized lawyer must submit a document electronically for registration or recording in a register or roll, that has been established under the Act.

(2) Despite subsection (1), an authorized lawyer may submit a document non-electronically if the authorized lawyer meets all of the following criteria:

(a) they do not have access to high-speed Internet service;

(b) they have obtained the prior written approval of the Registrar General, who may withhold approval or impose limitations or other requirements that the Registrar General considers appropriate in the circumstances.

(3) To the extent permitted by Property Online, and in accordance with the Property Online authorized lender user agreement, an authorized lender may submit a mortgage or a release of mortgage electronically for recording in a parcel register.

(4) Except where the Act or the regulations state otherwise, a document submitted electronically and in accordance with the Act and the regulations has the same effect for all purposes as a document that is submitted non-electronically and in accordance with the Act and the regulations.

(5) Subject to Property Online availability, a document may be submitted electronically at any time in accordance with the regulations, but is processed during the hours the land registration office is open to the public.

(6) A document that is submitted electronically must be reviewed by a registrar before it is registered or recorded, and is subject to the registration and recording requirements of the Act and regulations.

(7) Once a document that is submitted electronically is registered or recorded, the document is deemed to have been received and indexed by the registrar at the time of submission.

(8) Electronic submission of a document is effected by submitting all of the following electronically:

(a) the applicable form prescribed in Section 4, with all required fields completed;

(b) a scanned copy of the duly executed affidavit of value, if required under the Municipal Government Act;

(c) a scanned copy of the duly executed original document in portable document format, no larger than 4 megabytes (MB);

(9) An authorized lawyer or authorized lender who submits a document electronically is responsible for the creation, quality and completeness of the electronic image of the document.

(10) An authorized lawyer or authorized lender who submits a document electronically is required to retain either an original or true copy of the executed document and make it available for review by the Registrar General upon request and, if an authorized lawyer, for audit by the Nova Scotia Barristers' Society.

Parcel Description Certification Application (PDCA)

7 (1) Subject to subsection (3), a PDCA must be submitted electronically in Form 2.

Subsection 7(1) amended: N.S. Reg. 189/2010.

(2) A PDCA must be one of the following types:

(a) an Initial PDCA—to submit the first PDCA for a parcel;

(b) a Correcting PDCA—to correct errors or omissions in a PDCA which has been conditionally approved under subsection (14); or

(c) an Amending PDCA—to amend any information in an approved PDCA.

Subsection 7(2) replaced: N.S. Reg. 189/2010.

(2A) All of the provisions of this Section that apply to a PDCA apply to an Amending PDCA only to the extent that they relate to the amendment.

Subsection 7(2A) added: N.S. Reg. 189/2010.

(3) If the length of a legal description exceeds the space available in Form 2,

(a) the PDCA in Form 2 must be submitted electronically and the legal description must be sent to the land registration office as a text file attached to an e-mail;

(b) a statement that the legal description is being submitted by e-mail must be inserted into the legal description field on the PDCA; and

(c) the PDCA number provided by the system once the PDCA is successfully submitted must be stated in the e-mail to which the legal description is attached.

(4) Except as provided in subsection (5), a PDCA must be submitted by one of the following who is authorized in writing by the parcel owner, or another person permitted under subsection (6), or as required in Sections 14, 15, 16 and 18:

(a) an authorized lawyer;

(b) an authorized surveyor.

(5) If a person authorized in accordance with subsection (4) confirms the information contained in the statement of compliance on a PDCA, their staff may submit the PDCA on their behalf.

(6) Submission of a PDCA may be authorized by a person other than the owner of a parcel if the authorizing person is one of the following:

(a) a mortgagee of a parcel, and the owner of the parcel has refused to register title to the parcel;
or

(b) a mortgagee who is the plaintiff in a foreclosure action respecting the parcel, or a receiver or trustee by way of assignment in bankruptcy or otherwise and has authority to act by virtue of a court order, debenture or other document, and the document evidencing the authority has been recorded under the Act or registered under the Registry Act.

(7) Subject to subsection (8), before an AFR in final form is submitted, the PDCA submitter must assist the parcel owner or authorizing person under subsection (6) in identifying the parcel's PID and take reasonable steps to identify the parcel, including all of the following:

(a) reviewing the legal description;

(b) reviewing Provincial mapping of the parcel;

(c) placing a comment in the comments field if errors in the Provincial mapping of the parcel are identified .

(8) Subsection (7) does not apply in respect to a parcel that is a condominium unit.

(9) If a PID has not been assigned to a parcel in Provincial mapping, the parcel owner must make a request for PID assignment in Form 1 and provide such information as will enable the preparation of a geographical representation of the parcel in Provincial mapping before submitting a PDCA.

(10) Unless the description is for a unit as defined in the Condominium Act, every legal description submitted to a registrar must be accurate and complete and must contain

(a) a description of the location, boundaries and extent of the parcel

(i) in full text, or

(ii) by reference to a unique identifier on either a plan of survey or subdivision, that has

been

(A) registered with an instrument under the Registry Act,

(B) filed under the Registry Act, or

(C) registered or recorded under the Act;

(b) a description of all benefits, burdens and all parcels excepted out of the legal description

(i) in full text,

(ii) by reference to a unique identifier on either a plan of survey or subdivision, that has

been

(A) registered with an instrument under the Registry Act,

(B) filed under the Registry Act, or

(C) registered or recorded under the Act, or

(iii) by reference to the registration or recording particulars of a document that has been registered or recorded under the Registry Act or the Act, if the document contains a description in full text;

(c) all information pertinent to the use of easements

(i) in full text, or

(ii) by reference to the registration or recording particulars of a document that has been registered or recorded under the Registry Act or the Act, if the document contains the usage details in full text; and

(d) a statement that the parcel was created by a subdivision that complies with, is exempt from, or is not subject to the subdivision provisions of Part IX of the Municipal Government Act and, as applicable,

(i) the registration and other relevant details of how the parcel complies,

(ii) the exemption relied upon and the facts supporting the exemption, or

(iii) an explanation of why the parcel is not subject to the subdivision provision.

Clause 7(1)(d) replaced: N.S. Reg. 189/2010.

Clause 7(1)(e) repealed: N.S. Reg. 189/2010.

(10A) If the portion of the legal description submitted in a PDCA that describes location, boundary and/or extent of the parcel is a new or amended description of the parcel, the PDCA submitter must provide

(i) a statement of the reason for the new or amended legal description,

(ii) the name and designation as “surveyor, lawyer or other” of the author of the new or amended legal description, and

(iii) the registration details of all of the registered documents in which the parcel or each portion of the parcel was most recently described.

Subsection 7(10A) added: N.S. Reg. 189/2010.

(11) When the legal description submitted for PDCA approval relates to a unit as defined in the Condominium Act, the description must be accurate and complete but must contain only

(a) the name of the County where the condominium corporation is situate, together with the condominium corporation number as assigned by the Registrar of Condominiums;

(b) the description for the unit as detailed in the condominium description on file with the Registrar of Condominiums;

(c) a benefit, using the following wording: “together with the common interest appurtenant thereto”; and

(d) a burden, using the following wording: “subject to the Declaration and By-Laws (remove reference to By-Laws if none have been registered) of (insert condominium corporation name and number)”.

(12) If a legal description submitted in a PDCA makes reference to a plan of survey or approved plan of subdivision that is not registered or recorded in the land registration office, the PDCA submitter must

(a) forward a copy of the referenced plan of survey or approved plan of subdivision to the registrar for recording in the parcel register once created; or

(b) include detailed reasons with the PDCA why the plan of survey or approved plan of subdivision cannot be located or obtained by the submitter.

(13) If the legal description of a registered parcel must be amended as the result of the creation of a plan of survey or the approval of a plan of subdivision affecting the parcel, the registered owner of the parcel, or a municipal development officer, as applicable,

(a) must record the plan upon which the legal description is based in the parcel register; and

(b) may use a short form legal description as the amended legal description.

(14) A registrar may conditionally approve a PDCA subject to a correction of an error or omission in the PDCA by the PDCA submitter.

Subsection 7(14) amended: N.S. Reg. 189/2010.

(15) An AFR of a parcel may not be submitted in final form in accordance with clause 10(2)(b) until the submitter has corrected an error or omission in the PDCA if required by the registrar.

Subsection 7(15) amended: N.S. Reg. 189/2010.

(16) Subject to subsection (17) and notwithstanding that watercourses are vested in the Crown by virtue of Section 103 of the Environment Act, a watercourse is deemed not to subdivide the parcel or parcels through which it flows.

(17) Except as provided in subsection (18), if after considering the nature and use of both a watercourse and the land through which it flows, a PDCA submitter or a registrar determines that the watercourse creates a natural boundary,

(a) the watercourse is deemed to subdivide the parcel or parcels through which it flows; and

(b) the parcel owner must make a request for PID assignment in Form 1 and provide such information as will enable the preparation of an electronic geographical representation of the parcel before making a PDCA.

(18) A parcel for which subdivision approval has been granted under the Municipal Government Act, or the former Planning Act, may not be subdivided under subsection (17).

(19) If a registrar determines that a PDCA is accurate, complete and in compliance with the Act and the regulations, the registrar must approve the PDCA.

Section 7 heading replaced: N.S. Reg. 189/2010.

Creation of legal description on subdivision

8 (1) If a parcel registered under the Act is subsequently subdivided, a legal description must be created for each subdivided parcel and the remainder lands.

(2) The registrar may

(a) create a short form legal description for one or more of the subdivided parcels and the remainder lands if the details shown on the plan of survey or approved plan of subdivision for a parcel referred to in subsection (1) are sufficient; or

(b) require the registered owner of the parcel referred to in subsection (1) to submit the full text of the information required in subsection 7(10) by submitting a PDCA under subsection 7(1) for each subdivided parcel and the remainder lands.

Amendment of PDCA and parcel register on subdivision or condominium unit creation

9 (1) On subdivision, the registrar shall remove the parcel access type from the parcel register of each parcel created on subdivision, including the remainder parcel.

(2) On registration of a condominium declaration, the registrar shall place in the parcel register of each unit created by the condominium declaration, the interests, and textual qualifications that were in the parcel register of the parcel existing prior to the registration of the condominium declaration.

(3) The registered owner of a parcel registered under the Act that is created on subdivision or registration of a condominium declaration must file all of the following before submitting an request to change the registered owner of the parcel:

(a) a Form 45 adding, confirming, deleting or correcting, as necessary, the interests, textual qualifications and parcel access type that

- (i) are not shown in the parcel register,
 - (ii) have been placed in the parcel register under subsection 13(5) of the Act or subsection (2), or
 - (iii) have been removed from the parcel register under subsection (1);
- (b) any consequential amendment of the PDCA for the parcel in Form 2.

Clause 9(3)(b) amended: N.S. Reg. 189/2010.

Section 9 heading amended: N.S. Reg. 189/2010.

Application for registration (AFR)

10 (1) An AFR must be submitted by an authorized lawyer who is authorized to do so by the parcel owner or another person permitted under subsection (5).

(2) An AFR must be submitted electronically in Form 6

(a) in draft form for preliminary approval by the registrar; and

(b) in final form, after receipt of the preliminary approval of the registrar.

(3) An AFR submitted in final form under clause 2(b)

(a) contains and satisfies the requirements under clause 37(4) (b), (ba), (f) and (g) of the Act;

(b) registers title to the parcel under the Act; and

(c) creates the parcel register for the parcel at the time the application is submitted.

(4) A reference in the AFR to the book and page in the registry of deeds for the document that most recently conveyed the registrable interest will be accepted as evidence of compliance with Part V of the Municipal Government Act for the purposes of clause 37(4)(e) of the Act.

(5) Submission of an AFR and any forms associated with the application, may be authorized by a person other than the owner of a parcel if the authorizing person

(a) is the mortgagee of a parcel and the owner of the parcel has refused to register title to the parcel;

(b) is a non-owner who has permission from the owner to act in the place of the owner, and the document evidencing the permission has been recorded under the Act or registered under the Registry Act;

(c) is a mortgagee who is the plaintiff in a foreclosure action respecting the parcel, or a receiver or trustee by way of assignment in bankruptcy or otherwise and has authority to act by virtue of a court order, debenture or other document, and the document evidencing the authority has been recorded under the Act or registered under the Registry Act; or

(d) is a person who has authority to act by virtue of a court order, debenture or other document, and the document evidencing the authority has been recorded under the Act or registered under the Registry Act.

(6) An authorized lawyer who submits an AFR in final form under clause (2)(b) must complete, retain and make available for review by the Registrar General upon request and audit by the Nova Scotia Barristers' Society, the original or a true copy of any of the following items:

(a) written authorization to submit the PDCA and AFR, if the submitting lawyer does not have a solicitor-client relationship with the owner of the parcel being registered;

(b) an owner's declaration regarding occupation of the parcel and residency status in Form 5 and, if signed by the authorized lawyer or authorized surveyor, evidence of the information relied upon under subsection (7);

(c) the notice of parcel registration, in Form 9, sent in accordance with this Section, together with proof of service in accordance with Section 30, and any written directions given by the Registrar General under this Section, if applicable;

(d) the Statement of Registered and Recorded Interests that was sent electronically to the submitting lawyer upon submission of the AFR in final form;

(e) the official report for the legal description from the parcel description database in Property Online at the time of submission of the AFR in final form;

(f) the abstract of title upon which the submitting lawyer's certified opinion of title is based showing the chain of ownership of the parcel; and

(g) evidence of compliance with the Municipal Government Act.

(7) An owner's declaration in Form 5 may be executed by an authorized lawyer or authorized surveyor if the authorized lawyer or authorized surveyor is able to execute the declaration based on either of the following:

(a) personal knowledge of the facts;

(b) information received from the current or previous owner.

(8) If a person executing an owner's declaration in Form 5 is an authorizing person under subsection (5), the Form 5 may indicate that the person executing the Form 5 has no personal knowledge regarding occupancy of the parcel.

(9) If a parcel owner's declaration regarding occupation in Form 5 discloses that the parcel is occupied without permission, the authorized lawyer submitting the AFR must

(a) immediately after submitting the AFR in final form, provide a notice of parcel registration in Form 9 to the occupier indicating that an AFR of the parcel has been made; and

(b) submit a true copy of the notice sent to the occupier in Form 9 together with proof of service in accordance with Section 29, using Form 26N.

(10) Except as provided in subsection (11), if an authorized lawyer who is certifying title to a parcel whose ownership is registered in whole or in part on the basis of adverse possession, must

(a) send a notice of registration 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 that is maintained under the Registry Act; and

(b) 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.

(11) Notice is not required to be sent under subsection (10) if

(a) the Registrar General is satisfied that it would not be practicable to give notice in the circumstances and provides written directions to the authorized lawyer that no notice is required; and

(b) the authorized lawyer submits a true copy of the Registrar General's written directions using Form 26N.

(12) If at any time after registration of title to a parcel, a registered owner becomes aware that the declaration required under clause (6)(b) was not accurate, they must do all of the following without delay:

(a) complete a new Form 5;

(b) provide notice in Form 9 to any occupier;

(c) submit a true copy of the notice and proof of service, as required by subsection (9), using Form 26N.

(13) An authorized lawyer who is certifying title to a parcel whose ownership is registered in whole or in part on the basis of adverse possession must ensure that all of the following are done with the necessary statutory declarations that provide evidence of the adverse possession interest being certified, in compliance with Nova Scotia Barristers' Society practice standards:

(a) the declarations are filed in the Registry of Deeds before the parcel is registered under the Act;

(b) the declarations are listed as enabling documents in the registered interest portion of the AFR for the parcel, noting the registered owner as the interest holder for each of the statutory declarations.

(14) Sections 14, 16, 17 and 18 apply, with necessary changes, to an AFR that includes the recording of a benefit or burden that affects another parcel in addition to the parcel being registered.

Textual qualifications

11 (1) An authorized lawyer submitting an opinion on title in an AFR or a certificate of legal effect may include a textual qualification if the lawyer is of the opinion that the textual qualification is the only means to provide a complete statement of all the interests affecting the parcel.

(2) A textual qualification must meet all of the following criteria:

(a) it must include a clear statement of the certifying lawyer's opinion about its effect;

(b) it must form part of the authorized lawyer's certificate of legal effect or opinion of title;

(c) it must not limit, contradict or make ambiguous any other information in the parcel register, including the legal description.

Registration of condominium units

12 (1) An AFR for a unit as defined in the Condominium Act must include

(a) a benefit, using the following wording: "together with the common interest appurtenant thereto";

(b) a burden, using the following wording: "subject to the Declaration and By-Laws (remove reference to By-Laws if none have been registered) of (insert county name or initial(s)) CC No. (insert condominium corporation number)";

(c) all other benefits and burdens that are not declarations, by-laws or amendments to declarations or by-laws, but are interests in the unit or the common interest appurtenant thereto, including those detailed in the condo declaration; and

(d) all recorded interests in the unit or the common interest appurtenant thereto.

(2) The enabling instrument for the benefit and burden described in clauses (1)(a) and (b) must be the declaration for the condominium corporation.

(3) Subject to the caution displayed in the Important Notice section of the Condo Common View, the relevant documents displayed in the Condo Common View, including in the linked screen views in the section entitled “Parcels as existing prior to the Condominium Declaration”, are deemed to be registered and recorded, as applicable, in the parcel register for each of the condominium corporation units, that is registered under the Act.

(4) A document certifying the deregistration of a condominium corporation with units registered under the Act may not be recorded unless all the units in the condominium corporation have been registered under the Act.

Registration of interest under Section 41 of the Act

13 A person registering an interest in a parcel under Section 41 of the Act must first submit

(a) a PDCA in accordance with Section 7; and

(b) an AFR in accordance with Section 10.

Addition of a benefit or burden to a parcel registered under the Act

14 (1) An authorized lawyer may add any benefit or burden permitted under the Act to be added to a parcel register, if authorized by the registered owner of the parcel, by submitting a Form 24 together with the document that conveys or evidences the benefit or burden.

(2) If a benefit or burden added under subsection (1) affects another parcel registered under the Act, and the corresponding benefit or burden is not already included in the affected parcel register, an authorized lawyer submitting a Form 24 under subsection (1) must also submit another Form 24 to add the corresponding benefit or burden to the affected parcel register.

(3) If a benefit or burden added under subsection (1) affects another parcel not registered under the Act, an authorized lawyer submitting a Form 24 under subsection (1) must register a notice of the corresponding benefit or burden under the Registry Act, by filing a Form 44 and one of the following:

(a) a Form 8A, for all benefits or burdens other than as referred to in clause (b);

(b) the document evidencing the benefit or burden, if it is a grant of easement.

(4) An authorized lawyer who submits a Form 24 under subsection (1) must also apply to amend the legal description for each parcel registered under the Act to which a burden or benefit has been added.

(5) An authorized lawyer who submits a Form 24 under subsection (1) must serve notice, in Form 8, on the owner of the parcel to which the benefit or burden is being added under subsection (2), unless the owner has executed the document that conveys or evidences the benefit and corresponding burden.

(6) If notice is required to be served under subsection (5), an authorized lawyer who submits a Form 24 under subsection (1) must retain a true copy of the notice in Form 8 together with proof of service in accordance with Section 30, and make it available for review by the Registrar General upon request and audit by the Nova Scotia Barristers' Society.

(7) A document filed under clause 3(a) or (b) must reference the owner of the parcel not registered under the Act as shown on the consolidated index maintained under the Registry Act, unless

(a) an assessment account is associated with the parcel in Property Online, in which case the document may instead reference the owner of the parcel as shown in Property Online; or

(b) the Registrar General is satisfied that it would not be practicable to identify the owner on the consolidated index and the Registrar General does one or both of the following:

(i) provides written directions to the authorized lawyer about how the owner must be referenced;

(ii) issues a written directive about how an owner may be referenced in the applicable circumstances.

(8) An authorized lawyer must retain a true copy of any written directions received under subsection (7) and make it available for review by the Registrar General upon request and audit by the Nova Scotia Barristers' Society.

Addition of a benefit or burden to a parcel not registered under the Act

15 (1) A person who registers a document that creates or evidences a benefit or burden on a parcel not registered under the Act, which also affects a parcel registered under the Act, must also cause an authorized lawyer to submit a Form 24 to add the corresponding benefit or burden to the affected parcel register together with a true copy of the document that conveys or evidences the benefit and the corresponding burden, which has been certified to be a true copy of the original by a person authorized under the Act to sign a certificate of execution.

(2) The authorized lawyer who has submitted the Form 24 under subsection (1), must also make application to amend the legal description of the parcel registered under the Act to which a benefit or burden has been added under subsection (1).

(3) The authorized lawyer who has submitted the Form 24 under subsection (1) must serve notice, in Form 8, on the owner of the parcel registered under the Act to which a benefit or burden has been added under subsection (1), unless the owner has executed the document that conveys the benefit and the corresponding burden.

(4) Where notice is required to be served under subsection (3), the authorized lawyer who has submitted the Form 24 under subsection (1), must retain a true copy of the notice in Form 8 together with proof of service in accordance with Section 30, and make it available for review by the Registrar General upon request and audit by the Nova Scotia Barristers' Society.

Addition of burdens and restrictive covenants which do not require identification or addition of benefit

16 (1) Despite Sections 14 and 15, an authorized lawyer is not required to identify or add a corresponding benefit to other affected parcels when adding

- (a) a burden in favour of a public utility, an unidentified utility, or a municipality, or
- (b) restrictive covenants,

to a parcel registered under the Act.

(2) The authorized lawyer who makes an application to add an interest in clause (1)(a) or (b) to a parcel registered under the Act must

(a) submit a request and certificate of legal effect, in Form 24, to revise the parcel register of the parcel to which the interest is being added; and

(b) make application to amend the legal description of the parcel to which the interest is being added; and

(c) serve notice, in Form 8, on the owner of the parcel to which the interest is being added, unless the owner has executed the document that conveys or evidences the interest.

(3) If notice is required to be served under clause (2)(c), the authorized lawyer who makes application to add the interest in clause (1)(a) or (b) to a parcel registered under the Act, must retain a true copy of the notice in Form 8 together with proof of service in accordance with Section 30, and make it available for review by the Registrar General upon request and audit by the Nova Scotia Barristers' Society.

Exemption from requirement to identify or add corresponding benefit or burden

17 (1) Despite Sections 14 and 15, an authorized lawyer who is adding a benefit or burden to a parcel that is registered under the Act, may be exempted from the requirement to identify or add a corresponding benefit or burden to other affected parcels if a registrar is satisfied that it would not be practicable to do so.

(2) To obtain an exemption under subsection (1), an authorized lawyer must apply in writing to a registrar, providing the reasons for the request and any additional information requested by the registrar.

(3) An authorized lawyer must retain a true copy of an exemption obtained under subsection (1) and make it available for review by the Registrar General upon request and audit by the Nova Scotia Barristers' Society.

Notice of overriding interest in a registered parcel

18 Any person recording an overriding interest in a parcel registered under the Act must notify the registered owner in Form 8 and, if adding a benefit or burden to a parcel, comply with the requirements in Sections 14, 16 and 17.

Registrar General's correction of error or omission

19 (1) Except as provided in Section 20 for correcting a registrar's error or omission, the Registrar General may correct an error or omission in a parcel register in accordance with this Section.

(2) The Registrar General must provide notice in writing of the details of any identified error or omission and the proposed correction to all of the following:

- (a) any registered owner of the affected parcel;
- (b) any interest holder shown in the parcel register who may be affected by the error or omission;
- (c) the authorized lawyer who certified the information being corrected.

(3) Any registered owners and any interest holders notified under subsection (2) must be given 15 days from the date of the notice to consent or object to the Registrar General's proposed correction.

(4) If a notified registered owner or interest holder objects to a proposed correction within 15 days from the date of the notice under subsection (2), the Registrar General must make any necessary further inquiries and notify any registered owners and any interest holders who received the original notice that

(a) the Registrar General has abandoned the proposed correction; or

(b) the proposed correction will take effect 30 days after the date of the notice under this subsection unless they have commenced a proceeding in the Supreme Court of Nova Scotia and submitted a certificate of *lis pendens* in Form 19 for recording.

(5) If all notified registered owners and interest holders consent or do not object to the Registrar General's correction proposal, the Registrar General may direct a registrar to correct the error or omission as proposed.

(6) Nothing in this Section affects the Registrar General's powers under Section 56 of the Act.

Correction of registrar's errors

20 (1) The Registrar General may direct a registrar to correct a registrar's error in a parcel register caused by an error in processing, indexing or accepting a document.

(2) All of the following must be done to complete the correction of a registrar's error under this Section:

(a) the registrar must ensure that a written record of the correction is placed in the parcel register;

(b) notice is provided in accordance with Section 19, unless the Registrar General is satisfied that no registered owner or interest holder could be adversely affected by the correction.

Request for correction of errors in recorded interests previously submitted without a certificate of legal effect

21 (1) An authorized lawyer who is acting on behalf of a registered owner of an affected parcel or any other interest holder affected by an error in a request to record, or request to cancel the recording of, a recorded interest previously submitted on a Form 26, 26L, 27 or 27L that does not contain a certificate of legal effect may request correction of the error by submitting a request to a registrar in Form 49, if the lawyer has done one of the following:

(a) they have notified and obtained the consent, in writing, of the registered owner of the affected parcel and any other interest holder shown in the parcel register who may be affected by the error;

(b) they have obtained the prior written approval of the Registrar General, who may withhold approval or impose such notice or other requirements as the Registrar General considers appropriate in the circumstances.

(2) An authorized lawyer must retain a true copy of all documentation or information that supports their requested correction and any approvals and consents obtained under this Section and make them available for review by the Registrar General upon request and audit by the Nova Scotia Barristers' Society.

Correction of errors or omissions in registration, recording or other information certified by certificate of legal effect

22 (1) In this Section, "certificate of legal effect" includes an opinion of title on an AFR.

(2) An authorized lawyer who is aware that there is an error or omission in a registration or recording or other information in a parcel register certified by a certificate of legal effect that the authorized lawyer previously submitted as required under these regulations must, without delay, request a correction of the particulars certified by the certificate of legal effect in Form 6A and do one of the following:

(a) notify and obtain the consent, in writing, of the registered owner of the affected parcel and any other interest holder shown in the parcel register, who may be affected by the error or omission; or

(b) obtain the prior written approval of the Registrar General, who may withhold approval or impose any notice or other requirements the Registrar General considers appropriate in the circumstances.

(3) An authorized lawyer who is acting on behalf of a registered owner of an affected parcel or any other interest holder affected by an error or omission may submit a correction of the error or omission in a registration or recording or other information in a parcel register certified by a certificate of legal effect previously submitted by another authorized lawyer, if the lawyer complies with the requirements in subsection (2) and has one of the following:

(a) the agreement, in writing, of the authorized lawyer who previously submitted the certificate of legal effect;

(b) the written approval of the Registrar General, who may withhold approval or impose any notice or other requirements the Registrar General considers appropriate in the circumstances.

(4) An authorized lawyer must retain a true copy of all documentation or information that supports their correction and any approvals and consents obtained under this Section and make them available for review by the Registrar General upon request and audit by the Nova Scotia Barristers' Society.

Content of parcel register

23 (1) A parcel register must contain all of the following:

(a) the PID assigned to the parcel;

(b) a legal description for the parcel that complies with subsection 7(10);

(c) the name and mailing address, if known, of each registered owner of the registered interest in the parcel described in clauses 17(1)(a), (b) and (c) of the Act;

(d) the names and mailing addresses, if known, of all holders of a recorded interest in the parcel;

(e) the submission particulars or full text of every document by which the title to the parcel is affected, as registered or recorded under the Act or the Registry Act;

(f) a reference to the instrument type assigned to any registered or recorded interest, which information is provided for convenience only and is not part of the registered or recorded interest;

(g) a reference to the interest type assigned to any registered or recorded interest;

(h) a reference to any judgment recorded within the registration district which is, or may be, a charge upon the registered interests of the registered owner and any predecessor in title at the time of registration or revision of the registered ownership of the parcel;

(i) a reference to any statement made under Section 38 of the Act as to whether any of the owners of the interest is a non-resident;

(j) the manner of tenure for the registered interest in the parcel;

(k) any textual qualification added under Section 11.

(2) A parcel register is deemed to be a complete statement of all judgments recorded in the registration district which are, or may be, a charge upon the registered interests of the registered owner and any predecessor in title at the time of registration or, if subsequently revised, at the time of the last revision of the registered ownership of the parcel.

(3) An archive register is not part of a parcel register.

(4) A reference to an enabling instrument in a parcel register can be used to enable all benefits and burdens referred to in that instrument, which are between the same parties.

Prescribed contracts

24 (1) Option agreements and rights of first refusal are prescribed contracts for the purposes of the definition of “interest” in clause 3(1)(g) of the Act.

(2) A prescribed contract may be recorded in a parcel register and, if recorded, is subject to the Act’s recording and cancellation of recording provisions.

Tenants in common

25 (1) An application for registration of a tenant in common interest in a parcel which has not been registered under the Act must be made in accordance with the provisions of Section 10 and must clearly state the percentage or share of each interest being registered.

(2) In order to register an unregistered tenant in common interest in a parcel which has been registered under the Act, an authorized lawyer must complete and submit a request and certificate of legal effect in Form 24 and complete, retain and make available for review by the Registrar General upon request and audit by the Nova Scotia Barristers’ Society, the following items:

(a) an owner’s declaration regarding occupation of parcel and residency status in Form 5;

(b) a copy of the abstract of title upon which the submitting lawyer’s opinion in Form 24 is based; and

(c) a copy of the notice of registration in Form 9, together with proof of service in accordance with Section 30, if applicable.

(3) If an unregistered tenant in common interest in a parcel which has been registered under the Act is transferred for no value as disclosed in the affidavit filed under the Municipal Government Act, the owner of the unregistered tenant in common interest must apply to have the parcel register updated using Form 50.

Judgment information

26 (1) For the purposes of recording a judgment in accordance with subsections 67(1) and (4) of the Act or requesting confirmation of a debtor’s identity in accordance with Section 68 of the Act, information that tends to distinguish a person from another person of the same or similar name includes a date of birth.

(2) For the purposes of clause 66A(2)(a) of the Act,

(a) surnames that begin with “Mc” are identical to surnames that begin with “Mac” and vice versa;

(b) surnames that include apostrophes, accents, spaces or a mixture of upper and lower case letters are identical to names of the same spelling that do not include these features; and

(c) names of legal entities that include “the”, “a” or “an” are identical to names of the same spelling that do not include these words.

(3) A judgment creditor who holds a judgment that is recorded in the judgment roll may update the name or address of the judgment debtor in the judgment roll and, if applicable, the parcel register, by recording a request in Form 20.

(4) An update of name or address under subsection (3) is effective from the date and time that the request was recorded.

(5) On the coming into force of the Act, statutory declarations respecting judgments must be recorded in the judgment roll.

(6) An affidavit recorded under subsection 68(3) of the Act must be recorded in the judgment roll and must have attached as exhibits

(a) a copy of the request for confirmation that was sent to the judgment creditor under subsection 68(1) of the Act;

(b) proof of delivery of the request for confirmation;

(c) any request for further information received from the judgment creditor; and

(d) a copy of the response to any request for further information together with proof of delivery of the response.

Deemed removal or request for cancellation of judgments

27 (1) A judgment is deemed to be removed from the judgment roll when any of the conditions of subsection 66(4) of the Act are met.

(2) For a judgment recorded in the judgment roll or a parcel register,

(a) a full or partial release signed by the judgment creditor under subsection 69(3) of the Act, and recorded using a request in Form 48; or

(b) a certificate of satisfaction or certificate of discharge from the court that is recorded using a request in Form 47,

is deemed to be evidence of a request by the holder of the interest to cancel the recording of the interest under clause 57(1)(b) of the Act, and may be recorded by the debtor or debtor's agent.

Security interest holder compliance with subsection 51(4) of the Act

28 (1) Subsection 51(4) of the Act does not apply to a security interest that is intended to remain in place to secure future advances.

(2) Except as provided in subsection (3), a security interest holder is not in compliance with the requirement to record a release of a security interest in subsection 51(4) of the Act unless all necessary releases of a security interest and related documents are submitted for recording within a reasonably prompt time after the obligation secured by the security interest is paid in full.

(3) A security interest holder is deemed to be in compliance with subsection 51(4) of the Act if, at an owner's request, the security interest holder sends a release of the security interest to the owner for recording and the release is recorded.

Notice to cancel or amend a recorded interest

29 (1) A notice in Form 15 to a registrar to cancel or amend the recording of a security interest under subsection 60(2) of the Act must be submitted together with

(a) a statutory declaration that outlines to the registrar's satisfaction the reasonable and probable grounds that were used as a basis for the demand to cancel or amend the recording of the security interest; and

30. (b) proof that the demand was served on the security interest holder in accordance with Section

(2) A notice in Form 15A to a registrar to cancel the recording of a recorded interest or judgment under Section 63 of the Act must be submitted together with

(a) an affidavit that complies with subsection 63(2) of the Act; and

(b) proof that the demand was served on the interest holder in accordance with Section 31.

Proof of service

30 The service of any document may be proved by an affidavit, which must state

(a) by whom the document was served;

(b) the day of the week and the date on which it was served;

(c) where it was served; and

(d) how service was effected,

and a copy of any document served must be attached as an exhibit to the affidavit.

Service of notice

31 (1) Unless otherwise provided in the Act or these regulations, all notices required by the Act or these regulations to be sent must be sent by any means that affords proof of delivery.

(2) If the name or address of a person to whom a notice must be sent is not known, or if service under subsection (1) is not practicable, the Registrar General may provide directions for substituted service of any notice required by the Act or these regulations.

Appeals to Registrar General

32 (1) To appeal a decision of a registrar under Section 90 of the Act, a person must submit an appeal in writing to the Registrar General in paper format or electronically, following the instructions in Property Online, together with all of the following:

(a) the fee prescribed under the Land Registration General Regulations, if any;

(b) a copy of the registrar's decision that is being appealed;

(c) a copy of the documents that are the subject matter of the appeal;

(d) a clear statement of the reasons why the registrar's decision is incorrect and any other explanatory information.

(2) An application for an appeal under this Section must state in bold in the subject line "Appeal of a Registrar's Decision - PID(s) (insert PIDs of affected parcel(s))- County(ies) (insert name(s)of County/ies where affected parcel(s) are located)".

Forms

Forms are not available in this format. Please [click here](#) to view the forms as published in the Royal Gazette Part II on May 22, 2009

Last updated: 14-01-2011