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JUDGMENTS UNDER THE *LAND REGISTRATION ACT*

BACK TO BASICS

Catherine S. Walker, Q.C.
Walker Law Inc.
200-2742 Robie Street
Halifax, Nova Scotia, B3K 4P2
Telephone (902) 425-5297
Email: cwalker@walkerlaw.ca

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Judgments under the LRA- Back to Basics¹

1. Methodology

I decided to start at the beginning. After all, this was to be a 'back to basics' paper, and who better to figure out how to brush up on the basics than a crusty (ok- let's be somewhat kinder and say 'vintage') property lawyer- one most familiar with the 'old world way' of working with judgments. The LRA environment is a new world so I thought it would be best to begin by identifying and gathering all of the available information 'out there' on the world of judgments under the LRA- adopting a home schooling refresher approach, you might say.

So, considering myself to be the perfect guinea pig for becoming more comfortable with this subject, I set out to find, gather and settle in to read and understand a bit more about judgments. What follows is the story of my journey.

Where I looked and what I found

An initial caveat for readers: I thought it would be helpful to attach to my paper some information I found, citing its source. I was a bit reluctant to do this, as much of it is updated online information, and once printed and attached to a paper becomes dated and static. So I urge you to access the information online when you have a query in this or any subject area- but back to my search and findings on the topic of judgments.

The following is a summary of the information I found (I will indicate if it is either attached to my paper as an appendix, or provide the hyperlink as to its location):

a. LRA Module Information/LIANS website information (www.lians.ca)²

First, I approached those who teach the newcomers to LRA- those careful editors who review and update the material compiled in the LRA Modules for training. They advised me to look at the information on the LIANS website. I found a *LIANS* article about judgments³, and reviewed the Professional Standards (Real Estate), which I also found on the website- with supporting cases and articles footnoted in each of the standards, all hyperlinked and available to review and download if desired with the simple click of a key. The chart on 'How to Determine Material Difference in Names'⁴, a search aid for Judgments in support of s.66(8) of the LRA, was also on this site and all material is printable for ease of reference.

¹ Prepared for the CBA Midwinter meeting February 1st, 2013 by Catherine S. Walker, Q.C.

² Appendix I, Documents 1-4 from LRA Training Modules

³ See Appendix I Document 5 "*LIANS* Issue 1 May 2010, "How do you do a Judgment Search in the New World"

⁴ See Appendix I Document 3 to this paper- Appendix I includes some of the information found at www.lians.ca

Indexed under LRA Training material Module Three on the LIANS website, under the topic 'Judgments' was an article "Overview of Judgments"⁵ in the LRA context. This article, in a page and a half, summarizes the LRA context for judgments and how they are treated in this environment in clear and concise language. It describes where to find judgments (and where they won't be found), together with the extra steps now required for creditors proceeding to secure a new judgment against a debtor.

The rules are more stringent now for a creditor⁶. This paper will review some of those requirements. For example, there is specific information which must be included on new judgments, and with respect to length of time a judgment is valid for, post 2003, judgments newly registered are only valid for 5 years instead of 20 as in the old world, but are renewable (with some restrictions) for three 5 year terms. Further, the effect of a judgment under LRA is stated to be the same as a recorded mortgage 'upon the interest of the judgment debtor in the amount of the judgment'⁷.

b. Property Online ("POL") Information (<http://www.gov.ns.ca/snsmr/property>)⁸

Next, I looked for information in another familiar public forum- the POL Land Registry Resource Material on the POL site. The first document found was one entitled "Registering & Recording Judgments: What you Need to Know"⁹. This sounded like an appropriate resource to add to my check out basket. I learned in reading this document, for example, that if a judgment creditor intends to execute on a judgment (against either personal property by way of garnishee order, or against real property by way of *Sale of Land under Execution*¹⁰ legislation) a judgment must be registered in the Personal Property Registry¹¹. I didn't realize this, as in my practice, I do not deal with executions on judgments.

I found a useful diagram reviewing the 'Recording and Searching Judgments process'¹², and a short summary dealing with pre-2003 judgments and how they were dealt with.¹³ There was also a 'Judgment Recording Requirements' for the post 2003 world (and post 2010 legislation changes).¹⁴ I looked at RG Communique Issues and directives on this same site, checklists and

⁵ Ibid

⁶ See Appendix II, Document 12

⁷ Appendix I, Document 1- see also s. 66(1) of the LRA

⁸ See Appendix II Documents attached to this paper

⁹ See Appendix II Document 1 to this paper- Appendix II contains some of the information found at <http://www.gov.ns.ca/snsmr/property>

¹⁰ *Sale of Land Under Execution Act*, R.S.N.S. 1989, c.409

¹¹ See Appendix II, Document 1, page 3- in particular s.20, 21 of the PPSA that set out the requirements for registration of a judgment in the PPR

¹² See Appendix II, Document 10

¹³ See Appendix II, Document 11

¹⁴ See Appendix II, Document 12

information circulars relating to judgments¹⁵ issued by Service Nova Scotia and Municipal Relations. I found Property Online Help circulars on how to search the Judgment Roll only, using 'wildcards' ¹⁶(a poker player I am not, but these wildcards are useful tools for us all to become familiar with, whether you restrict your talents to surfing the Judgment Roll in POL or spending time at the casino table). A wildcard (adding % to a search inquiry) widens the scope of search results. For example- a first name (individual) query of %RIC will result in names containing RIC such as Richard, Rick, Patrice, Patrick and Beatrice.¹⁷ But there are rules associated with the use of wildcards- last names searched cannot start with a wildcard, nor can corporate names. Wildcards at the end of a name or field are implied and therefore do not need to be added (eg. 'Dev' and 'Dev%' will return the same results)¹⁸. The POL information confirms:

- ✓ that the last name of an individual when searching is mandatory;
- ✓ so too is the Enterprise Name, but
- ✓ **neither** of these fields can **start** with a wildcard, **and**
- ✓ at least the first two letters need to be entered
- ✓ No first name can be specified without entering a last name, **and**
- ✓ only one letter needs to be entered in the first name field¹⁹

Searching corporate names or enterprises?

For corporate entities, (or 'Enterprise' names) – the information bulletins advise not to use the 'exact query' button and as of January 23, 2013, I have been advised that enterprise names that begin with 'the' or 'a' or 'an' should be searched **both** with and without the indefinite article that the name begins with.²⁰ Also there are several standard abbreviations for companies when entering names into the GGI that you should be aware of..check them out!²¹

There seem like a lot of rules (ie. when entering search criteria, use the theory less is better, and the Registry will **never abbreviate** the first name of any company name.²²), but once you are familiar with them, the search is easier, and more successful! This is a search engine after all, and what you are searching is not necessarily the actual document **as filed**, but rather the information **as indexed**. So, a judgment certificate may be against "The Rocky Road Inc." but your search of that exact name will not yield any results unless the "The" is left out of your search criteria as that was not how it was indexed.

¹⁵ See Appendix II generally for some of this information

¹⁶ See Appendix II Document 5, page 18

¹⁷ *ibid*

¹⁸ *ibid*

¹⁹ Appendix II Document 5, Page 8

²⁰ *Ibid* at page 16- eg. Corporate name is "The Bank of Nova Scotia" but will be indexed **only** under "Bank of Nova Scotia"- **BE CAREFUL!**

²¹ *Ibid* at page 19

²² *Ibid* at page 20

A helpful tool is found in the 'Sort Rules'²³ for **similar names**. These are rules which allow for efficient retrieval of names, when searching, that are spelled very similarly. More on that when we talk about how to search.

c. Legislation- *Land Registration Act*²⁴ and *Land Registration Administration Regulations*²⁵

I looked at the relevant legislative provisions of both the LRA (primarily sections 65-69²⁶) and LRAR (primarily sections 26 and 27)- some of which I will specifically reference in this paper but all of which are worthwhile to review.

d. Nova Scotia Real Property Practice Manual²⁷ (Section 10.3A, pages 10-31 to 10-44)

I also looked at a resource we all keep at our fingertips- Charlie MacIntosh Q.C.'s *Nova Scotia Real Property Practice Manual*.²⁸ His material was both thoughtful and helpful in giving the historical perspective on judgments at common law under the Registry Act- in the form of case precedents, and some really interesting tidbits. For example:

Did you know – "Not all interests in land may be bound by a recorded judgment. At common law, interests in land were not exigible pursuant to an execution, and in order for an interest in land to be subjected to a judgment, it must fall within the terms of the relevant legislation"²⁹. An equitable interest created under an agreement of purchase and sale that was in default could not be considered an 'interest in land' to which judgments could attach and did not bind the lands being sold by the original vendor to a new purchaser.³⁰ In the case cited there was a long term agreement of purchase and sale that was forfeited by default of the purchaser, and subsequently sold through tender process to a second purchaser. Before the sale to the second purchaser was completed, judgments were registered against the first purchaser. The issue for the court was whether the judgments attached to the interest of the first purchaser. The court found they did not- as judgments do not attach and cannot be subject to execution if they are equitable, and not legal interests.³¹

Did you know -that if a mortgagor swears a false declaration that he or she is not the person named in a particular judgment that the judgment could be found to be still effective and

²³ Ibid page 17

²⁴ S.N.S. 2001, c.6

²⁵ N.S. Reg 207/2009 as amended by N.S. Reg 189/2010

²⁶ Included in Appendix II Document 4 (dated June 2010) is a particularly informative circular on the LRA sections 65-69 found in the Land Registry Client Resource Manual online at <http://ows2.gov.ns.ca>

²⁷ C.W. MacIntosh, Q.C. {1988} *Nova Scotia Real Property Practice Manual*, Markham Ontario: LexisNexis Canada Inc.

²⁸ Ibid

²⁹ Ibid page 10-51 citing *Barrowman v Fader* (1899), 32 N.S.R. 284 (S.C.)

³⁰ Ibid citing *Nova Scotia Farm Loan Board v Naggins Corner Farm Ltd.* [2003] N.S.J. No.89(S.C.)

³¹ Ibid. See also 2003 NSSC 55 (Canlii) at page 10 paragraph 26. For a further case involving the interests under agreement of purchase and sale, see *Clem v Hants-Kings Business Development Centre Ltd.* [2004] N.S.J. No.233 (S.C.)

maintain its priority over a mortgage?³² In the case cited, the mortgagor's equity of redemption under a mortgage was found to be subject to the "...prior and general charge of the registered judgment of the Bank of Montreal."³³ In that case the judgment was entered prior to title being acquired and a mortgage being executed. The judgment debtor swore what was later determined to be a false affidavit that the judgment was not his at the time of the mortgage. The court found that the judgment only bound the debtor's "...general interest in land".³⁴

Did you know - that if a deed is executed by a vendor in blank, coupled with execution of the appointment of an agent with irrevocable authority to complete the deed once a purchaser has been found, that the blank deed may be effective, once executed, to avoid the attachment of a judgment against the vendor's land, registered after execution of the deed and before the agreement is entered into or the property sold?³⁵

At issue in these cases is the extent of the interest in land, if any, that the judgment debtor has for the judgment to attach to at the time it is determined. More on this later.

2. Digesting the Information Collected and Understanding the Steps involved in finding and dealing with Judgments under the LRA

Once I gathered the information, I then read and digested it. I had the following questions that I was trying to answer when I reviewed the material:

- a. What is a Judgment Roll and how does it work?
- b. Are Judgments found in more than one place?
- c. When do you search the Judgment Roll for judgments?
- d. Who do you search?
- e. How do you search?
- f. What are some of the unique features of judgments under the LRA?
- g. What if a judgment is missed? Can it be fixed and, if so, how?
- h. Can a judgment be renewed? If so, how?
- i. How do priorities work under LRA for judgments and other interests? Has anything changed- some case law comments?
- j. Any general advice with regard to judgments?

³² Ibid at 10.3B, Page 10-57 citing *Bank of Montreal v. Lucas* (1998), N.S.R.(2d) 394 (S.C.)

³³ Ibid. See also 1998 CanLII 3711 (NSSC) at page 4

³⁴ Ibid at page 5

³⁵ Ibid -- (cites footnote 8a)-*Royal LePage Relocation Service v. Ross*(1986), 77 N.S.R. (2d) 24, 159 A.P.R. 24 (C.A)

a. What is the Judgment Roll?

Judgments, whether filed under the *Registry Act* prior to March, 2003, or whether filed after that date, are now maintained in a newly created **Judgment roll**. Judgments registered prior to March 2003 under the *Registry Act* were transferred into the Judgment roll and are subject to the provisions of the LRA.³⁶

A Judgment Roll is a computerized index of judgments for each county.³⁷ There is a separate roll for each of the 18 counties in the province, and it is important to remember that **this Judgment roll is names based, not parcel based**.³⁸ Because it is a names based system, all judgments continue to be filed under the *Registry Act* (the judgment provisions of which were amended by the LRA and which can be searched by name). So, just as in the old world we would have searched for a judgment against a named owner, so too will we do the same kind of search under the LRA. We will cover the question as to how to search in another section.

We are all familiar with statutory declarations which confirm that a declarant is not a particular judgment debtor described in a judgment that has been filed in the Judgment Roll. These declarations are now all filed in the Judgment roll, and there is no charge for that filing (Form 48B). However lawyers are reminded that these are single purpose only documents and that no other matters can be covered in the declarations to take advantage of this 'no fee' feature of the system.³⁹

IMPORTANT FACTS that cost YOU money: In the 2011 calendar year, there were **\$425,000** worth of judgments **missed by lawyers** that formed the basis of claims reported. In the 2012 calendar year, there were **\$500,000** worth of judgments **missed by lawyers** that formed the basis of claims reported⁴⁰.

b. Are judgments found in more than one place?

Yes- they are if a statutory requirement is triggered to also show them in the parcel register.

³⁶ See Appendix I Document 1 to this paper

³⁷ Ibid

³⁸ Ibid

³⁹ For clarification on the filing of statutory declarations see Appendix II, Document 8

⁴⁰ As advised by Melanie McGrath, Director of LIANS

In addition to the Judgment Roll, in which judgments that are recorded are **always** found, judgments are required to also be shown in the parcel register as follows:

i. **Migration- AFR**

If there are judgments outstanding and applicable **at the time of migration of a parcel** against the registered owner or any previous owner within the 20 year time frame prior to migration, the migrating lawyer is obligated to bring those judgments into the parcel register and incorporate them into the AFR application⁴¹. **(Note however that bringing them into a parcel does not remove them from the Judgment roll. They also remain on the Judgment roll until a Certificate of Satisfaction is recorded.)** Lawyers are reminded that the obligation to bring applicable judgments in on migration applies **even if the judgment is the subject of a prior undertaking to discharge and even if actually paid out unless the Certificate of Satisfaction has been recorded in the Judgment Roll; and**

ii. **Revision:**

If there are judgments **outstanding and applicable at the time of a revision to the ownership of parcel**, the lawyer who is responsible for filing the revision document (eg. the deed, court order etc.) is also responsible to add these judgment(s) to the parcel register at the time of filing the revising document(s). The revising document must be paper filed (Form 24)⁴² and the judgment(s) are added on the same Form 24 as the deed. Judgments that would apply in this case would be judgments that were entered against a judgment debtor and registered owner subsequent to migration (and to be searched since the date of migration), or registered subsequent to the last revision (and to be searched since the last revision), or against the prospective buyer of the parcel (to be searched for the full 20 year period prior to the purchase). Lawyers are reminded that the obligation to bring applicable judgments in on migration applies **even if the judgment is the subject of a prior undertaking to discharge and even if actually paid out unless the Certificate of Satisfaction has been recorded in the Judgment roll.**

Some practitioners might argue that there is 'no harm, no foul' in leaving a judgment off a parcel register at the time of migration or revision if there is an undertaking on the part of a lawyer to remove or satisfy the judgment. **To be clear however**, it is the obligation of a lawyer to ensure that the parcel register reflects the **state of the title at the time an opinion is given or a certificate of legal effect is provided**. These judgments, added to a

⁴¹ LRAR s.23(1)(h)

⁴² See Appendix II, Document 6 for a recent RG notice concerning judgments and the manner in which they are added to a parcel register

parcel register at the time of migration or revision, remain also on the Judgment roll until a Certificate of Satisfaction is recorded

It is the practice of some lawyers to do a 20 year search against the current registered owner as a double check to see if any judgments might have been missed at the time of migration or latest revision, whichever is applicable as the latest to have occurred. However, the legislation does say that the 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”⁴³.

Lawyers are reminded however that a filed name change (Form 21) **is not** considered a revision for purposes of this provision of the regulations.

c. When do you search the Judgment Roll for judgments?

You do a search for judgments the way you always used to⁴⁴. You search when you are migrating, doing a mortgage or providing any opinion with regard to the priority of interests in a parcel register or issuing a certificate of legal effect. A recent notice from the Registrar General’s office reminds us when to search, namely at the time of migration, and when registered interests are changed using a Form 24.⁴⁵

Remember- the absence of any judgments in a LR parcel register does NOT mean that there are none that affect the LR parcel. As judgments are only added to a parcel register on either **migration** or a **revision**, any intervening judgments entered between these dates while they will be on the Judgment Roll, will not be found on the parcel register. **SEARCH THE JUDGMENT ROLL** and if you find a judgment that does *or may* apply (language from the legislation- ie similar name) - take the necessary steps to determine whether it does, and whether you are required to bring it into the parcel register. You only bring in a judgment that applies at migration or revision, so you do not bring one in when recording a mortgage (although you will have to advise your client of its effect on the priority of the security interest and deal with it as they instruct).

⁴³ LRAR s.23(2)

⁴⁴ See LIANSwers Issue 1, May 2010 “How do you do a Judgment search in the LRA world?” Appendix I Document 5

⁴⁵ Appendix II, Document 7

And don't forget to search:

- ✓ when you are registering a 'no consideration' deed (are there any judgments against the grantor or grantee?);
- ✓ a deed between spouses (whether pursuant to a separation agreement, court order or otherwise);
- ✓ a deed between siblings;
- ✓ a deed between parents and children;
- ✓ when filing a Form 21 for a name change- if for no other reason, just to alert the parties to any possible issue when dealing with a later revision.

You will need to determine what names to search, and for what period of time, but more on that to follow.

d. Who do you search?

- i. **Migration:** You search the current registered owner and all predecessor owners for the 20 years prior to migration, just as you would have in the pre-LRA world;
- ii. **Revision:** You search the current registered owner from the date of migration or the last revision, whichever is later to have occurred, and the prospective buyer if you are acting for the buyer or the transferee in the case of a deed transfer without consideration;
- iii. **Recording:** if you are providing an opinion with regard to any recorded or security interest, you should examine the Judgment roll to ensure you are aware of anything which may affect your opinion or certificate of legal effect;
- iv. **Form 21:** if you are acting for an owner who wishes a name change filed, you should do a judgment search to advise as to any judgments which may affect a subsequent revision or recording.

Notes and reminders: Has your searcher (or have you) checked for and reported on possible judgments against all owners in the last 20 years (if applicable)? Is your client a company? If an amalgamated company has been an owner, have the names of all amalgamating companies been searched?

Full and clear communication with your client is essential- ask your client how they are commonly known (especially if your client spouse addresses them in a manner that is different than the ID you just secured a copy of). Do they have any nicknames? Maiden names? Has their name been changed for any reason? I had a couple once who decided that they should choose a new surname rather than use any combination of each of their existing surnames- confusing to be sure.⁴⁶

⁴⁶ See Appendix I, document 2 for reminders regarding Judgments

Talk to your client. Take care in framing your inquiry to the system to increase the odds that your search will produce the appropriate result. The old adage 'garbage in, garbage out' comes to mind as applicable to defining the search parameters.

I am advised that there is work currently ongoing to develop naming standards to assist us in our work of searching as the names and rich cultures of those in our communities grows more diverse each day.

Document your file: Print and keep copies of all searches completed (either paper or pdf) for risk management purposes as the system may or may not have the same information at a later point in time (eg. POL has a list of indexing errors!).

e. How do you search judgments?

Some general hints:

- "Less is more" applies to how to conduct a search- avoid doing searches which involve specific full names (ie. John James Smith). Search instead as you might have in the old world (Smith, J) and then narrow the focus depending on the results.
- The benefit of an electronic search is that it is at your finger tips- the challenge however is that the success of accessing the information that you really want to pull out of the system, is the quality of your inquiry to that system.
- "Less is more"- truly a golden rule in the world of judgment searches.
- Reference to the wildcard options for searches is very helpful⁴⁷.
- Reference should also be made to the LRA Training Module materials.⁴⁸

Any of the criteria used to search individual names in the old world and company names also apply in the new world. Talk to your title searcher as to how she/he conducts searches, as searches of the Judgment roll, unlike the old world, are more frequently searches that need to be conducted by lawyers and legal office staff rather than being restricted to trained title searchers.

Document: And don't forget to keep a copy of your searches completed (either pdf or electronic) for risk management purposes- the information in the system may change over time.

The government Client Resource Material⁴⁹ suggests that there are two kinds of searches:

i. Searches at time of migration:

⁴⁷ See Appendix II Document 5

⁴⁸ See Appendix I, Document 5

⁴⁹ Appendix II- Document 10

- a. Searches would be done as in the pre-LRA way in the Grantor Grantee Index (“GGI”) for judgments against all owners for 20 years predating the date of migration and all judgments found that apply for which certificates of satisfaction have not been recorded are to be included in any AFR and will be shown on the parcel register (in addition to the Judgment Roll)⁵⁰; and
- ii. Searches for an LR parcel when revising registration, which includes
 - a. a judgment search in the Judgment Roll under the GGI for the registered owners from the date of migration or date of last revision of registered ownership for a parcel, whichever is most recent (hint: it never hurts to double check your last search results to ensure it was done properly- especially if you did the migration or last revision⁵¹);
 - b. a 20 year search in the Judgment Roll under the GGI for the purchasers if the revision is either a purchase transaction or transfer of registered interests, **whether for consideration or not** (the same as the old world kind of search); **and**
 - c. Search by name for Non-LR Documents in Process for registered owners and purchasers or grantees (comparable to the loose document search in the old world).

Document: And don't forget to keep a copy of your searches completed (either pdf or electronic) for risk management purposes- the information in the system may change over time.

Searches done at the time of migration of a parcel should include a consideration of Professional Standard 3.5, LRA ss.65-69, and LRAR 26(2), 27.⁵²

Statutory Declarations, Similar names and the concept of “Materially Different”:

Prior to March 2003, if you discovered a judgment against a person whose name was similar to the registered owner, or any previous owner within a 20 year period, common practice would result in the filing of a statutory declaration if the judgment was not against the actual owner in title⁵³. While this practice continues today (declarations of this kind can be filed in the Judgment Roll at no charge⁵⁴), statutory declarations are required in fewer cases because the LRA has introduced the “**materially different**” concept⁵⁵. **This is a change in the substantive law- aimed**

⁵⁰ See LRAR 23(1)(h)

⁵¹ *ibid*

⁵² See Appendix I Document 2 paragraph 16 from Module One- Abstract of Title section, page 8 of 13 at paragraph 16

⁵³ See Appendix I Document 4 from Module One- Title search section, page 11-13 of 15 at page 11

⁵⁴ See Appendix II Document 8- LRA Directive 2003-01 updated as of April 2011 regarding Statutory Declarations

⁵⁵ See Appendix I Document 4 at page 1. See also s.66A of the LRA for interpretation of ‘given names’ and what will constitute ‘material differences in names’

at minimizing the need to file declarations confirming persons are not the same as the debtor when their name is similar to the name on a judgment document.⁵⁶

See also s. 66(8) of the LRA:

“A judgment does not affect a person’s interest in any parcel if the person’s name is materially different from that of the judgment debtor”.

The specific steps to follow when conducting searches for names is set out in the LRA Training document from Module One of the LRA course and is attached for ease of reference as Appendix I, Document 4 (see bottom of page one of that document and continuing on page 2). See also the chart prepared by Frank DeMont, Q.C. attached as Appendix I, Document 3.

If surnames resulting from the search are identical, given names must be considered⁵⁷. Unless the surname is deemed to be identical (LRAR 26(2), any misspelling of the surname will be fatal to the creditor’s ability to enforce a judgment as against land⁵⁸. **The obligation rests with the creditor and lawyer to take care in collecting the correct information when the debt is entered into and if collection is necessary, to draft all documents with care⁵⁹.**

Some of the features of ‘materially different’ (s.66A(2)) are:

- If all surnames are the same, see if all of the given names or their common variations are different;
- If all of the given names are different, then there is a material difference in names;
- If the surnames are the same and there are the same number of given names a material difference will be found if at least one of the given names is not identical to, or is not a commonly used variation of, any of the given names in the other name;
- If the surnames are the same, and there are a different number of given names, a material difference will be found if at least one given name in the name with fewer given names is not identical to, or is not a commonly used variation of, any of the given names in the other name.⁶⁰

Corporate names:

While it is not clear on its face that 66A(2)(a) would be applicable to corporate name searches (see the language ‘last name of the debtor’, which does not intuitively seem to apply to corporate names) LRAR s.26(2) provides:

s.26(2) For the purposes of clause 66A(2)(a) of the Act,...

⁵⁶ Ibid

⁵⁷ See Appendix I, Document 4 from the LRA Training Module at page 2

⁵⁸ Ibid

⁵⁹ Ibid

⁶⁰ Ibid- see also Frank deMont Q.C. chart Appendix I Document 3 for a clearer picture!

“(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”.

What this means is that “A Rocky Road Inc.” and “Rocky Road Inc.” will be considered identical for purposes of a creditor being able to enforce a judgment if spelled either way, no matter which ‘correct’ name of the two is registered. One might think that this also means that a search of one will produce judgments against either, but as of January 23, 2013, I am advised that is not safe to assume.

NOTE: As a result of my recent advice, lawyers are now strongly advised to search corporate names that begin with the above list BOTH with and without ‘a’, ‘an’ and ‘the’ to ensure that all possible judgments that can attach are found.

Search Tools:

Wildcard- As referenced in the introductory section of this paper this is not a reference to poker, rather as a tool for searching. When used it means adding a “%” to a search inquiry. For example, a first name inquiry of %RIC will result in names containing RIC such as Richard, Rick but also Patrice, Patrick and Beatrice. You can see how this tool might be very useful if used appropriately to define the scope of search.

Last name searches cannot start with a wildcard however and corporate name searches cannot either. Wildcards at the end of a name or field are implied and therefore do not need to be added (eg. Dev and dev% will return the same result).⁶¹

Sort rules for similar names-These are rules which allow for efficient retrieval of names when searching that are spelled very similarly. Here are some of the highlights of this rule:

- Spaces in last names are ignored so searches for example for Van Dyke or Vandyke will both return EITHER variation;
- Apostrophes in last names are ignored for search purposes- so searching for either d'Eon or Deon will both return EITHER variation; and
- Searches for either Mc or Mac will return EITHER variation.⁶²

And the sort rules for companies should be noted as well:

- Searching a person's name alone will not retrieve a company name containing that person's name (although I searched for “Walker” under entity name and got back “Walker's Weir Ltd”...)
- All spaces and non alpha characters are ignored (, #, &). For example Maritimes Northeast search will also return Maritimes & Northeast)⁶³ ;

⁶¹ See Appendix II, Document 4

⁶² *ibid*

- For search purposes for companies, it is advisable to leave off Assoc, Corp, Inc or Ltd

Our task is to arm ourselves with enough information, and ask the question of the electronic system in such a way as to pull out all of the relevant data on which our professional judgment should be based.

And it never hurts to repeat:

Document: And don't forget to keep a copy of your searches completed (either pdf or electronic) for risk management purposes- the information in the system may change over time.

f. What are some of the unique features of judgments in the LRA environment?

There are many new features of judgments- and they include the following:

- i. Judgments filed after March 2003 are only valid for 5 years, but are capable of being renewed 3 times for 5 years each, subject to certain rules, one of which is that each renewal must take place **before the current 5 year period has expired**. Once expired, there is no ability to refile the same judgment- so while the judgment itself may remain valid, it will not bind the debtor's land. The total period that a judgment can be effective for is a maximum of 20 years, if all renewals are effected (see s. 66 of the LRA);
- ii. Judgments newly filed after March 2003 require more specific information so as to more easily **identify** the judgment debtor. Judgments filed must contain the following information(s.67(1) of the LRA):
 - the full name and address of the Judgment Creditor;
 - the full name and address of the Judgment Debtor;
 - information that tends to distinguish the Judgment Debtor from all other persons of the same or similar name (this may include date of birth);
 - the judgment amount ordered; and
 - the names of the lawyers for both parties, if applicable⁶⁴
- iii. Distinguishing information- Creditors must include in any judgment filed after March 2003 'such information as tends to **distinguish** the judgment debtor' (section 67(1) of the LRA). As of July 19th, 2010, this information may NOT include
 - Social insurance numbers (SINS)
 - Passport numbers;
 - Master numbers on driver's licenses or vehicle permits;

⁶³ Ibid at page

⁶⁴ Appendix II, Document 1- information from POL concerning Registering and Recording Judgments: What you need to Know

- Phone numbers (unless provided as contact information for a judgment creditor);
- Information relating to a third party (e.g. spouse/partner/child of the debtor) such as the other party's occupation, date of birth, physical characteristics;
- Physical characteristics of the debtor;
- Other properties owned by the debtor

But may include:

- ✓ Date of birth
- ✓ Occupation and/or name of employer
- ✓ Name of current or former spouse
- ✓ Current or former civic address (place of residence)
- ✓ Aka or alias name, nickname or significantly different given name
- ✓ Name of parent.

- iv. Under the LRA (s. 66(8)), a judgment will not affect a person's interest in any parcel of land if the person's name is **materially different** from that of the judgment debtor. A chart as to how to determine what will constitute 'materially different' is found on the LIANS website and is attached to this paper in Appendix I as Document 3. LRAR 26 (2) refines the definition of what will be considered identical surnames in s. 66A(2)(a), providing that surnames that begin with "Mc" are identical to those that begin with "Mac" and vice versa (26(2)(a), and names of legal entities that include "the", "a" or "an" are identical to names of the same spelling that do not include these words (26(2)(c))⁶⁵;
- v. Any person may require a judgment Creditor who has a recorded judgment in the judgment roll to provide, without charge, confirmation that the person is **not** a judgment debtor referred to in the judgment and that the judgment **is** or **is not satisfied**. (s.68 of the LRA)

These unique features in the world of judgments under LRA mean that creditors are held more accountable for clearly identifying judgment debtors, and for providing information when a debt has been satisfied, or confirming that a person is NOT a judgment debtor, if asked. Judgments filed after March 2003 remain valid for a shorter time period initially, and require proactive steps to be taken if all of the renewal statutory privileges are to be exercised. The maximum period that a judgment can be effective for is still 20 years, as in the old world.⁶⁶

g. How do renewals of Judgments work? What are the conditions of renewal?

⁶⁵ See Appendix I- Document 4 at Page 3

⁶⁶ See Appendix I- Document 1 and see also Appendix II Document 3, s.66 LRA

The rules have changed with regard to renewals since March 2003, and it is therefore important to carefully review the relevant time frame if you are asked to effect a renewal of a creditor's judgment⁶⁷.

Judgments filed prior to March 2003- these expire 20 years from the date of the judgment and cannot be renewed (s.65(5)(a) of the LRA).

Judgments filed after March 2003

- are effective and remain on the Judgment roll for 5 years from the date of recording if recorded prior to May 4th, 2009; and
- 5 years from the date of the judgment or the last recording of renewal as the case may be if on or after May 4th, 2009*

(*May 4th, 2009 was the date that Bill 156 was proclaimed amending the expiry reference of 'date of recording' to 'date of the judgment',⁶⁸ so watch your dates in these time frames)

- The Form of renewal must be filed **before the judgment expires** (s.66(5) of the LRA)- note- if it expires, it is thereby removed from the judgment roll (s.66(4)(c) of the LRA); and
- Judgments recorded after March 2003 may be renewed 'not more than three times by recording a certificate of renewal **before the judgment is removed** from the judgment roll' (s. 66(5) of the LRA).

Important note from the RG's office: The RG advises that effective January 2013, there have been 24,620 judgments recorded since 2003, of which 1094 have had renewals filed province wide (some of the judgments recorded will have been the legacy judgments from the old world and not have needed renewal). One third of the renewals were in Halifax County. There have been 10 second renewals filed in 2013 to date.⁶⁹

h. How do you fix an error in the way in which a judgment is recorded (or not) in a parcel register after migration or revision?

Correction of any errors or omissions in registration, recording or other information certified by a certificate of legal effect is addressed in Regulation 22 of the LRAR. In summary, an authorized lawyer who becomes aware of an error

'must without delay request a correction of the particulars and obtain the consent of the registered owner of the affected parcel, or secure the consent of the RG to dispense with

⁶⁷ See Appendix I, Document 1, and Appendix II, Document 7- Recording of a Judgment Renewal (Form 16)

⁶⁸ Ibid

⁶⁹ Advised by the Deputy RG by email January 3rd, 2013

the consent, 'or impose any notice or other requirements the RG considers appropriate in the circumstances' (section 22 of the LRAR).

Any lawyer who becomes aware of an error, in addition to the statutory obligation under the LRA, is well advised to ensure that LIANS is also informed of the error as under the insurance policy we all have, that is also an obligation to preserve insurance coverage.

i. Some interesting information with regard to judgments

I recommend to you all a reading of Charles MacIntosh Q.C.'s chapter in his *Nova Scotia Real Property Practice Manual on Judgments*⁷⁰. A few of the more interesting statements made in this material are as follows:

- When property is held by a deceased debtor as a joint tenant, the judgment is not a specific charge against specific realty, but a general charge against the interest of the deceased joint tenant⁷¹
- A judgment recorded against one joint tenant that predates the purchase by the debtor and partner of a property that was mortgaged on purchase, does not rank ahead of that mortgage to the extent of any interest acquired by the debtor from the other joint tenant after the mortgage⁷²
- If a mortgagor, when signing a mortgage, has sworn a false declaration that he or she is not the person named in a judgment, the judgment is still effective and has priority over the mortgage⁷³
- The purchaser's interest under an agreement of purchase and sale may possibly be subject to a registered judgment, but the authorities are not in agreement on this question...in some cases the **purchaser's interest is of such a nature that there is nothing for the judgment to bind**⁷⁴
- Upon execution of the agreement of purchase and sale, the vendor becomes in equity a trustee for the purchaser of the estate sold pursuant to a constructive trust which is subject to the terms of the agreement. This situation applies even if the agreement is not registered, since it is the nature of the interest held by the judgment debtor that determines the outcome and therefore the judgment may not be found to attach to the interest as claimed by the judgment creditor.⁷⁵

⁷⁰ Supra at footnote 11- see pages 10-31 to 10-44

⁷¹ Ibid at page 10-33(2) citing *Bank of Montreal v Lucas* (1998), 175 N.S.R.(2d) 394

⁷² Ibid at page 10-33(4) citing *Bank of Montreal v Lucas*, supra

⁷³ Ibid at page 10-33(5) citing *Bank of Montreal v. Lucas*, supra

⁷⁴ Ibid, at page 10-35 citing *N.S Farm Loan Board v Noggins* [2003] N.S.J. No 233 and *Barrowman v Fader* (1899) 32 N.S.R. 74 (C.A.)

⁷⁵ Ibid at page 10-35(2) citing *Clem v Hants-Kings Business Development Centre Ltd*, [2004] N.S.J. No.233

Conclusion:

I have learned a lot more about the world of judgments under the LRA from the reading I have done and shared with you in this paper. Judgments are familiar to us all, but the adjustments we have had to make, at least those of us who practiced for many years in the old world, under the world of LRA takes some careful thought.

The claims experience of recent years would lead most of us to reasonably conclude that we need to go back to basics in our understanding of the rules that surround judgments. I hope that you have found the information reviewed as useful as I have.

Kind regards to all my fellow property 'vintage' practitioners. May we continue to help each other in the future as we have in the past as we continue our work in the LRA.

Respectfully yours,

Catherine S. Walker, Q.C.

January 23rd, 2012

APPENDIX I – LIANS/NSBS DOCUMENTS

DOCUMENT 1	Judgments Overview – LRA Training Materials
DOCUMENT 2	Abstracting Judgments – LRA Training Materials
DOCUMENT 3	“Materially Different” Chart – Frank DeMont, Q.C.
DOCUMENT 4	Judgments - LRA Training Materials
DOCUMENT 5	<i>LIANS</i>wers – “How do you do a Judgment search in the New World?”

APPENDIX I -DOCUMENT 1

Judgments

Overview

Judgments are maintained in the judgment roll which has been established in each of the 18 land registration districts.

A judgment roll is a computerized index of judgments for a particular county. Property Online allows the user to search the judgment roll of every district.

The roll is searched using the name of the judgment debtor as the judgment roll remains names based and not parcel based. Therefore, you will need to search judgments every time under the name of an owner and the buyer (if the transaction is a purchase/sale transaction).

Judgments will be found on the parcel register if the judgments were outstanding at the time the parcel was converted. Otherwise, they will be found in the judgment roll.

Remember that any judgments against any previous owner or the owner at time of conversion for the previous twenty years must be entered as a recorded interest at the time of conversion. After March 24, 2008, judgments entered after March 24, 2003 began expiring. They are only valid for five years unless renewed before the expiry of that five year period (or any renewal – ie the 10 and 15 year marks). As a matter of practice, continue with a "normal" 20 year search as expired judgments are removed and no longer viewable, and cannot be renewed once expired.

If you find a judgment against the owner, it must be entered in the AFR even if the judgment is to be paid and released as a condition of a sale.

Refer to the Title Search section for the method to use when searching judgments. If your title search reveals a judgment which is not materially different from your client's name you will need to file a Statutory Declaration using Form 48B. There is no fee for this filing.

Effect of Judgments

A judgment is considered to have the same effect as a recorded mortgage upon the interest of the judgment debtor in the amount of the judgment. (*LRA* s. 66(1)) Judgments recorded under the *Registry Act* prior to March 24, 2003 were automatically transferred into the *LRA* judgment rolls and are subject to the provisions of the *LRA*.

These transferred judgments continue to be effective for the remaining period of the 20 years from the **date of the judgment** but cannot be renewed.

New judgments recorded under the *LRA* are effective and remain on the judgment roll for 5 years from the **date of recording**, if recorded prior to May 4, 2009 (when Bill 156 was proclaimed). They are now effective for 5 years from the date of judgment or the date of last recording, as the case may be.

The *LRA* judgments may be renewed 3 times for a period of 5 years each so that the total amount of time that a judgment may attach to a parcel is a maximum of 20 years.

If a judgment recorded pursuant to the *LRA* is to be renewed, the notice of renewal (Form 16) must be recorded before the judgment expires; once the judgment expires it is removed from the roll and cannot be re-recorded.

If the time expires before a notice of renewal is filed, and it cannot be later recorded it will not attach to the parcel. The judgment itself is still binding on the judgment debtor but will not bind the parcel of land.

Note that Section 67(1) requires judgments to contain "such information as tends to distinguish the judgment debtor" from similarly named persons. As of July 19, 2010, this distinguishing information may NOT include:

- Social insurance numbers (SINs)
- Passport numbers
- Master number - driver's license or vehicle permit
- Phone numbers (unless provided as contact information for a judgment creditor)
- Information relating to a third party (e.g. spouse/partner/child of the debtor) such as the other party's occupation, date of birth, physical characteristics, etc.
- Physical characteristics of the debtor such as hair color, eye color, etc.
- Other properties owned by the debtor

The "distinguishing information," however, may include:

- Date of birth
- Occupation and/or name of employer
- Name of current or former spouse
- Current or former civic address (place of residence)
- AKA or alias name, nickname or significantly different given name
- Name of parent

Removal from the Roll

A judgment removed from the roll ceases to bind or be a charge upon any parcel in the registration district.

As noted above, any judgment recorded after March 24, 2003 will automatically be removed from the roll when the five year period

expires unless it is renewed prior to the expiration date. When a judgment is removed from the roll, it is archived and no longer viewable on POL.

To cancel a judgment use Form 48A called "To Cancel the recording of a judgment that is recorded in a parcel register by means other than the recording of a Form 47 or Form 48 or removal of interest by operation of law". This form is filed with the document that cancels the judgment or proves satisfaction of the debt.

Summary Regarding Removal of Judgments

If any of the five conditions in *LRA* s. 66(4) exist, then the judgment is automatically removed from the roll:

1. *Cancellation of the recording;*
2. *The issuing registrar, prothonotary or clerk of the court recording a certificate that the judgment is set aside;*
3. *Expiration of the time for which the judgment was recorded (pre-March 24, 2003 judgments)*
4. *Recording a release; or*
5. *Expiration of five years from the date of the recording or the date of the last renewal of the recording of the judgment (post-March 24, 2003 judgments).*

The validity of any title acquired by sale under a judgment is not affected by the removal of the judgment from the roll.

Release of Judgments

Judgments may be fully or partially satisfied. The release is recorded using Form 48: Request to Record a Full or Partial Release of Judgment. Form 48A and Form 48B will direct the release of the judgment in the roll, or if applicable, the parcel register.

LRA s.68(4) allows the registrar to cancel the recording of a judgment upon receipt of a certificate from the registrar, prothonotary or clerk that sufficient funds have been paid into court to satisfy the judgment and the judgment creditor has been notified of the payment into the court. Judgments may also be assigned and the assignment is recorded. (*LRA* s. 69)

Right to Require Confirmation (*LRA* s.68)

Prior to the *LRA* it could be difficult to obtain a Certificate of Satisfaction for a judgment that had been paid but for which no Certificate of Satisfaction was obtained. This was often the case with judgments by individuals against other individuals.

Now, s. 68 of *LRA* allows any person to require a judgment creditor to provide, without charge, confirmation that the person is or is not the judgment debtor referred to in the judgment. The creditor must also indicate if the judgment is or is not satisfied.

The debtor has an obligation to provide sufficient information for the creditor to make the assessment and the creditor may request further particulars within 7 days of the request. The creditor only has 10 days to respond to the request and if it fails to do so, then the person making the request may file an affidavit and the judgment will have no effect with respect to any parcel owned by the person making the request.

Should the creditor request more particulars about the alleged debtor, then time is extended such that the creditor has to respond within 10 days after the additional information is received.

If the creditor then does not respond to the request within those additional 10 days, then the person follows the same procedure re: filing an affidavit and the judgment will have no effect with respect to any parcel owned by the person making the request. The affidavit requirements are listed in *Regulations* s. 26(6).

Amending Judgments

A judgment creditor may update the name and address of the judgment debtor in the judgment roll, and if applicable, the parcel register, by recording a Form 20: A Request to Update the Name or Address of a Judgment Debtor.

If Form 20 is used, the update is effective from the date and time the Form 20 is recorded.

APPENDIX I -DOCUMENT 2

(16) JUDGMENTS (Standard 3.5; LRA ss. 65-69, LRAR 26(2), 27)

Has the searcher checked for and reported on possible judgments against all owners in the last 20 years? If an amalgamated company has been an owner, have the names of all amalgamating companies been searched? Have nicknames and previous surnames of married women been checked? (There should be a list of the full names of all owners in this time frame and a note showing no judgments if applicable, or abstracts of any possible judgments. If available, the abstract should show court and file number, debt owed, debtor's address, and plaintiff's solicitor.)

Are satisfactory Statutory Declarations against possible judgment debtors recorded? If not, can possible judgment debtors who are owners be distinguished under the rules? (See Frank DeMont's *Material Differences Chart* and the *Judgments Names Exercises*.)

Judgments and the material difference rules are covered separately.

(17) LEASEHOLDS (Standard 3.20)

Has a leasehold title been searched in the same manner as a freehold one? A lease granted by the freehold owner is only valid if the freehold owner was such at the time of granting the mortgage. Therefore, the underlying title is very important. Imagine if you owned a camp on leased land. You would want to be sure that you had the right to occupation under the lease and that no one could have you removed prior to the end of the lease period.

(18) LEGISLATIVE RESTRICTIONS (Standard 1.1)

Have you explained any legislative restrictions to your clients and confirmed their instructions?

(A) MATRIMONIAL PROPERTY ACT / VITAL STATISTICS ACT (Standard 1.7)

- Is the marital status of all owners addressed in deeds or declarations?
- Are there any possible outstanding matrimonial or registered domestic partner interests?
- Have documents since October 1st, 1980 complied with the *Matrimonial Property Act*?
- Have documents since February 15th, 2002 complied with the *Vital Statistics Act*?

An unreleased dower interest is not an interest in a parcel: LRA, s. 40(2).

(19) MORTGAGES (Standard 3.4)

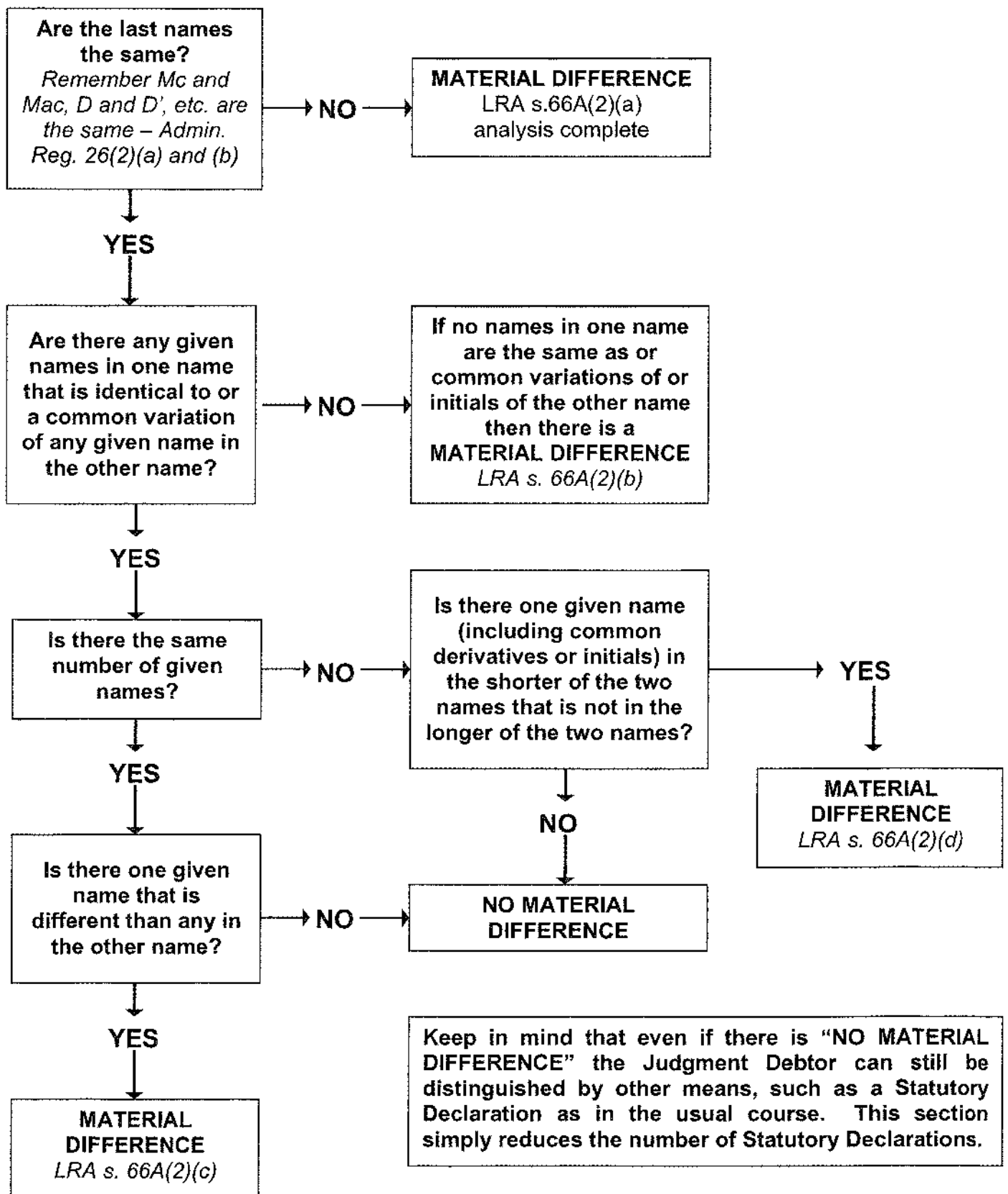
Has the parcel been released from all mortgages against it?

Note: Pursuant to subsection 40(1) of the *Land Registration Act*:

... an unreleased security interest in a residential mortgage that is more than forty years old and that has not been amended or supplemented by an instrument registered during the preceding forty years is not an interest in a parcel.

How to Determine Material Difference in Names

created by Frank DeMont, DeMont Law



12

31082

See Assg. +
B.5362 P. 291

24th

Page 1 of 1
92

MICHAEL RENE POIRIER, of Lakeside,
in the County of Halifax, Province
of Nova Scotia, and
GERMAINE MARIE POIRIER, his wife, of the
same place.

Harbinator called the "MORTGAGOR". "I" or "Me"

OF THE FIRST PART

• and -

CENTRAL GUARANTY TRUST COMPANY, a body corporate under the laws of Canada

HOODLUMS called the "MORTGAGE"

OF THE SECOND PART

- and -

Prior to the LRA if during a judgment search a similar name was discovered, then common practice was to file a statutory declaration in instances where the person or company was not the judgment debtor. This is still the practice today; however, the rules have been made more certain regarding the circumstances in which a statutory declaration is necessary.

The LRA introduced the concept of “**materially different**” names which is a substantive change in the law and is designed to relieve owners of the need to file statutory declarations confirming that they are not the same person when their name is similar to the debtor’s name on a judgment.

LRA s.66(8) states “A judgment does not affect a person’s interest in any parcel if the person’s name is materially different from that of the judgment debtor.” (emphasis added)

If a person's name is the same or similar to the name on the judgment they may still be required to file a statutory declaration (which is recorded in the judgment roll) stating they are not the person named in the judgment. The necessity to include distinguishing information on a Certificate of Judgment will assist with this exercise.

This is the process to follow when searching judgments:

1. If the surnames are identical, given names must be considered. Unless the surname is deemed to be identical as per Regulation s.26(2), then any misspelling of the surname will be fatal to the creditor's ability to enforce their judgment as against land. Clearly, the obligation rests with creditors and lawyers to take great care to collect the correct information when the debt is entered into and should debt collection be necessary, to draft all documents with care. If there are different ways to spell the surname then these should be identified on the judgment. It is also recommended that if people go by other names of which you are aware that these "aka's" also be included on the judgment. Therefore if you are doing a search and the names are not identical you can ignore the judgment. There are certain examples for Mc and Mac. shown – see section 26(2) below.
2. If the surnames are the same, the next step is to see if all of the given names, or their common variations, are different.
3. Where all the given names are different, there is a material difference in names.
4. Where the surnames are the same and there are the same number of given names, a material difference in names will be found if at least one given name is not identical to, or is not a commonly used variation of, any of the given names in the other name.

Example: John Robert Samuel MacDonald

John Bob David MacDonald

The middle names Samuel and David are different, and there is no commonly used variation of either, so there is a material difference in names.

5. Where the surnames are the same and there are a different number of given names, a material difference will be found if at least one given name in the name with fewer given names is not identical to, or is not a commonly used variation of, any of the given names in the other name.

Example: John Robert MacDonald

John David Samuel MacDonald

Robert is different from David and Samuel. Further, it is not a common variation of either of those names.

Authority for these propositions can be found in the following legislative provisions and standards:

LRA s.66A provides the interpretation of "given name" and "material differences in names":

- 5 (1) *In subsection (2),*
 - (a) *"given name" includes an initial used in the place of a given name; and*
 - (b) *an initial and a given name are considered to be commonly used variations of each other only where the initial is the same as the first letter of the given name.*
- (2) *In this Act, there is a material difference in names where*
 - (a) *the surnames are not identical;*
 - (b) *there is not any given name in one name that is identical to or a commonly used variation of any given name in the other name;*

- (c) one name contains the same number of given names as the other name but one of the given names in one name is not identical to or a commonly used variation of any of the given names in the other name; or
- (d) one name contains fewer given names than the other name but one of the given names in the name with the fewer given names is not identical to or a commonly used variation of any of the given names in the other name. 2001, c. 6, s. 66A.

Regulation s.26(2) refines the definition of identical surnames in LRA s. 66A(2)(a) as follows:

26(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.

Practice Standard 3.5

When a lawyer searches for judgments before the Land Registration Act comes into force, or after the Act comes into force¹ and the search is of parcels that are not registered under the Act, the lawyer must search for judgments against the names of :

- a. the purchaser;
- b. each owner of the parcel during the 20 year period prior to the date of the search;² and
- c. if the owner or the purchaser is a company or a company that is an amalgamation of a number of companies, the company or the name of each of the amalgamating companies as the case may be for judgments for the lesser of 20 years or from its date of incorporation.


You will note that on pages 31 and 32 of the sample abstract there are two judgments registered against David Marriott, one of the owners of PID 40051039 at the time the abstract was completed.

Working through the chart on the next page, you can see the answer to the first question is “yes” as the last names are the same. The answer to the second question is also “yes” as “David” is the name on the judgments and the name on the Warranty Deed shown on page 22 of the abstract. The answer to the next question is “no” since in the Warranty Deed the owner has two given names while there is only one given name in the judgments. In order to answer the final question we must determine whether or not there is one given name in the shorter of the two names that is not in the longer of the two names. In this case the answer is “no” as the shorter name “David Marriott” does not contain any given names not found within the name “David William Marriott”. As such there is no material difference in the names. On page 32 of the abstract you will note that a Statutory Declaration was prepared as a result. Note LRAR 25(5) requires these declarations to be recorded in the judgment roll. There is no fee for this.

LIANSWERS

Issue 11 May 2016

This newsletter includes information to help lawyers reduce the likelihood of being sued for malpractice. The material presented is not intended to establish, report, or create the standard of care for lawyers. The articles do not represent a complete analysis of the topics presented, and readers should conduct their own appropriate legal research.

 Lawyer's Insurance
Association of Nova Scotia

HOW DO YOU DO A JUDGMENT SEARCH IN THE LRA WORLD?

Remember the days of wandering the stacks at the Registry of Deeds, pulling dusty tomes, unrolling plans and running your finger through the grantor / grantee lists? At the end of your search, you then rushed to the judgment roll, hoping to get there in advance of other searchers so you didn't have to wait in line to search for names similar to your client. The days of running to the Registry for a last-minute search are gone. Now, with the click of a button, both your search when you open the file and subsearch at the time of closing, can be done in the comfort of your office. The judgment search is as easy as typing in your client's name and waiting for the report to print ... or is it?

The *Land Registration Act* specifies that a judgment is a charge as effectually and to the same extent as a recorded mortgage upon the interest of the judgment debtor in the amount of the judgment [s. 66(1)]. The *Act* also specifies that a judgment does not affect a person's interest in any parcel if the person's name is **materially different** from that of the judgment debtor [s. 66(8)]. The question then becomes, "What is meant by materially different and how should you conduct your search to capture all applicable names?" Thankfully, the legislation does give us some guidance in this regard through s. 66A.

So what does that all mean? It means you need to search for judgments the way you always used to, and you shouldn't just search for the exact name. In this regard, you likely do **not** want to use the "exact name" search function when you do your judgment search. You want to check for commonly used variations of the name. Doing an exact name search will mean that for a judgment debtor named Dorothy Jane Smith, you will miss names that are **not** materially different, such as:

Dorothy Smith	Dot Smith
D Smith	D J Smith
D Jane Smith	Jane Smith
J Smith	

You will also want to include "Dorothy" in your search results. In addition, you should ask your client about variations of their surname – perhaps Dorothy Jane Smith was, until recently, Dorothy Jane Taylor-Smith, which opens up a whole new set of names to search.

You may also wish to turn off the "Grantor/Grantee Index" and "General Powers of Attorney" buttons, especially with names like "Alexander MacDonald."

Printing the list, to allow you to go through the names manually on paper, permits the opportunity for extra careful scrutiny – always a good idea.

If you miss a name in the judgment search that is not materially different, you could open yourself to a claim. Although we are now in the LRA world, judgment searches continue the same as they always did. Be thorough to protect yourself and your client! Additional materials on effective judgment searches as well as a "Material Differences" flow chart can be found at www.lians.ca/realestate.

TECHNOLOGY TRENDS

FREE PUBLIC DOMAIN BOOKS FROM GOOGLE

Sony, in partnership with Google, now offers you access to over a million public domain books for free. You can search, browse and read books preserved by the world's great libraries on your Sony Reader™.

- Step one Download Reader™ Library software (req.)
- Step two Register an account by launching the Reader™ Library software and click on 'Register' at the top. Follow the instructions to 'Create an Account.' Just sign in if you're already a registered user.
- Step three Search for a book by entering your search term, then click "Search Books."
- Step four Read on the PC or transfer to your Reader™ on the detail page for the title, just click 'Download.' Connect your Reader™ and transfer the book from the library's directory. Happy reading!

VOICE DIALING

Your Blackberry makes compliance with hands-free calling laws incredibly simple and convenient. Voice dialing is an invaluable feature to maintain safety and ease of dialing while on the road. Begin by pressing the 'Voice Dial' button on the left side of your BlackBerry, and wait for the 'Say a command' prompt. When you hear the beep, say 'Call...' and the name

APPENDIX II – POL DOCUMENTS

DOCUMENT 1	Registering and Recording Judgments – What you need to know
DOCUMENT 2	Changes to Acceptance Criteria for Judgment Related Documents
DOCUMENT 3	Recording Judgment Related Documents
DOCUMENT 4	Judgment Sections LRA
DOCUMENT 5	Parcel Query (Wildcard, Sort)
DOCUMENT 6	Property Online Searching and Subsearching
DOCUMENT 7	Important Notice (RG) regarding Judgments and Form 21
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APPENDIX II -DOCUMENT 1

Registering & Recording Judgments

What you Need to Know...

Land Registration Offices (formerly Registries of Deeds Offices) provide electronic access in each county to land ownership and property records information to all those interested (e.g. the general public, buyers, sellers, lawyers, title searchers). Individuals and institutions can record their financial interests in real property (land, houses, condominiums etc.) in these registries. Judgments are one of the types of interests affecting real property that can be recorded there.

The **Personal Property Registry (PPR)** is a centralized computer registry serving the entire province of Nova Scotia. The PPR allows both individuals and institutions to register their financial interest in personal property (cars, boats, appliances, bank accounts, etc.). Judgments can be registered in the PPR to attach to the Debtor's personal property.

A Judgment Creditor is the person who has won a court case (e.g. Small Claims Court or Supreme Court) and is owed money. A Judgment Debtor is the person who lost the court case and owes money to the Judgment Creditor.

Proclamation of the Land Registration Act (LRA) on March 24, 2003, created significant changes to the recording of judgments against real property province-wide. The rules and procedures for the registering of judgments in the Personal Property Registry (PPR) have not changed, but they can be complex and confusing, particularly for non-regular users. The information below is provided to clarify both processes.

1. Where Should a Judgment be Recorded – At the Land Registration Office, in the Personal Property Registry, or Both?

You **must** register a Judgment in the Personal Property Registry (PPR) if you want to have the Sheriff execute on the judgment (garnish wages, seize bank accounts, sell land under execution). The Sheriff requires proof of registration in the PPR before enforcing any judgment. Proof of registration in the PPR is provided by giving the Sheriff a copy of the PPR Verification Statement (see below for more details).

You **must** register a judgment in the PPR if you want to establish the priority of your claim over other creditors. Registration in the PPR may also affect the debtor's credit rating.

You **must** record a judgment at a Land Registration Office (LRO) if you want to attach the judgment to real property owned by a judgment debtor (now or in the future). This registration will affect the

judgment debtor's ability to buy, sell or re-mortgage land (e.g. a lawyer representing a purchaser will require that any outstanding judgments be paid before the sale takes place).

You **may** record a judgment in a LRO, even if the debtor does not presently own land in that county, in anticipation that they might at some point in the future.

You **must** have recorded the judgment in the Registry of Deeds or LRO at least one year before you ask the Sheriff to execute on the land if you want to have a Sheriff sell land owned by the Judgment Debtor to pay off the judgment. In addition, you **must** register the judgment in the PPR at any time prior to asking the Sheriff to execute.

2. Recording a Judgment at a Land Registration Office (former Registry of Deeds Office)

Effective March 24, 2003, the judgment provisions in the Registry Act were replaced and a new judgment roll was established in each of the 18 counties. A Judgment Roll is a computerized index of judgments and judgment-related documents for a particular county, which can be searched by the name of the judgment debtor.

Recording a judgment in the Judgment Roll for a particular county will affect the judgment debtor's ability to buy, sell or re-mortgage land in that county.

A judgment recorded in the Judgment Roll is only effective in that county. In order to attach a judgment to land owned by the judgment debtor elsewhere in the province, the judgment must be recorded in other LROs where land owned by the judgment debtor is situated.

A judgment may be recorded in any of the 18 Judgment Rolls, even if the debtor does not presently own land, in case they might at some point in the future.

All judgments presented for recording at an LRO since March 24, 2003, **must** contain:

- the full name and address of the judgment creditor,
- the full name and address of the judgment debtor,
- information that tends to distinguish the judgment debtor from all other persons of the same or similar name (this may include date of birth),
- the judgment amount ordered,
- the names of the lawyers for both parties if applicable, and
- seal and certificate of the court.

Judgments recorded on or after March 24, 2003 are valid for five years from the date of the judgment (see Bill 156) and may be renewed three times, each time for an additional five-year period from the date of recording of the renewal.

To renew a judgment recorded after March 24, 2003, the judgment creditor must prepare and record a Certificate of Judgment Renewal (Form 16), **before the judgment recording expires in that county.**

If a judgment is not renewed within the five year term, it cannot be renewed or re-recorded.

It is the responsibility of the judgment creditor to keep track of when the judgment's recording will expire. No notification will be sent to the judgment creditor.

A judgment recorded after March 24, 2003 will be deemed removed from the Judgment Roll when a Certificate of Satisfaction / Discharge of Judgment is recorded. Fully satisfied judgment and judgments that have expired and not been renewed will be removed by the system. When a judgment is removed from the Judgment Roll, it no longer binds real property in that county of the debtor. It is archived and no longer viewable to the public.

Judgments may be fully or partially released, in the same manner as they were prior to March 24, 2003. Partial discharges will not cause the system to remove the judgment from the Judgment Roll, even if the partial discharges together would constitute a full satisfaction or discharge.

There is a \$85.18 fee for recording a judgment (Form 46) in a Judgment Roll.

The cost of recording a Certificate of Judgment Renewal (Form 16) every five years is \$85.18.

3. Registering a Judgment in the Personal Property Registry

A visit to the Land Registration Office (LRO) in our area is required to register a judgment in the Personal Property Registry. This can be done in person, or you may hire a private searcher to register the judgment on your behalf. The searcher will charge an additional fee for this service. (see your local LRO for a list of local searchers).

To register the judgment in the PPR you must bring in the original Court Order or Certificate of Judgment and two pieces of ID (one of which must be a driver's license, passport, health card, or birth certificate).

The Personal Property Registry System is computerized, and you must complete the registration yourself. If you are not comfortable using computers, you may wish to bring along a friend or relative to assist you. Staff are also available to guide you through the process.

The Personal Property Security Act General Regulations give directions on how to use the PPR system. The Regulations are available at the LRO and on the internet (see link below). It is recommended that you read the sections pertaining to registration before proceeding. The most important sections are 20 and 21, which set out naming rules for personal property judgments. If these rules are not followed, your registration may not be valid, and this may affect your ability to collect on the judgment.

At the end of the registration process, the PPR system will generate a verification statement. Make sure you take this document with you, as you will need this to provide proof to the Sheriff that the judgment has been registered in the PPR.

The fee for registering a judgment in the Personal Property Registry is \$24.36 plus \$8.51 for each year registered. For example, a registration for one year is \$32.87 and a registration for two years is \$41.38. You may register a judgment in the PPR for as long as you wish, up to a maximum of 20 years.

The judgment creditor is responsible for keeping track of when the judgment will expire. You have 30 days from the date of expiry to re-register and then renew the judgment at a cost of \$8.51 per year. If the registration is not renewed within 30 days, and you wish to re-register the judgment, you must pay the initial registration fee again, plus the yearly fee to re-register.

If the Sheriff has been asked to garnish the judgment debtor's wages, the registration must be kept current in the PPR (e.g. if it takes 5 years to pay the outstanding debt by garnishing the debtor's wages, you must register the judgment in the PPR for a minimum of 5 years).

For more information about enforcing judgments and other court processes, please feel free to contact the closest Court Administration Office, or local Land Registration Office. For a listing of locations and phone numbers, visit our web site: www.gov.ns.ca/snsmr/property

APPENDIX II -DOCUMENT 2

Changes to Acceptance Criteria for Judgment Related Documents

In response to growing concerns about disclosure of personal information in the Land Registry and in recognition of our obligations under the *Freedom of Information and Protection of Privacy Act*, the Registrar General's Office has implemented changes to our policies and procedures regarding information which can be included in Certificates of Judgment or other judgment related documents filed in our Land Registry.

The Land Registry **will not accept** judgments or other judgment related documents **dated on or after July 19th, 2010**, which contain the following information:

- Social insurance numbers (SINs)
- Passport numbers
- Master number - driver's license or vehicle permit
- Phone numbers (Unless provided as contact information for a judgment creditor)
- Information relating to a third party (e.g. spouse/partner/child of the debtor) such as the other party's occupation, date of birth, physical characteristics, etc.
- Physical characteristics of the debtor such as hair color, eye color, etc
- Other properties owned by the debtor

This change is in the interests of protection of privacy, prevention of identity fraud and to address concerns regarding the reliability of information submitted.

The Land Registry **will continue to accept** certificates of judgment or other judgment related documents **dated prior to July 19, 2010** if all other acceptance criteria have been met.

The *Land Registration Act* mandates that additional information be provided concerning a judgment debtor that tends to distinguish the debtor from another person of the same or similar name. Examples of such information that the Land Registry will accept include:

- Date of birth
- Occupation and/or name of employer
- Name of current or former spouse
- Current or former civic address (place of residence)
- AKA or alias name, nickname or significantly different given name
- Name of parent

Please note: The additional information provided must be information that allows for the identity of the named judgment debtor and not that of a third party.

Any questions or comments may be directed by email to the Registrar General's Office at RGLandTitles@gov.ns.ca

Recording of Judgment Related Documents

While judgments are governed by the *Land Registration Act* effective March 24, 2003 in the entire province, all judgment related documents, (judgments, discharges/satisfactions, assignments, postponements and renewals of judgment and statutory declarations re judgment, etc) must be indexed in a names-based roll in order to be found in a search. For that reason, all judgment related documents are indexed in the Judgment Roll regardless of whether they affect land titles, non-land titles or no parcels at all at the time of recording of the document.

No judgment related documents can be accepted for recording on a Form 44.

See:

Form 46 (Certificates of Judgments)

Form 47 (Full Discharge of Judgment / Certificate of Satisfaction)

Form 48 (Partial Release of Judgment or Full Discharge Signed by Creditor)

Form 48A (CLE to Remove Judgment from Parcel Register(s))

Form 48B (Assignment, Postponement, Order for Judgment or Statutory Declaration re Judgment)

Recording of a Judgment Renewal (Form 16)

APPENDIX II -DOCUMENT 4

Land Registry Client Resource Material

New: June 2010

LAND REGISTRATION ACT**Judgment roll**

65 (1) A registrar shall establish a judgment roll for the registration district.

(2) A judgment creditor may record a judgment for the recovery of money in the judgment roll for a registration district.

(3) A judgment shall be certified by the registrar, clerk or prothonotary of the court that issued it.

(4) A judgment recorded in a judgment roll binds and is a charge upon any registered interests of the judgment debtor within the registration district, whether acquired before or after the judgment is recorded, from the date the judgment is recorded until the judgment is removed from the roll.

(5) On the coming into force of this Act, a judgment registered pursuant to the Registry Act before that date has the effect of a judgment recorded in the judgment roll pursuant to this Act, with the exception that

(a) it has effect for twenty years from the date of the judgment and may not be renewed: and

(b) it is not subject to clause 66(4)(e), subsection 66(5) and Section 67.

(6) The recording of a judgment in the judgment roll has the same effect with respect to a parcel that has not been registered pursuant to this Act as it has with respect to a parcel registered pursuant to this Act, and no judgment shall be recorded pursuant to the Registry Act after this Act comes into force. 2001, c. 6, s. 65; 2002, c. 19, s. 27 2008, c. 19, s. 24.

Effect of judgment

66 (1) A judgment is a charge as effectually and to the same extent as a recorded mortgage upon the interest of the judgment debtor in the amount of the judgment.

(2) A judgment against one joint tenant does not sever the joint tenancy.

(3) A judgment against one owner of an interest does not extend to or bind the interests of the other owners.

(4) A judgment shall be removed from the roll on the earliest of

(a) cancellation of the recording;

(b) the recording of a certificate of the registrar, prothonotary or clerk of the court that issued the judgment that the judgment was set aside;

(c) expiration of the time for which the judgment was recorded;

(d) the recording of a release of the judgment signed by the plaintiff, the lawyer for the plaintiff or the registrar, clerk or prothonotary of the court that issued the judgment; and
(e) the expiration of five years from the date of the judgment or the date of the recording of the latest renewal of the judgment.

(5) The recording of a judgment may be renewed not more than three times by recording a certificate of renewal signed by the judgment creditor or the lawyer, agent or attorney of the judgment creditor at any time before the judgment is removed from the roll.

(6) A judgment that is removed from the roll ceases to bind or be a charge upon any parcel in the registration district.

(7) The validity of any title acquired by a sale under a judgment is not affected by the removal of the judgment from the roll.

(8) A judgment does not affect a person's interest in any parcel if the person's name is materially different from that of the judgment debtor.

(9) For the purpose of this Section, service shall be by registered mail or as prescribed.

2001, c. 6, s. 66; 2002, c. 19, s. 28; 2008, c. 19, ss. 25, 36.

Material difference in names

66A (1) In subsection (2),

(a) "given name" includes an initial used in the place of a given name; and

(b) an initial and a given name are considered to be commonly used variations of each other only where the initial is the same as the first letter of the given name.

(2) In this Act, there is a material difference in names where

(a) the surname of the debtor named in the judgment certificate at the time the judgment is entered is not identical to the name being compared;

(b) there is not any given name in one name that is identical to or a commonly used variation of any given name in the other name;

(c) one name contains the same number of given names as the other name but one of the given names in one name is not identical to or a commonly used variation of any of the given names in the other name; or

(d) one name contains fewer given names than the other name but one of the given names in the name with the fewer given names is not identical to or a commonly used variation of any of the given names in the other name. *2008, c. 19, s. 26.*

Contents of recording of judgment

67 (1) The recording of a judgment shall contain the names and addresses of the parties to the action and, in the case of a judgment creditor, shall include an address at which the judgment creditor may be served and, in the case of a judgment debtor, shall include such

information as tends to distinguish the judgment debtor from all other persons of the same or similar names.

(2) A certificate of judgment shall contain the amount recovered and the names of the lawyers for the parties, if any.

(3) A certificate of judgment shall be certified under the hand of the registrar, clerk or prothonotary of the Court that issued it, under the seal of the court, and, when so certified, shall be accepted by the registrar for recording without further proof.

(4) The name of a judgment creditor shall be sufficiently detailed and accurate as to permit the name to be distinguished from all other like names, and shall comply with the prescribed standards.

(5) The registrar shall not accept for recording a judgment that does not comply with the prescribed standards. *2001, c. 6, s. 67; 2008, c. 19, s. 36.*

Right to require confirmation

68 (1) Any person may require a judgment creditor who has recorded a judgment in the judgment roll to provide, without charge, confirmation that the person is or is not a judgment debtor referred to in the judgment and that the judgment is or is not satisfied.

(2) A request pursuant to subsection (1) shall include sufficient information concerning the person making the request to permit the judgment creditor to accurately determine whether the person making the request is or is not the judgment debtor and, for that purpose, the judgment creditor may, within seven days after receipt of the request, require further particulars concerning the person making the request.

(3) Where the judgment creditor does not provide the information required by subsection (1) within ten days after the request was received, or within ten days after the additional information requested was received, upon recording an affidavit containing proof that the request was sent to the judgment creditor at the address shown on the judgment roll, that there was no request for further information or that the request was complied with and that no further information was received, the judgment has no effect with respect to any parcel owned by the person making the request.

(4) The registrar shall cancel the recording of a judgment upon receipt of a certificate from the registrar, prothonotary or clerk confirming that sufficient funds have been paid into court to satisfy the judgment and that the judgment creditor has been notified of the payment into court. *2001, c. 6, s. 68; 2002, c. 19, s. 29; 2008, c. 19, s. 27.*

Recording of certain documents

69 (1) The assignment of a recorded judgment may be recorded.

(2) The original judgment creditor may release or postpone the judgment unless an assignment of the judgment is recorded.

(3) A judgment may be released in whole or in part, or as to some or all of the land affected by it, by the recording of a full or partial release. 2001, c. 6, s. 69.



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Parcel Query

Retrieves parcels by PID, Assessment Account (AAN), Document and Survey Plan references, or a combination of Name and Civic Address information.

Only Active and Retired parcels are returned, Arbitrary Road Parcels are excluded from the search.

Search by PID

Enter the Parcel Identification Number (PID). No wildcards are allowed.

Search by Assessment Account

Enter the Assessment Account (AAN) that is referenced against the parcel. Note that only parcels that have a verified link with an Assessment Account will be returned.

Counties do not need to be specified when doing a query by PID or Assessment Account. Any other Parcel Query parameters such as civic address or names are ignored when performing a query by PID or Assessment Account.

If the search is unsuccessful try the Assessment Search option from the pull down menu. The Assessment query retrieves Assessment Accounts even though they are not linked with a Parcel. No wildcards are allowed.

Search by Document Reference

Enter either the Document Number and Year or the Book and Page reference to retrieve all parcels that contain the specified document reference. No wildcards are allowed. The specified year cannot exceed the current year.

Search by Owner Name and/or Civic Address

The Owner Name and Civic Address queries work in combination. A search for a Last Name of MACDONALD will return all parcels where MacDonald is an Interest Holder in either all of Nova Scotia or a specified County. Searching for Last Name

MACDONALD in Town/City SHEET HARBOUR will limit the returned parcels to just those parcels with Interest Holder MacDonald located in Sheet Harbour.

As a general rule it is recommended that queries are kept as general as is workable. For instance, although you may know both the owner name and the civic address for a particular parcel it is often better to just search for either the civic address or the owner name. Along the same lines, it is also better to search for a Last Name and just a First Name initial rather than enter all known information (full First Name and Middle Name). The same principle applies to searches for a street name only as opposed to a street name and civic number. Chances that the query information corresponds with the information in the Property Online database decrease as more query information is provided.

Last Name, First Name, Middle Name / Enterprise Name: Last name or Enterprise Name is mandatory and at least the first two letters of the Last Name or Enterprise Name must be specified. First Names and Middle Names are ignored if no Last Name is specified. First Name and Middle Name are optional when the last name is specified. Only one letter needs to be entered in the First Name field. If First Name is blank, the search result will be based on the Last Name or Enterprise Name only. Use the Enterprise Name query field for non-person names such as company names, societies etc.

See Also: [Sort Rules](#); [Using Wildcards](#)

Interest Type: Selecting Interest Type Owners will limit the returned result set to only those parcels where the Interest Type associated with the name is either an Owner or a holder of a Life Interest, Benefit Easement or Future Estate. Selecting Interest Type All Interest Holders will return all parcels regardless of Interest Type. This query parameter is only relevant in those Registration Districts where the Land Registration Act has been proclaimed.

LR Only: Check this box if non-Land Registration parcels should be excluded from the query result. This query parameter is only relevant in those Registration Districts where the Land Registration Act has been proclaimed.

Civic Number, Civic Number Suffix: Enter a civic number. A civic number cannot be specified without a Street Name. Use the Civic Number Suffix field if the civic number contains an Alpha character (209A). A Civic Number Suffix cannot be specified if the Civic Number is left empty.

Street Name, Street Type: At least the first two letters of the street name must be specified. Select the Street Type from the pick list, Street Type is not a mandatory field. Wildcards are allowed.

See also [Using Wildcards](#).

Town/City: At least the first two letters of the Town/City name must be specified. Wildcards are allowed.

See also [Using Wildcards](#).

Lot Code 1, Lot Value 1, Lot Code 2, Lot Value 2: Use these fields to retrieve parcels that have a Lot or Parcel Number. If Lot Code 1 is populated then Lot Value 1 must have a value and vice versa. The same applies to Lot Code 2 and Lot Value 2. Lot Code 2 and Lot Value 2 cannot be populated unless Lot Code 1 and Lot Value 1 are also populated.

Condo Corporation Number: Use this field to retrieve all Condominium Units belonging to a Condominium Corporation as well as the Condominium Parcel. Or use this field in combination with the Lot Code and Lot Value fields to retrieve a particular unit.

Plan Number, Plan Prefix, Plan Suffix: Enter the Plan Number to retrieve all parcels that contain the specified plan reference. Plan Prefix and Plan Suffix contain the Alpha Characters that may be associated with a Plan Number. For instance, enter Plan B100A as follows: Plan Prefix: B; Plan Number: 100; Plan Suffix A.

County: Use this field to limit any parcel query to the selected County. Leaving this field blank will result in a provincial search.

Assessment Query

Retrieve Assessment Information by Assessment Account Number, Assessed Owner Name or Assessment Civic Address. Assessed Owner Name and Civic Address queries can be combined. Assessment Information is updated on a bi-weekly basis but Non-filed Roll Accounts are excluded. Unlike in the Parcel and Registration Index, no sort rules are applied.

Assessment Account Number: Enter the Assessment Account Number. If the Assessment Account Number is specified all other query fields are ignored.

First Name, Last Name: Last name must contain at least two characters. You cannot do a query by First Name only. Use the Last Name field to query for a non-person name (Companies, Societies etc.). Last Name is a mandatory field if no Town or City is specified.

Civic Address

Civic Number, Civic Number Suffix: Enter a civic number. A civic number cannot be specified without a Street Name. Use the Civic Number Suffix field if the civic number contains an Alpha character (209A). A Civic Number Suffix cannot be specified if the Civic Number is left empty.

Street Name, Street Type: At least the first two letters of the street name must be specified. Select the Street Type from the pick list, Street Type is not a mandatory field.

Town/City: At least the first two letters of the Town/City name must be specified. Town/City is a mandatory field if no Name or Assessment Account Number is specified.

Property Map

The property map window displays the provincial mapping graphics for any parcel retrieved through a Property or Assessment Query search.


Map Actions


Map Layers


Map Controls


Map Actions


Point Select: When you choose this option and click on any parcel on the map, the parcel attributes (e.g. owner name, address, value, etc.) are displayed on the right side of the screen.


 **Pan:** Allows you to shift the current map image up, down, left or right. When you click your mouse on any part of the map, it will be re-centred on the point where you clicked.


 **Zoom In:** Allows you to magnify a portion of the current map. Select a zoom ratio (1.25 up to 10) from the **Zoom** box under the lower right corner of the map window, then click on the portion of the map you want to magnify.


 **Zoom Out:** Allows you to zoom out a portion of the current map. Select a zoom ratio (1.25 up to 10) from the **Zoom** box under the lower right corner of the map window, then click on the portion of the map you want to magnify.

 **Zoom Box:** This option allows you to zoom in on a portion of the map by drawing a box around it. Select **Zoom Box**, then right click and drag the cursor over a portion of the map. A box will appear on the map and when you release your right mouse button, the portion of the map within the box will be displayed.

 **Monument Select:** When you choose this option and click on a monument icon on the map, the monument details (e.g. Longitude, Latitude, Elevation, etc.) are displayed on the right side of the screen. See Also: [Map Layers - Monuments](#)

 **Clear Selection:** Click this option to clear the yellow highlight on the map and clear the parcel attribute information on the right side of the screen.

 **Center Selection:** This option will center the parcel on the map that is currently selected (highlighted).

Scale: Enter the desired scale (any number greater than 100) in the text box and click . The current map will be re-displayed at this scale.

Map Layers

Properties: Displays the property boundaries and PIDs on the map. This is the default map layer view. If no other map layer is selected, the properties layer will always be displayed.

Topo: Displays any topographic features (e.g. buildings, roads, waterways, etc.) that have been mapped. Colours displayed on the map represent the following topographic features:

Red - roads, driveways, walkways, etc.


Orange - buildings or structures

Blue - waterways

Green - tree lines, fences, hedges, etc.


Monuments: Displays any Nova Scotia survey control monuments on the map (a blue triangle and a monument number).


Place Names: Displays any place names on the map. Place names are visible only when the map scale is between 10,000 and 100,000. See Also: [Map Actions - Scale](#)

 **Refresh Map:** When you select one of the map layers above (Properties, Topo, Monuments, or Place Names), click this function to redraw the map with the selected layer(s) displayed.

Map Controls

 **NS Overview:** Displays a map of the Province of Nova Scotia in the map window.

 **Locator Map:** This option launches a small pop-up window that shows the location of the parcel(s) currently displayed in the map window on the full map of Nova Scotia.

 **Print Map:** Displays the current property map in a format suitable for printing. Use the Print function in your web browser to print the map.

Registration Index

Please Note: Click here, [Data Conversion Dates by County](#), for important information on the data available for searching in Property Online.

[Search Registration Indices](#)

[Search by Name for non-Land Registration Documents in Process](#)

[Search by PID for Land Registration Documents in Process](#)

[Search Plan Index](#)

Search Registration Indices

Overview

Search Registration Index by Grantor/Grantee

Search Grantor/Grantee Index by Document Number, Book and Page

Search Judgment Roll

Search General Power of Attorney Roll

Overview

The Search Registration Indices module allows you to perform name searches and document searches across traditional Registry of Deeds documents (LR documents are not searched). The grantor/grantee index (GGI), judgment roll and power of attorney roll can all be searched, either independently or simultaneously.

When the Search Registration Indices link is clicked, a new browser window will open displaying the main search page. The main search page consists of the following sections:

1. Menu Bar – Contains drop down menus for executing various screen functionality.
2. Names Query Criteria – This is where you specify query parameters for names based searches.
3. Document Query Criteria – This is where you specify query parameters for document based searches.
4. Search Options – This is where you specify additional search parameters that apply to both names based and documents based searches.
5. Search Results – Names and document information resulting from latest search.

Additional functionality included in the Search Registration Indices module:

1. Viewing document details.
2. Viewing document update history.
3. Viewing scanned images of documents.

4. Creating reports – Columnar Report and Searchers Report.

Menu Bar

The menu contains drop down menus allowing you to execute various screen functions. A brief description of each drop down menu follows:

- **Order By** – Allows you to change the sort order in the search results section. The currently active sort is identified by **yellow column headers**. The default sort order is Reg Date / Grantor.
- **Remove** – Allows you to remove records from your search results. It works based on what records are selected/deselected, or allows you to remove all records from your search results.
- **Select** – Allows you to select/deselect records in your search results “en masse”. “Toggle All” flips your record selections (i.e., changes selected to deselected, and deselected to selected).
- **Document Details** – Takes you to the document details screen (see Viewing document details) and positions you at your first selected document.
- **Reports** – Allows you to generate the Columnar Report and the Searchers Report based on the contents of your search results.
- **Bulletin Board** – Under construction.
- **Help** – Gives you access for various help functions (like this help file).

Names Query Criteria

This section is where you specify the parameters for performing names based searches across the **grantor/grantee index (GGI)**, **judgment roll** and **power of attorney roll**.

Last Name, First Name, Middle Name / Enterprise Name: Last Name or Enterprise Name is mandatory, neither of these fields can start with a wildcard and at least the first two letters need to be entered. No first name can be specified without entering the last name. Only one letter needs to be entered in the First Name field. If First name is blank, the search result will be based on the Last Name or Enterprise Name only. No Middle Name can be entered without specifying a First Name.

See Also: Sort Rules, Using Wildcards.

Query Exact?: By default, wildcards are implied at the end of a name field and do not need to be added. E.g. DEV and DEV% will return identical results. To perform an exact name search, check the Query Exact field.

See Also:[Using Wildcards](#).

Search for: Allows you to specify whether you want to search grantor names or grantee names. The default is grantor names.

Registration System: This field specifies whether the search should include Registry of Deeds and/or Land Registration documents. Searches can only be done on Registry of Deeds documents.

Select Search Category(s): Allows you to specify what category of the registration indices to search. By default, the GGI, judgment roll and power of attorney roll are all selected for searching. You can change what to search by checking/unchecking the search categories.

Judgment Roll Only:

Use this option to retrieve active judgments and optionally Name Change documents. Note that expired judgments are no longer included in the Judgment Roll. In those Registration Districts where the Land Registration Act has been proclaimed discharged Judgments are removed from the Judgment Roll instantaneously.

Code: This option allows you to further narrow down your search by Document Type.

Include Name Changes: This option allows you to include Name Change Documents in your Judgment search. This field defaults to YES.

Query Button: Click this button to execute your names based query. If the previous query was a document based query, the search results will be replaced.

Reset Button: Click this button to reset all search parameters to their default values.

Document Query Criteria

This section is where you specify the parameters for performing document based searches across the grantor/grantee index (GGI), judgment roll and power of attorney roll.

When searching for a document you must enter either a document number or a Book and Page reference.

Document #, Prefix, Suffix: Use these fields to specify the document number. The Document # field itself can only contain numbers, and may never contain 0. Use the Prefix to enter Alpha Characters preceding the actual document number, use the Suffix to enter Alpha Characters at the end of the actual Document Number. If a document number consists entirely of alpha characters, then place all alpha characters in the Prefix field and add 1 in the Document Number field.

Examples:

Document #	Prefix	Document #	Suffix
100A		100	A
A100B	A	100	B
A1BC	A	1	BC
A1BC1D	A	1	BC1D
ABCD	ABCD	1	

Document # is a required field if no Book and Page are entered.

Book, Page: The Book and Page fields may contain both numbers and alpha characters. Book and Page are required fields if no Document # is entered.

Query Button: Click this button to execute your document based query. If the previous query was a names based query, the search results will be replaced.

Reset Button: Click this button to reset all search parameters to their default values.

Search Options

This section is where you specify additional search parameters.

Results Per Page: Specifies the number of search results displayed per page. Defaults to 20.

County: Select the Registration District. Mandatory. No provincial searches allowed.

Date Range: Tells the system what registration date range to search across. Defaults to the searchable date range for the specified county. The format of the date fields is YYYY-MM-DD.

Mode: Use the mode setting to control how the current search will interact with the existing search results. The mode settings are as follows:

- **Replace** – This is the default mode setting. It takes the results of the current search and uses them to **replace** whatever currently exists in your search results.
- **Append** – This mode setting takes the results of the current search and **appends** them to whatever currently exists in your search results.
- **Keep** – This mode setting uses the entered search criteria to search whatever currently exists in your search results, and **keeps** only those results that match the entered search criteria.
- **Remove** – This mode setting uses the entered search criteria to search whatever currently exists in your search results, and **removes** those results that match the entered search criteria.

Mark Selected: If checked, all search results replaced/appended/kept will be marked as selected.

Search Results

This section displays the contents of your current results set.

NOTE: There is a system defined maximum for the number of records that can be returned in any given search. If this maximum is exceeded, you will be informed and your search results will remain unaltered. Your recourse is to either narrow your search by altering your search parameters, or, as a last resort, see the Registrar (or call the help line 1-866-518-4640) for assistance.

Document Search Results For...: Displays the following information:

- County in which the search was performed.
- Earliest searchable year for the county.
- Latest document # registered in the county and its registration date/time.
- The type of search performed (e.g., GRANTORS).
- The date/time of the last search performed.

Record Counts: Displays the total number of records in your current results set, the total number of records selected, and what range of records is currently being displayed.

Page Hyperlinks: Allows you to “jump” from page to page within your results set. Simply click the hyperlink of the page you want displayed.

Sel: Allows you to select/deselect any record within your results set. Simply click the select checkbox to toggle the selected status. Selecting/deselecting records is useful for manipulating your results set, and for sending only selected records to a report.

Grantor (Against): Displays the grantor name. “Against” is the grantor equivalent for judgments.

Grantee (ATS): Displays the grantee name. “ATS” (for At The Suit Of) is the grantee equivalent for judgments.

Reg Date: Displays the document registration date.

Book/Page: Where applicable, displays the book/page reference for the document. Book/page references will be going away with the rollout of daily document scanning in all office locations.

Document #: Displays the document number. The document number is hyperlinked to the document details screen – simply click on the document number to go directly to the document details screen. If a scanned image exists for the document, a view image icon will appear next to the document number. Clicking the view image icon will display the document image in a separate window.

Instr Type: Displays the instrument type of the document.

Exp Date: Displays the document expiry date. Please note that expired documents are not searched, and will not appear in your search results.

Location: Displays the document location.

Viewing Document Details

This screen displays detailed information for the selected document. It displays ALL grantors and grantees associated with the document. You can scroll through all of the documents in your results set by using the **Next** and **Prev** buttons. If the document has any change history, the **View Retired** button will be active. Clicking the button will take you to document update history. If the document has a scanned image, the **View Doc. Image** button will be active. Clicking the button will take you to the document image.

Viewing Document Update History

The **Retired Document Information** screen displays the currently active data for a document and any history data that has been changed over time.

Current document information is displayed under the section **Active Document Information**. Any changes to this data is displayed under the section **Retired Document Information** along with who made the change and when.

Active grantors and grantees are identified by the word **ACTIVE** under the **Retired Date** and **Retired By** columns. Changes to grantors and grantees are identified by showing who made the change and when under the **Retired Date** and **Retired By** columns.

Viewing Scanned Images of Documents

The **View Document Image** screen displays information about the document and its image. It allows the document image to be viewed online by selecting **View / Download** and clicking **Get Image**, or you can choose to have the document image e-mailed to the address displayed next to the **Email** field by selecting **Email** and clicking **Get Image**.

The document image will be displayed in a separate window in PDF format.

Columnar Report

This report is accessible to all users. It is a listing of your current results set.

Print Document Columnar Report request screen – The report request screen allows you to enter a title for the report (required), and to specify whether or not to only include selected records in the report.

The report itself is identical to what you see in the search results section on the main query screen.

Searchers Report

This report is accessible to all users. It reports on the contents of your search results in a specially formatted report used by title searchers.

Print Searchers Report request screen – The report request screen allows you to enter a title for the report (required), and to specify whether or not to only include selected records in the report. It also allows you to specify whether or not to include all grantees on the report.

Key elements of the report are as follows:

- **Registration Date:** Tells you what date range was searched.
- **Data current from...:** Tells you how far back the registration index goes for the county, and the document number / registration date of the latest registered document in the county.
- **County:** Displays the county in which the search took place.
- **Grantors:** Lists each UNIQUE grantor name in your search results set. Names are listed in alphabetical order.
- **Year:** The registration year of the document. Documents are listed from oldest to newest. The year is only displayed once for a group of documents within the same year.
- **Book/Page:** The book / page reference of the document. Within a year, documents are listed in ascending book / page order.
- **Document #:** The document number of the document.
- **Inst.:** The instrument type of the document.
- **Grantee:** Depending on which version of the report was requested (one grantee or all grantees), this field lists the first grantee name on the document (one grantee version) or all grantee names on the document (all grantees version).
- **Searchers' Notes:** This area of the report is intentionally left blank for handwritten searcher notes.

- **Registry Disclaimer:** Indicates which registration years in the county have not been thoroughly quality checked.

Search by Name for non-Land Registration Documents In Process

This option retrieves all non-Land Registration (i.e. Registry of Deeds) documents that have been submitted within the last two business days. Documents are listed in the order that they were recorded. Documents in process as well as registered documents are included. This option only applies to those Registration Districts where the new system has been fully implemented.

County: County is mandatory, no provincial searches are allowed.

Grantor: This field is not required, when left blank all non-Land Registration documents in process are returned. The use of Wildcards is supported.

See Also: [Using Wildcards](#).

Search by PID for Land Registration Documents In Process

This option retrieves all Land Registration documents that have been submitted but not yet registered. Documents are listed in the order that they were recorded. Only documents in process are included. Registered documents are not included. This option only applies to those Registration Districts where the new system has been fully implemented.

PID: PID is optional. If left blank, all Land Registration documents in process are displayed.

Search Plan Index

Only plans recorded on or after the county's Property Online data conversion date can be retrieved by searching the Plan Index. Plans registered prior to this date must be retrieved using Planlog. Plans captured in the new system since the data conversion date will not be added to Planlog, so the user is well advised to query in both applications if the exact registration date of the plan is not known.

See also: Data Conversion Dates by County for a list of the data conversion dates for each county.

Either Plan Number, Plan Name or Plan Reference is required.

Plan: Enter the Plan Number.

Plan Name: Retrieve the Plan through querying the subdivision name. Wildcards are allowed once the first two letters are specified.

Plan Reference: Retrieve the Plan through a query of any reference. Wildcards are allowed once the first two letters are specified. Enter Last Name + space + first name (Example: 'Smith Bob') when querying for a person name.

Plan Reference Type: Further refine the reference query by specifying the type of reference from a pick list.

Registration Date: These two fields allow the setting of a date range for the Plan search. The start Registration Date is mandatory, the end-range date field is optional. If the end-range date field is left blank the application will query for all registered plans up to and including today's date. The format of the date fields is YYYY-MM-DD.

Sort Rules

Sort Rules allow for efficient retrieval of names that are spelled very similarly. The following sort rules are used for Parcel and GGI Name Searches:

Person Names:

- Spaces in last names are ignored. Searches for either Van Dyk or VanDyk will both return either variation.

- Apostrophes in last names are ignored. Searches for either d'Eon or Deon will both return either variation.
- Searches for either Mc or Mac will return either variation.

Person's Name within a Company Name:

Searching by a person's name alone will not retrieve a company name containing that person's name. E.g. A.J. Hustins Ltd. You must do the search for A J Hustins or the first few letters of that name to bring back this entry.

Company Names:

- All spaces and other non-alpha characters (#, (,), &, - etc.) are ignored. Example:
A search for MTT with return both *MT&T* and *MTT*.

Abbreviations in Company Names:

Company names containing 'LIMITED' are not returned when queried, because several years ago standard abbreviations were applied instead of common words in company names. This was implemented because names would frequently show up in two slightly different places alphabetically, depending on if a submitter used LTD or Limited, and this would result in inconsistent results in a search.

See also: [Standard Abbreviations for Company Names](#)

See also: [Using Wildcards](#).

Using Wildcards

The Parcel and Assessment Name and Location searches and the Grantor-Grantee Name searches allow for the use of wildcards (%). For instance, a first name query %RIC will return all first names containing RIC, such as Richard, Rick, Patrice, Patrick and Beatrice.

Last Names/Enterprise Names in Parcel and Assessment queries and Grantor-Grantee Last Name/Enterprise Name searches can not start with a wildcard.

By default, wildcards at the end of a name or location field are implied and do not need to be added. E.g. *DEV* and *DEV%* will return identical results. To perform an exact name or location search, set the Implied Wildcard field to "No."

See Also: [Sort Rules](#)

Maintain your User Profile

This option allows you to keep the information associated with your username up to date. By doing this the system will be able to interact efficiently with its users. Email Addresses in particular are used by the system to communicate with the user. It is especially important that authorized lawyers, legal assistants and Land Surveyors involved with AFR and PDCA submission keep this information up to date.

Change your General Password

Use this option to change the password used to log into the system.

Passwords must:

- Consist of all letters and numbers
- Start with a letter
- Contain at least one number
- Be a minimum length of 6 characters
- Be a maximum length of 30 characters

Abbreviations for Company Names

Land Registration Offices and Registries of Deeds have adopted several standard abbreviations for companies when entering names into the Grantor/Grantee Indices (GGI) through LORIS or LIN-NS. When searching the GGI for company or enterprise names, the following abbreviations must be used or search results will not be accurate.

WORD	ABBREVIATE TO
Association	Assoc
Brothers	Bros
Company	Co
Compagnie	Co
Condominium	Condo
Cooperative	Coop
Co-operative	Coop
Co operative	Coop
Corporation	Corp
Developments	Devel
Development	Devel
Incorporate	Inc
Incorporated	Inc
Incorporation	Inc
Limited	Ltd
Limitee	Ltd

- When entering search criteria, use the theory that less is better. Start with a broad search, then refine.
- The Registry will never abbreviate the first word of any company name
- Never search under 'The' as the first word in a company name

Data Conversion Dates by County

Dates of Traditional Data Conversion and LRA Implementation

Searchers, lawyers and other professions need to know the conversion dates for legacy data and the start date for maintenance of data in Property Online (POL) in order to determine where to find certain data. This table is a reference for those searching POL records in Land Registration Counties.

It is also a guide for those whose transactions were exempted from mandatory conversion to Land Registration because of the transition exemptions and are therefore required to record their documents within 90 days of the designation date. If the document is not recorded within the first 90 days after the county is designated under the Land Registration Act, the parcels affected will have to be converted to the new system.

County	Legacy Data Converted to POL; Start Date for Maintenance in POL	Land Registration Implementation Date (Designation Date)	Transition Exemption Period Expires
Annapolis	January 19, 2004	March 1, 2004	May 31, 2004
Antigonish	October 20, 2003	December 1, 2003	February 28, 2004
Cape Breton	May 3, 2004	March 1, 2005	May 30, 2005
Colchester	February 24, 2003	March 24, 2003	June 23, 2003
Cumberland	October 20, 2003	December 1, 2003	February 28, 2004
Digby	January 19, 2004	March 1, 2004	May 31, 2004
Guysborough	May 3, 2004	March 1, 2005	May 30, 2005
Halifax	April 19, 2004	December 1, 2004	February 28, 2005
Hants	January 19, 2004	March 1, 2004	May 31, 2004
Inverness	May 3, 2004	March 1, 2005	May 30, 2005
Kings	January 19, 2004	March 1, 2004	May 31, 2004
Lunenburg	February 2, 2004	March 1, 2005	May 30, 2005
Pictou	October 20, 2003	December 1, 2003	February 28, 2004
Queens	February 2, 2004	March 1, 2005	May 30, 2005
Richmond	May 3, 2004	March 1, 2005	May 30, 2005
Shelburne	February 2, 2004	March 1, 2005	May 30, 2005
Victoria	May 3, 2004	March 1, 2005	May 30, 2005
Yarmouth	February 2, 2004	March 1, 2005	May 30, 2005

Updated April 2004

County Scanning Start Dates

Alphabetical

Scanning Start Dates - Alphabetical				
County	Start Date	Start Document	Scanned Back To	Region
Annapolis	May 19, 2004	D_75509001	May 17, 2004	West
Antigonish	April 26, 2004	D_75224700	April 26, 2004	North
Cape Breton	November 25, 2004	D_76704502	November 24, 2004	East
Colchester	March 2, 2004	D_75226184	March 2, 2004	North
Cumberland	April 28, 2004	D_75400839	April 28, 2004	North
Digby	May 14, 2004	(Book 632 Page 810)	January 1, 2004	West
		D_75162264	January 18, 2004	West
Guysborough	September 13, 2004	D_76206011	September 1, 2004	East
Halifax	November 26, 2004	D_76530220	November 26, 2004	Central
Hants	May 8, 2004	D_75254913	March 8, 2004	West
Inverness	August 18, 2004	D_76115618	August 18, 2004	East
Kings	May 6, 2004	D_75333899	May 6, 2004	West
Lunenburg	November 16, 2004	D_76643502	November 16, 2004	South
Pictou	April 6, 2004	D_75295148	April 6, 2004	North
Queens	September 15, 2004	D_76283390	September 15, 2004	South
Richmond	August 9, 2004	D_76056770	August 9, 2004	East
Shelburne	August 20, 2004	D_76133579	August 20, 2004	South
Victoria	August 19, 2004	D_75659533	June 11, 2004	East
Yarmouth	September 22, 2004	D_76309419	September 20, 2004	South

Regional

Scanning Start Dates - sorted by Region				
County	Start Date	Start Document	Scanned Back To	Region
Halifax	November 26, 2004	D_76530220	November 26, 2004	Central
Cape Breton	November 25, 2004	D_76704502	November 24, 2004	East
Guysborough	September 13, 2004	D_76206011	September 1, 2004	East
Inverness	August 18, 2004	D_76115618	August 18, 2004	East
Richmond	August 9, 2004	D_76056770	August 9, 2004	East
Victoria	August 19, 2004	D_75659533	June 11, 2004	East
Antigonish	April 26, 2004	D_75224700	April 26, 2004	North
Colchester	March 2, 2004	D_75226184	March 2, 2004	North
Cumberland	April 28, 2004	D_75400839	April 28, 2004	North
Pictou	April 6, 2004	D_75295148	April 6, 2004	North
Lunenburg	November 16, 2004	D_76643502	November 16, 2004	South
Queens	September 15, 2004	D_76283390	September 15, 2004	South
Shelburne	August 20, 2004	D_76133579	August 20, 2004	South
Yarmouth	September 22, 2004	D_76309419	September 20, 2004	South
Annapolis	May 19, 2004	D_75509001	May 17, 2004	West
Digby	May 14, 2004	(Book 632 Page 810)	January 1, 2004	West
		D_75162264	January 18, 2004	West

Hants	May 8, 2004	D_75254913	March 8, 2004	West
Kings	May 6, 2004	D_75333899	May 6, 2004	West

APPENDIX II -DOCUMENT 6

Land Registry Client Resource Material

Property Online Searching and Sub-searching**(August 2005 e-mail to lawyers)**

Lawyers are reminded that once a parcel has been registered in the new system, a search of that parcel's register is needed in order to determine recordings that have been placed against that PID. The GGI is no longer searched (except for judgments or general powers of attorney).

In a parcel-based system, you need to search the PID for recorded interests. Don't forget to search for LR documents in process, by PID.

Traditional Parcel Subsearch (Converting a Parcel):

- Grantor search in the Grantor/Grantee index from date of abstract
- Judgment search from date of abstract
- Search Plan Index
- Search by Name for Non-LR Documents in Process
- Search for Plans in Process

Sub-search on a Converted (LR) Parcel:

- Review of Parcel Register
- Judgment search of Registered Owners (from date of migration or date of last revision whichever is most recent)
- Judgment search of Purchasers (full twenty year search)
- Search by Name for Non-LR Documents in Process for Registered Owners and Purchasers (for judgments only)
- Search for Plans in Process
- Search by PID for Documents in Process on Land Registration parcels

Note: Before raising title on a parcel on which undertakings exist, be sure to do a search to see if the documents covered by the undertaking have been recorded. This is done by doing a Grantee search, (e.g. release of mortgage is being recorded by another lawyer). If not, you will be raising title with interests shown that are no longer applicable to the parcel and a rectification will be required to remove these interests from the parcel register.

APPENDIX II -DOCUMENT 7

Important notice concerning judgment searches and Form 21

The Registrar General's Office wishes to remind title searchers and authorized lawyers that:

- 1) The only times that a parcel register is updated to list judgments affecting the parcel are at the time of initial registration of a property and when registered interests are changed using a Form 24. Judgments are not updated in the parcel register when registered interests are changed with a Form 21. Therefore, judgments searches must be carried out in the judgment roll, from the latest time that judgments were updated in the parcel register.
- 2) All enabling instruments listed in a parcel register, including those linked in the archive, must be reviewed in order to determine the appropriate judgment searches. If a surviving joint tenant is enabled by a deed showing a joint tenancy, then a judgment search must include the deceased joint tenant to determine whether any judgments may apply. Please refer to subsection 23(2) of the Land Registration Administration Regulations.

Form 21 (Code 127) – Death of a Joint Tenant- changes to Land Registry processing

Effective May 1, 2012, Land Registry staff have instituted a change in processing a Form 21 which is submitted to reflect the death of a joint tenant. The changes are to being made to highlight the need for a judgment search into a deceased joint tenant.

The changes are as follows: The Form 21 will now be added as an additional enabling instrument in the registered interest section of the parcel register, to enable the interest of the surviving joint tenant(s). As a result, the surviving joint tenant(s) will show as registered owner(s) as enabled by the Form 21 in addition to the original enabling instruments in the registered interest section.

For example, Mr. Smith and Mrs. John Smith are each shown as fee simple owners (interest type) enabled by a deed (instrument type). A Form 21 is submitted to remove Mr. Smith as a deceased joint tenant. Mr. Smith's interest will be removed and put in the parcel archive, as removed by the Form 21. Mrs. Smith's fee simple interest will remain in the parcel register, enabled by the deed. In addition, there will be a subsequent entry showing Mrs. Smith's fee simple interest enabled by the instrument type "removal of deceased joint tenant".

Prior to the change in procedure, a Form 21 was used to remove the deceased joint tenant as an owner and was placed only in the parcel archive. As a result, using the above example, Mrs. Smith would show in the parcel register only as a fee simple owner enabled by the deed. A searcher would have to review the deed into the joint tenants and then review the parcel archive for the document removing the deceased joint tenant.

Land Registry Client Resource Material

APPENDIX II -DOCUMENT 8

Land Registration Act Directive

**** Directive revised to reflect current Fee of \$85.18 (as of April 2011)****

Date: April 25, 2003

Number: 2003-01

Re: Statutory Declarations Regarding Judgments

As of March 24, 2003, all statutory declarations regarding judgments must be filed in the Judgment Roll. They are no longer viewable in the Grantor Grantee Index. This is a province wide

change that affects all Registries of Deeds and Land Registration Offices. This change is prescribed by subsection 18(6) of the Land Registration Act Administration Regulations. When conducting a search in the Judgment Roll, statutory declarations are noted by "STAT DEC" in the Location Field. Statutory declarations regarding judgments do not expire and do not need to be renewed every five years. The Judgment Roll search application (GG Search) in registry vaults reflects this - there are no expiry dates for statutory declarations listed in the Judgment Roll.

Section 7 of the Land Registration General Regulations and subsection 4(a) of Appendix 1 to those regulations establishes that there is no charge for recording a statutory declaration relating to judgments. Judgment-related issues include information to clarify similar names as well as other information which could affect the judgment (e.g. bankruptcy etc.) There is a fee of **\$85.18** for recording a non-judgment statutory declaration.

Lawyers are advised that they must prepare a separate statutory declaration for any information that does not relate to judgments. Inclusion of non-judgment related information in a statutory declaration being submitted for recording in the judgment roll will result in the declaration being rejected by registry staff. A combined declaration will also not be accepted for recording in the GGI or the parcel register, even if a **\$85.18** filing fee is submitted with the statutory declaration.

The table below sets out the requirements and procedures related to each type of statutory declaration:

Declaration Type	Permitted Information	Where recorded?	Recording Fee
Judgment declaration	Information about the judgment debtor, creditor, including information to clarify names, current status of judgment etc.	Judgment roll	\$0
Non-judgment declaration	Any information that does not relate to judgments in any way.	GGI or parcel register	\$85.18
Combined declaration	Combining judgment and non-judgment information in one declaration is not permitted.	Rejected by staff	N/A

If you have any questions regarding this directive, please call 1-866-518-4640.



C. A. Mark Coffin

Registrar General of Land Registration

Recording of a Judgment Renewal (Form 16)

Policy

Judgments that were issued prior to March 24, 2003 were effective for a period of 20 years from the date of issue, unless satisfied.

On the coming into force of the LRA, a judgment recorded pursuant to the Registry Act **before March 24, 2003** had effect for twenty years.

Effective March 24, 2003, a judgment now has effect for five years from the date of issue, with an option to renew the judgment up to three times for a total of an additional 15 years.

The judgment must be recorded in the county that the renewal is submitted for and the renewal must be recorded prior to the judgment expiring.

The current wording of Section 66 (4) of the *Land Registration Act* dictates when a judgment is considered to be removed from the roll:

A judgment shall be removed from the roll on the earliest of

- (a) cancellation of the recording;
- (b) the recording of a certificate of the registrar, prothonotary or clerk of the court that issued the judgment that the judgment was set aside;
- (c) expiration of the time for which the judgment was recorded;
- (d) the recording of a release of the judgment signed by the plaintiff, the solicitor for the plaintiff or the registrar, clerk or prothonotary of the court that issued the judgment; and
- (e) the expiration of five years from the date of the judgment or the date of the recording of the latest renewal of the judgment.

NOTE: Section 66(4)(e) of the Land Registration Act was amended to correct the expiry date of a judgment from "...the expiration of five years from the date of recording of the judgment..." to "the expiration of five years from the date of the judgment....."

Guideline

This form is used by a judgment creditor or their agent to renew a five year judgment which has not yet expired and which was recorded on or after March 24, 2003.

A first renewal of a judgment must be recorded within five years of the date of the original judgment. Subsequent renewals (second and third) must be recorded within five years of the date of recording of the most recent renewal.

Any renewals that are not received prior to the judgment expiring as above will be rejected by staff. Once a judgment or renewal has expired, there is no ability to record a renewal against it.

The recording of this form renews the judgment for an additional five years from the date of recording of the renewal. The judgment can be renewed up to three times after the initial recording, each time for an additional five year period with the required fee.

A judgment creditor may not use one renewal form to renew the judgment for fifteen years. Once a judgment has expired and been removed from the judgment roll, it cannot be renewed or rerecorded.

The submitter is required to provide the recording particulars of the original judgment and any subsequent renewals on the Form 16.

See:

Form 16

Form 16 (Guideline)

Recording and Searching Judgments



APPENDIX II -DOCUMENT 11

Land Registry Client Resource Material

Last Updated: May 2009

Judgment Related Documents (Pre Dec 1, 2003)

Judgment related forms came into effect on December 1, 2003.

On the coming into force of the LRA, a judgment recorded pursuant to the Registry Act before March 24, 2003 had effect for twenty years.

If a client brings in an older judgment (dated prior to December 1, 2003), to record now -- that judgment would have fallen under the new rules and would have expired five years from date of issuance of the judgment. Therefore, any older judgments that were not recorded have since expired and cannot be accepted for recording.

If a certificate of satisfaction / discharge of judgment or partial release of judgment is submitted for recording that is dated prior to December 1, 2003, a Form 27 is required.

Forms 47 and 48 only came into effect on December 1, 2003 - therefore, submitters are not required to go back to the court to have a new document re-issued on the new forms.

Internal Land Registration Manual

Judgment Recording Requirements

Judgment Certificates will be checked for:

DEBTOR

- The name of the debtor:
- The name of the debtor must include such information as tends to distinguish the judgment debtor from all other persons of the same or similar names [LRA subsection 67(1)].
- Information that tends to distinguish a person from another person of the same or similar names includes a date of birth [*Land Registration Administration Regulations* subsection 26(1)].
- Other distinguishing information may include occupation, name of spouse, etc.
- In the interests of protection of privacy and prevention of fraud, the following "additional information" will no longer be accepted: SIN number, passport number or master number / picture ID from a driver's license
- The following information is not considered as distinguishing the debtor or creditor as applicable from another person of the same or similar name: Information that relates to the spouse of the debtor other than the spouse's name, such as: spouse or partner's date of birth, physical characteristics, relatives, etc. The additional information that tends to distinguish must be with respect to the party themselves.

If the name of the debtor is not sufficient to distinguish the judgment debtor from all other persons of the same or similar names, the judgment certificate shall not be accepted for registration by the registrar. [LRA subsection 67(5)]

NOTE - RE: ADDITIONAL INFORMATION FIELD FOR DEBTORS:

- In the case of a business as the debtor, if the name field includes Limited, Ltd., Incorporated, Inc.; the judgment is acceptable if the additional information field is blank. Unincorporated businesses should therefore have the Registry of Joint Stocks (RJS) number in the additional information field. If it is an individual operating as a business name, a birth date would also be acceptable in this field.
- In the case of an individual as a debtor, if the name field contains a designation (i.e. Dr., Hon, Rev.), staff may accept the judgment if the additional information field is blank.

- In all other cases the 'Additional Information' field for an individual debtor must be properly completed (i.e. birth date, occupation and employer, etc.).

CREDITOR

- The name of a judgment creditor
- The name of the judgment creditor shall be sufficiently detailed and accurate as to permit the name to be distinguished from all other like names. [LRA subsection 67(4)].
- For individual creditors, information that tends to distinguish a person from another person of the same or similar names includes a date of birth [*Land Registration Administration Regulations* subsection 26(1)].
- Other distinguishing information may include occupation, name of spouse etc.
- In the interests of protection of privacy and prevention of fraud, the following "additional information" will no longer be accepted: SIN number, passport number or master number / picture ID from a driver's license.
- The following information is not considered as distinguishing the debtor or creditor as applicable from another person of the same or similar name: Information that relates to the spouse of the debtor other than the spouse's name, such as: spouse or partner's date of birth, physical characteristics, relatives, etc. The additional information that tends to distinguish must be with respect to the party themselves.
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If the name of the creditor is not sufficiently detailed and accurate to permit the name to be distinguished from all other like names or persons of the same or similar names, the judgment certificate shall not be accepted for registration by the registrar. [LRA subsection 67(5)]

NOTE - RE: ADDITIONAL INFORMATION FIELD FOR CREDITORS:

- If the Creditor name contains Ltd., Limited, Inc., or Incorporated; the judgment is acceptable if the additional information field is blank.
- If the Creditor is a large Corporation (i.e. Royal Bank, Bank of Montreal), a well known local or national company (i.e. Landry McGillivray, McCain Foods, etc.); the judgment is acceptable if the additional information field is blank.
- Do Not accept if the 'Additional Information' field is blank and the Creditor is an individual, or a relatively unknown company.

MAILING ADDRESS

- Mailing address of the debtor and creditor [LRA subsection 67(1) and 77(1)]
- "mailing address" means a complete address by which an individual or company is able to receive information, including notices, by mail [*Land Registration Administration Regulations* clause 2(2)(f)]
- "addresses of the parties" in subsection 67(1) of the Act includes the civic addresses of the parties to the action, where available.

If the address of the debtor or creditor does not include a postal code and is not sufficient to allow service on the debtor by mail, the judgment certificate shall not be accepted for registration by the registrar. [LRA subsection 67(5)]

MISCELLANEOUS

- Other required information
- The amount recovered [LRA subsection 67(2)]
- The names of the solicitors for the parties, if known [LRA subsection 67(2)]
- Seal and certificate of the court [LRA subsection 67(3)]

If the judgment certificate does not contain the amount recovered, the names of the lawyers, if known, and is not certified and does not bear the seal of the court, it shall not be accepted for registration by the registrar. [LRA subsection 67(5)].