

CROWN LAND INTERESTS

2006 RELANS Conference
Halifax, Nova Scotia
February 2, 2006

PRESENTATION OUTLINE

HISTORY

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CROWN LANDS ACT

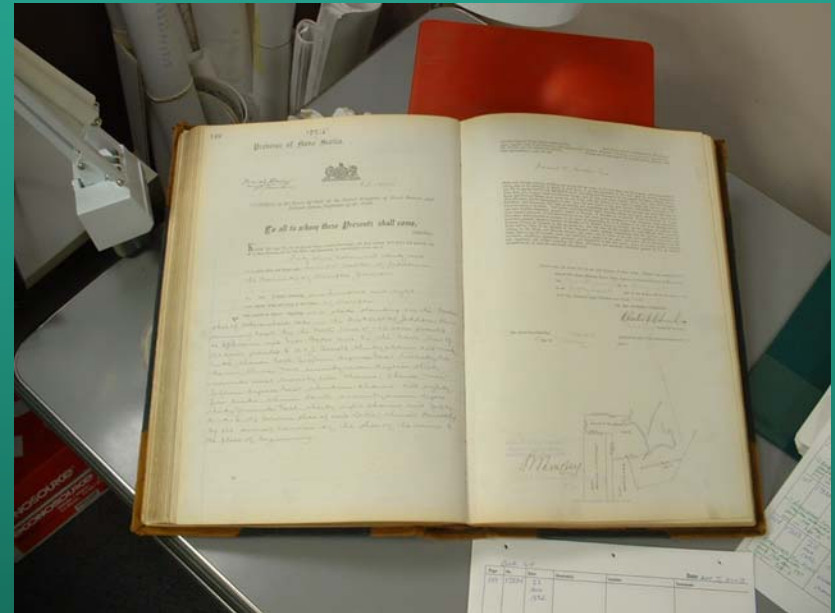
Amy Parker
Senior Solicitor, Department of Justice

MIGRATION PROJECT

Dean Benedict, NSLS
Project Manager, DNR

HISTORY

Land Grants



Mapping

LAND GRANTS

Earliest recorded grant 1721

Began in earnest in 1749
(founding of Halifax)

Peak years were 1759-1800

Much immigration, etc. in the 1800s

Slowed down considerably in the early 1900s

.....LAND GRANTS

- Last grant given for homesteading in the 1930s
- Some lots granted in 40s and 50s along highways close to Halifax
- Very little land grants since the 60s

GRANT PROCESS

- Prospective grantee petitioned Governor generally specifying area
- Governor sent order of survey to the Surveyor General
- Deputy Surveyor would survey area, return plan and report

GRANT PROCESS

- Surveyor General would send info to Provincial Secretaries Office where grant was made and signed by Governor
- Payment made by Petitioner
- Grant issued

PROBLEMS / ISSUES

- Petition initiated but process never completed
- Many grants had certain conditions attached to them that may never have been completed, land may then be escheated back to Crown
- Many immigrants simply settled on the land

..PROBLEMS / ISSUES

- 1850s – Acts to facilitate perfecting of title in Cape Breton
- Resulted in settlement of land not reflected in the documented information

MAPPING

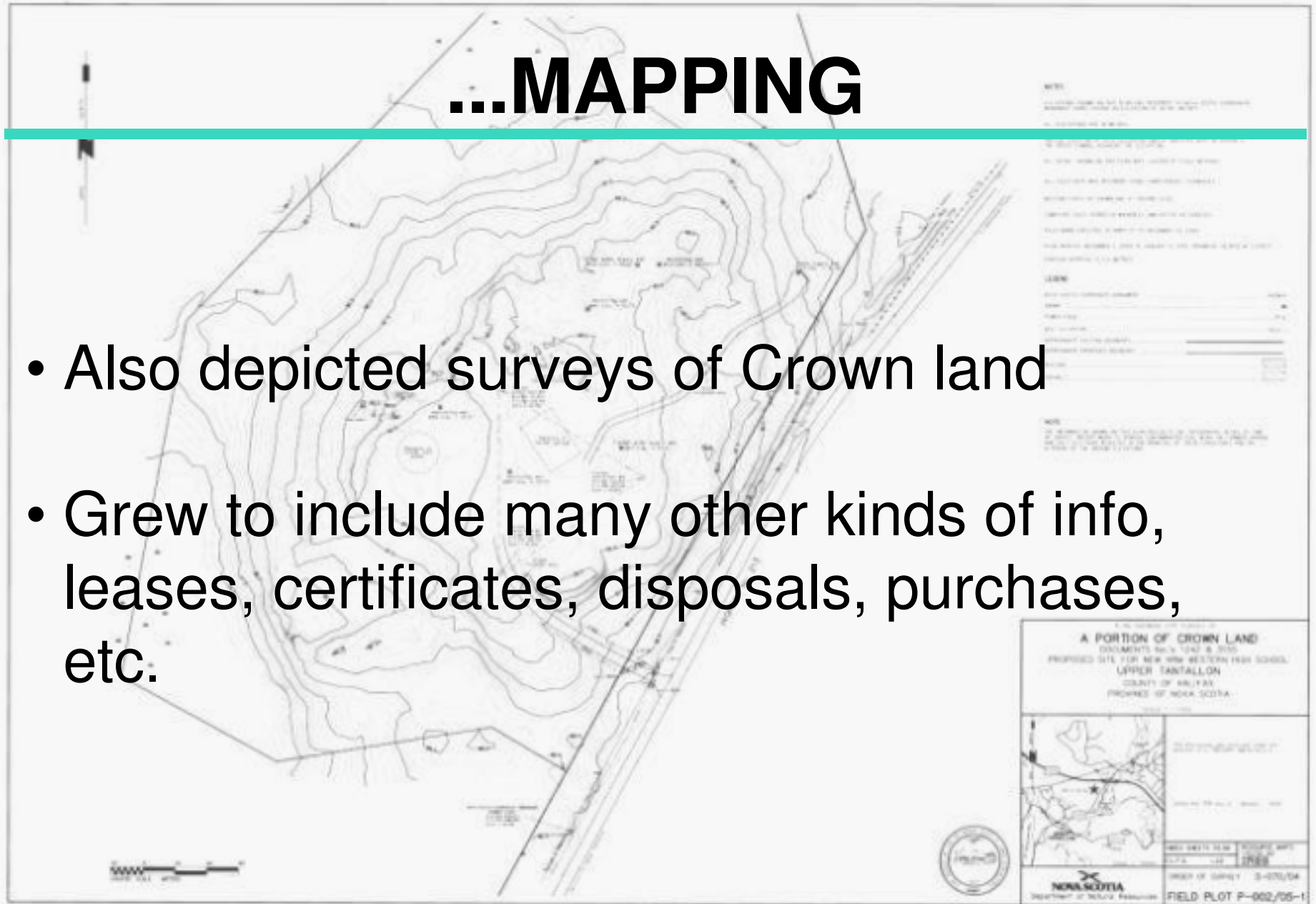
- Mapping system first developed in 1840s and 50s
- Portfolios to keep Deputy Surveyors' plans on file
- General Plan - series of maps showing land grants
- Updated till 1900
- Many lost over the years

..MAPPING

- **A. F. Church Maps**
 - **Compiled in 1800s**
 - **Depicts settlement patterns/names**
- **Jackson Sheets**
 - **Compiled in 1930s**
 - **Topographic info**
 - **Precursor to Crown Land Index Sheets**
- **Crown Land Index Sheet Initiative**
 - **Began in 1930s; completed in 1950s**
 - **Objective was to correlate and correct all existing mapping**
 - **Initially depicted grants, surveyed petitions**

...MAPPING

- Also depicted surveys of Crown land
- Grew to include many other kinds of info, leases, certificates, disposals, purchases, etc.



...MAPPING

Provincial Crown Lands Record Centre
established in 1975

Depicted Crown on Crown Land Forestry Series
(CLFS) and then Orthos

Developed number system

- 50000 - ungranted surveyed crown
- 00000 - reconveyed crown
- 40000 - ungranted subject to claim



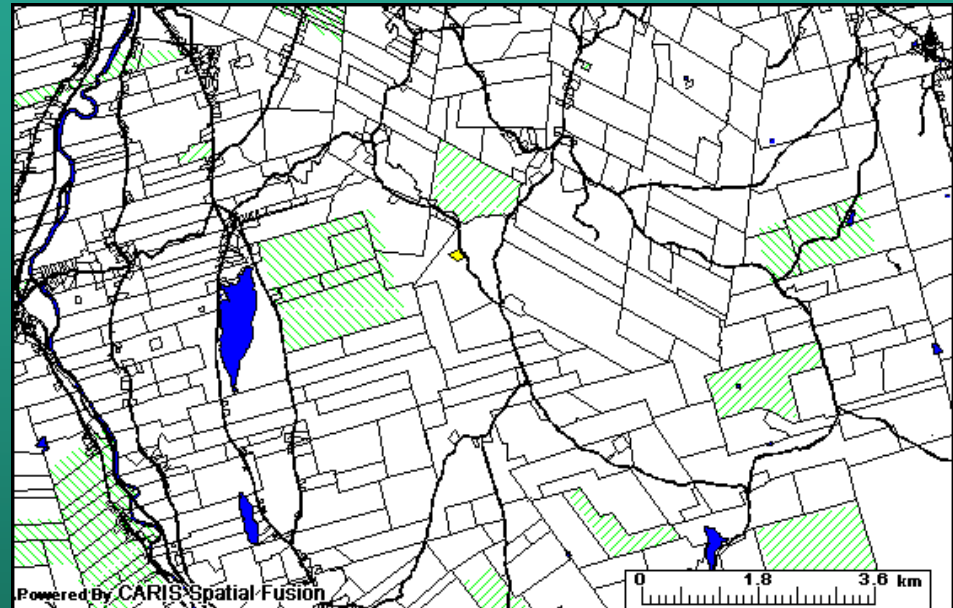
...Mapping

- 50000 and 00000 – used survey plans to plot on mapping series
- 40000 - reviewed index sheets, found apparent areas not granted / surveyed as Crown, transferred to CLFS sheets
- Acquired digital mapping technology in 1980s and 90s. Converted all mapping, which includes 50K (ungranted surveyed crown), 00K (reconveyed Crown), and 40K (ungranted subject to claim)

...MAPPING

Result is the Green Layer

Green Layer added to POL
in January 2005



Technology allowed us to identify extent of overlap between
POL PIDs with private ownership and potential Crown
interests

Cabinet approved project to migrate Crown land and reconcile
above overlap

Crown Land Interests

Presented by:
Amy Parker, Senior Solicitor
Nova Scotia Department of Justice

February 2, 2006

Green Layer

- “Green” layer contains information previously available in hard copy, much of it at the Crown Lands Record Centre
- It was put on as a layer of Property Online at the request of the Bar.
- Now allows Crown interest to be flagged right from your desktop.

Green layer does not change the
law with respect to Crown land
property interests



s. 37 *Crown Lands Act*

Certificate

37 (1) Where it appears to the Minister that a person, known or unknown, has acquired rights or claim by possession in or to Crown lands and the Minister so reports to the Executive Council, the Governor in Council may authorize and direct the Minister to issue a certificate to the effect that the Crown asserts no interest or claim to the land and upon the issuance of the certificate all interest or claim of the Crown to the land described therein ceases.

s. 37 *Crown Lands Act*

- Minister can only recommend release if it appears that possession complete.
- Crown has a duty to act in the public interest and only release lands where it has been dispossessed.
- Nova Scotia has the second smallest amount of Crown land by area in Canada.

Adverse Possession of Crown Land

- The *Limitations of Actions Act* provides that the Crown cannot assert its title after someone else has possessed for 40 years.
- A person claiming title to Crown land must show they have had actual, notorious, continuous, open possession for 40 or more years. Prior to the *Land Registration Act*, a person was required to show 60 years' possession

Resources

Aerial Photos

- A good resource to see when land might have been cleared, when there would have been building on it, etc.

Assessment Records

- Not terribly informative, usually...historically the assessed ownership was changed on poor evidence. But it's another piece of the puzzle.

Resources (continued)

Old property maps, A. F. Church maps

- Often a really useful resource in looking at legal descriptions and trying to figure out who owned what properties.

Title Search and Certificate of Title

GENERAL

- Only area demonstrated to have been occupied will be released...if a cabin, then perhaps an acre around the cabin.
- Could claim “colour of title” – that means if you have title documents to an entire parcel, you could obtain the entire parcel IF you can show some actual possessory acts.

s. 16 *Crown Lands Act*

16 (1) With the approval of the Governor in Council, the Minister may

(a) issue a grant, deed, lease, licence or other conveyance for the disposition of Crown lands or any interest in Crown lands

- Only other avenue is conveyance or grant

Resolving Crown Land Interests

- How to deal with large areas?
- Mechanisms for releasing other interests?

Migration Project

Presented by:
Dean Benedict, NSLS
Project Manager
Department of Natural Resources

February 2, 2006

MIGRATION PROJECT

- Two Components
 - Conversion of Crown land
 - Reconciliation
- Minimum five year project
- Dedicated staff

....MIGRATION PROJECT

- April 2005 to present
 - Developing processes for conversion
 - Developing processes for reconciliation / releasing Crown interest
 - Hiring staff
 - Started work in both areas

CONVERSION PROCESS

- 50000 and 00000 parcels
- Correlation of all available survey data
- Generate series of plans depicting Crown land
- Submit to Land Registration Office
- Discrepancies with LRO data is resolved
- Submit PDCA(s) for each lot using short form description



LOT NO.	RD	PQR	AREA (HA.)
106-1	10000001	082550006	27031
		082500190	
		082500162	
		082500181	
		082500173	
		082500041	
		082500058	
		082500058	
		082500054	
		082500011	
		082500226	
106-2	10000011	082500004	493
106-3	10000002	082500013	341
106-4	10000003	082500007	229
106-5	10000014	082500044	195
106-6	10000006	082500019	184
106-7	10000010	082500003	150
106-8	10000009	082500002	113
106-9	10000008	082500077	43
106-10	10000007	082500048	37
106-11	10000012	082500005	33
106-12	10000004	082500010	78
106-13	10000005	082500012	21
106-14	10000013	082500040	14
106-15	10000015	082500048	1
106-16	10000016	082500057	16
106-17	10000017	082500047	124

COMPILED PLAN SHOWING
LOTS 106-1 TO 106-17 INCLUSIVE
HALIFAX AND GUYSBOROUGH COUNTIES

COUNTIES OF HALIFAX AND GUYSBOROUGH
PROVINCE OF NOVA SCOTIA

SCALE: 1:40,000

0 1 2 3 4 Kilometers

Crown Land

Recreational

Ungranted

Topographical Features

Lakes, Rivers

Provincial Highways

Major Roads

Secondary Roads

County Boundary

Nova Scotia Department of Natural Resources
210 Water Street, Fredericton, New Brunswick, Canada
P3A 5B6 Halifax, N.S., Canada

The boundaries shown on this plan are a graphic representation only and do not constitute a representation of the true state of the land. The boundaries shown are subject to a field survey.

Area shown on this plan is approximate only and is subject to a boundary survey.

NOVA SCOTIA
Natural Resources

Plan Number
P-001/06

...CONVERSION PROCESS

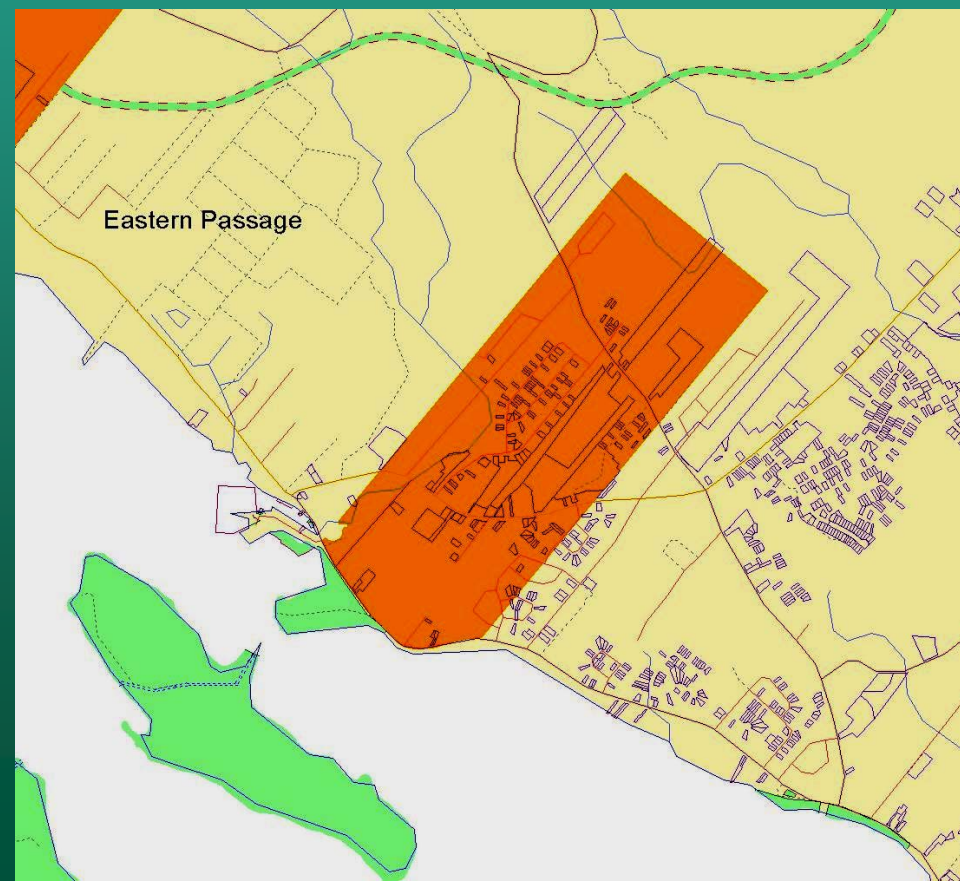
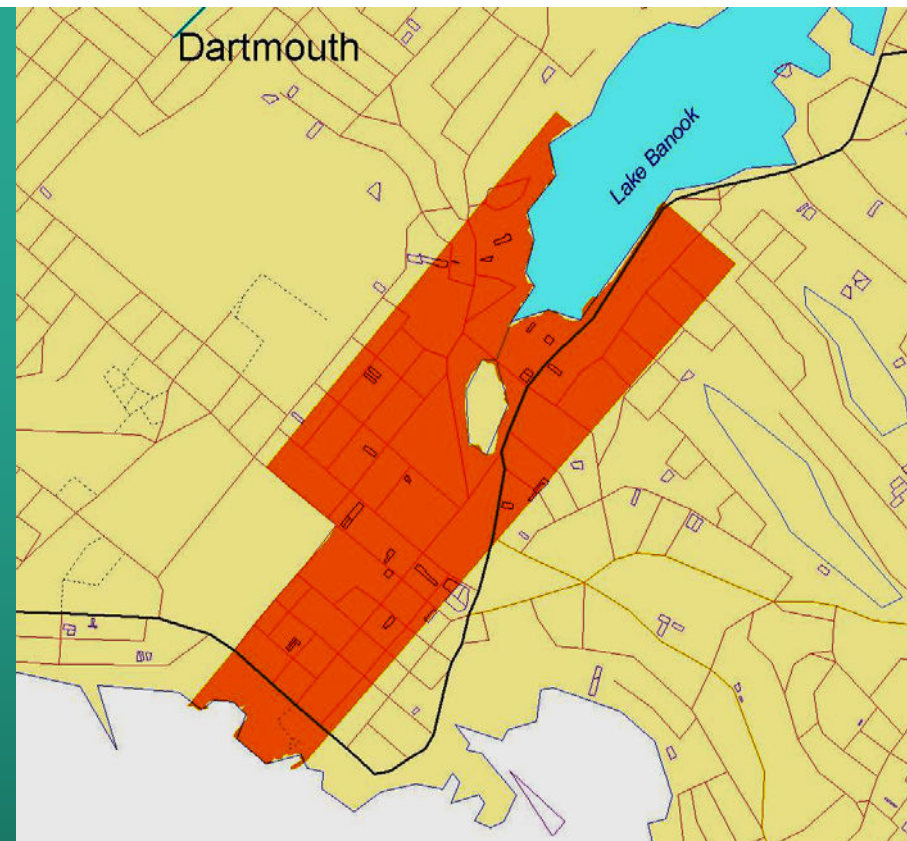
- Conduct research
- Submit AFR
 - Ungranted Crown
 - Reconveyed
- File the record of the conversion in the PCLRC

RECONCILIATION PROCESS

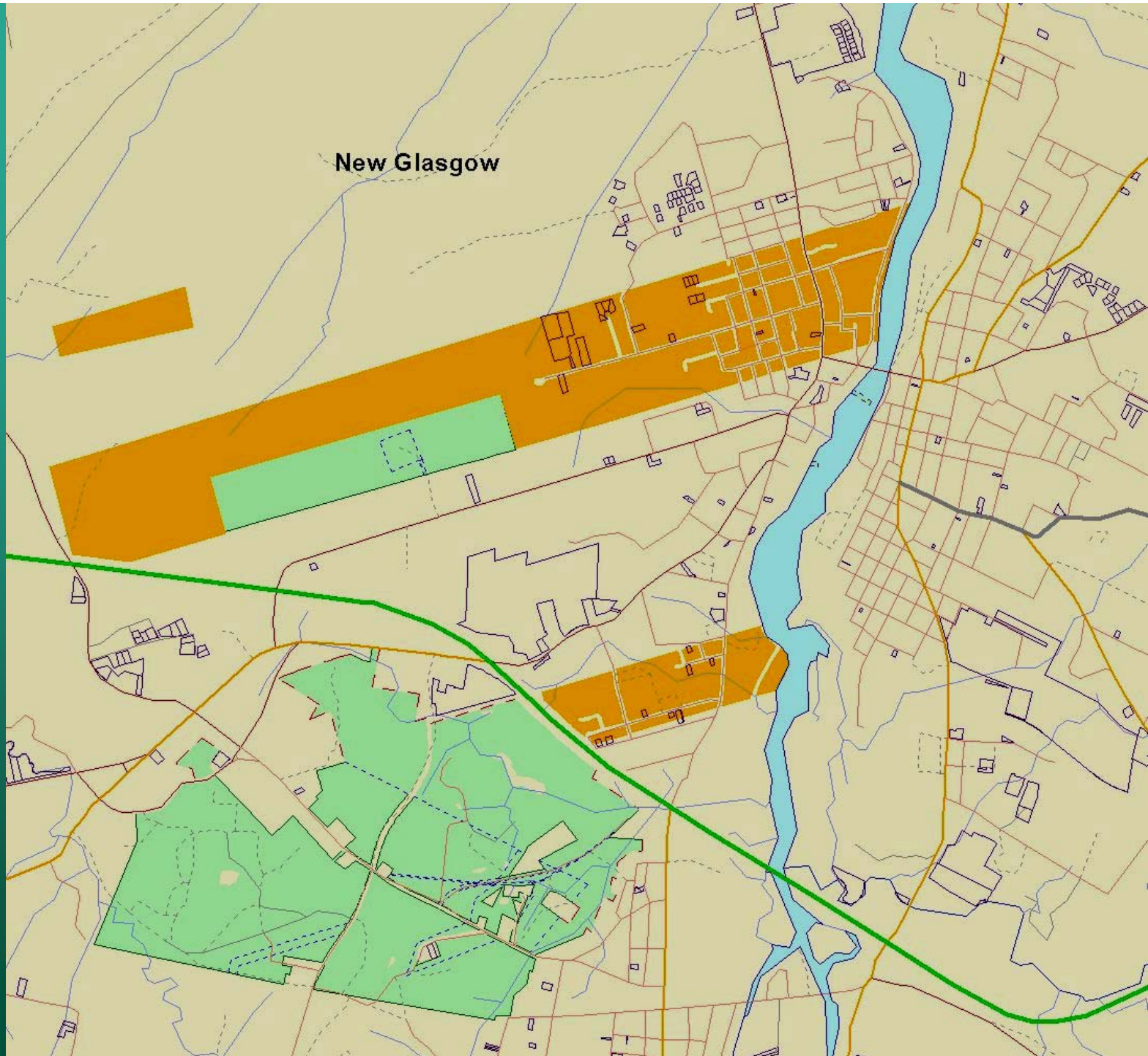
- 40000 Parcels
- Prioritize order of review
 - 1 - brought to our attention as being relevant to property transaction
 - 2 - parcels that are obviously occupied, highly developed
 - 3 - parcels where 'internal' parcels have been converted
 - 4 - others

...RECONCILIATION PROCESS

- Map out area
- 40000 parcels usually contain many POL parcels
- Scan and overlay aerial photos
- Conduct research
 - Field
 - Registry
- Analysis of data



New Glasgow



..RECONCILIATION PROCESS

- Have completed or are working on numerous areas:
 - Halifax
 - Clayton Park
 - Paper Mill Lake
 - Eastern Passage
 - Dartmouth
 - Cumberland
 - Streets Ridge
 - Yarmouth / Cape Breton

..RECONCILIATION PROCESS

- Approximately 2000 POL parcels have been reconciled

The End

Questions??