

On December 1, 2004, Halifax County will be designated a land registration county, joining the eight counties already under the new system. The new land registration system provides guaranteed ownership for Nova Scotia landowners whose parcels are converted to the new system, and moves Nova Scotia from a Registry of Deeds system (names based indices) to a land titles system (parcel based). The remainder of the province will be implemented on March 1, 2005.

After December 1, 2004, Halifax County land owners who sell, mortgage or subdivide their property will be required, at the same time, to convert their parcels from the Registry of Deeds system to the land registration system. Over the next 10-15 years each property in Nova Scotia will be converted to the new system.

The system will also be changing for lawyers who practice real estate law in Halifax County. Any lawyer who wants to continue practicing real estate law in the area will be required by the Nova Scotia Barristers' Society to take a mandatory 15-hour education program before December 1, 2004. Lawyers can register for this training on line at <http://www.nsbs.ns.ca/LRAHRM.htm>. Service Nova Scotia and Municipal Relations offers free computer hands-on training to assist lawyers, legal assistants and title searchers who will be working in the system. To register, go to: <http://www.gov.ns.ca/snsmr/property/default.asp?mn=282.46.57.69>.

## People to Know: Land Registration Roles and Responsibilities

Mark Coffin, Nova Scotia's first Registrar General of Land Registration, has played a major role in shaping the legislative and policy components of the Registry 2000 project since he joined the project team in the fall of 1999. Formerly a general practitioner in Bedford, Mark was admitted to the Bar in 1985. As Registrar General, Mark is responsible for the effective implementation of the Land Registration Act and Regulations. He supports all stakeholder groups, the general public and departmental staff as they navigate their way through the 'brave new world' of land titles.

Mark's suggestions for lawyers working in the new system:

- When all else fails, read the manual! The Registry 2000 resource web page <http://www.gov.ns.ca/snsmr/property/default.asp?mn=282.46.71.79> has a wealth of information and contains the latest news about doing business in the land registration system. Take advantage of the sample forms, scenarios, tips and tricks that are available on the resource page.
- At its core, the lawyer's central role in the conveyancing process has not changed. The new system still requires a lawyer's exercise of professional judgment about the state of title to a particular parcel of land. The new system is founded upon the continuation of the role lawyers have been playing in real property transactions for the last 250 years. All the new system says is "analyze the state of title, determine the holder of the fee simple and all other interests in the parcel, and certify the outcome of your analysis."
- The learning curve is fairly steep for the new system's electronic processes and standard forms, but like everything else, the system becomes easier with practice.

Nancy Saunders, the Registry 2000 Coordinator of Business Change and Training, has worked for the government since 1983. Nancy is responsible for the development of all procedures, for design and implementation of the training program, and for monitoring system compliance through the department's internal audit program. Nancy is also the creator and caretaker of most of the user group resources on the Registry 2000 website. A large portion of Nancy's time is dedicated to keeping this information accurate and current and communicating changes.

Nancy works closely with Mark, the Nova Scotia Barristers' Society, the Association of Nova Scotia Land Surveyors and the Nova Scotia Association of Realtors to design and deliver LRA training.

Nancy is also very busy with the land registration operation as counties are implemented. Feedback on the land registration operation from stakeholders and staff has been very positive. "All of our staff and our clients, especially

lawyers and legal assistants, have conquered a huge change,” Nancy says. “I especially enjoy seeing people who had been nervous of the new technology or computers in general become very proficient at using the land registration functions in a very short time.”

Nancy suggests that lawyers who are hesitant to work in the new system should take a basic computer skills course and then sign up for hands-on training developed and delivered by the Registry 2000 Training Team. The hands-on training provides an important addition to the mandatory NSBS education program.

## Helpful Hints

The new PDCA approval process

Property mappers are now using a shorter checklist for approval of most PDCA's (Parcel Description Certification Application). This does not reduce or eliminate a lawyer's responsibility for ensuring that the descriptions submitted comply with the Act, regulations and professional standards. A small percentage of PDCA's will still receive more detailed scrutiny and the NSBS will be including description review in their routine audit program.

Compliance with Subdivision Requirements of MGA

The certification of compliance with the subdivision requirements of Part IX of the Municipal Government Act (MGA) has been causing some confusion. A lawyer has two choices when certifying MGA compliance. The lawyer must indicate that:

1. The subdivision has received approval from the Development Officer and the approved plan is registered in the Land Registration Office, in which case the submitter must give the plan LRO number; or
2. Part IX of the MGA does not apply, in which case the submitter must state the reason why. Answers such as “not a subdivision” or “pre-existing lot” are not adequate. A lawyer has two choices for appropriate reasons:

a) Subdivision approval is not required because the parcel is exempt under subsection 268(2) of the MGA; or

b) The subdivision has been validated by operation of Section 291 of the MGA [i.e. the title or interest in the parcel was conveyed or purported to be conveyed by deed, lease, mortgage or other instrument prior to April 16, 1987].

## Converting Parcels to the New Land Registration System

Converting a parcel to the new land registration system involves two steps beyond those required to complete a normal property transaction. First, the parcel's unique Parcel Identification Number (PID) must be certified to match the legal description for the parcel; second, title to the parcel must be certified. Submitters should advise their clients that property transactions will take longer, since the government's turnaround time for properly prepared conversions adds up to four days to the process, and submitters need to research and prepare the submissions as well. Submitters also need to factor in extra time if they are just learning how to use the new system.

Step One: Parcel Description Certification Application (PDCA)

Only trained surveyors and lawyers who have been authorized by government are permitted to submit PDCA's. They must first confirm the location with the owner of the property and check the provincial mapping to identify the unique PID for the parcel. A full title search should be completed before the PDCA is submitted in order to identify any benefits or burdens on the parcel. The submitter then prepares a full text description of the parcel, which includes full text of all easements and rights-of-way, as well as a description of any parcels saved or excepted from the main parcel. Once the submitter is satisfied that the description is accurate and complete, the electronic PDCA is submitted for approval. The property mapper at the Land Registration Office will approve a properly completed application within three business days of submission.

## Step Two: Application for Registration (AFR)

Only authorized lawyers can submit AFRs. The authorized lawyer uses the title information from the 40 plus year search to identify all of the interests in the parcel. This information is entered into the electronic AFR form in order to certify title in the new system. This process moves the parcel from the Registry of Deeds system to the land registration system. The AFRs are approved within 24 hours of submission.

## Conversion Exemptions

Some real estate transactions, in process when a county is designated under the Land Registration Act, are exempt from conversion:

- Sales where the closing is complete before a county is designated are exempt from the mandatory trigger as long as the related documents are recorded within 90 calendar days after the new system goes in. (e.g. for Halifax County, documents that relate to transactions that are completed before December 1, 2004, must be recorded before March 1, 2005).
- Mortgages where the funds have been advanced before a county is designated are exempt from the mandatory trigger as long as the related documents are recorded within 90 calendar days (e.g. before March 1, 2005 for Halifax County).
- Subdivisions, which have been submitted for final subdivision approval prior to the LRA implementation date for the county, are exempt from the mandatory conversion and there is no time limit for recording the final approved plan.
- Condominiums where all required documentation has been submitted to the condominium Registrar prior to the implementation date are exempt from the mandatory conversion.

All other transactions which involve the mandatory triggers noted above and which occur on or after the implementation date in a given county will require the parcels involved to be converted to the new system.

## Changing the PDCA Approval Process

At the end of June 2004, the Department implemented a streamlined Parcel Description Certification Application (PDCA) approval process to resolve delays that were occurring in the parcel conversion process. Prior to the change, more than 35 percent of PDCAs were being rejected. These incomplete and inaccurate descriptions were creating delays for those who were submitting accurate descriptions.

The onus for ensuring the accuracy of the information in the parcel description database rests with the submitters, as required under their professional standards. The new PDCA approval procedure allows the property mapper to approve the PDCA if the parcel can be located with reasonable accuracy in relation to its neighbours. Only if time allows will mappers complete comprehensive reviews of PDCAs.

In addition, the system changes will create a new flag under PDCA status in the parcel register. If a PDCA is approved subject to correction, the parcel register PDCA status will indicate that the description requires correction. The flag, "Correcting Description Required" means that an amending PDCA to correct the description must be submitted. This status will remain until the corrected parcel description has been submitted and approved by the property mapper.

Changes will also be made to the LRA Administration Regulations to require submitters to submit a corrected description within 30 days of the PDCA approval if necessary. If a properly prepared PDCA is submitted within the 30-day period, there

will be no fee or penalty.

If the submitter fails to submit a properly prepared PDCA within 30 days, or submits a description that still contains errors or fails to meet the standards, one or both of the following may apply:

- A Stop Order against the submitter may be issued [as per LRA clause 56(2)(c)]; and/or
- The submitter's PDCA submission privileges may be suspended [as per the POL user agreement].

The NSBS will be including description review in the routine audit program that is performed on a percentage of all land registration parcels. The routine audit program was established pursuant to the Land Registration Act Agreement with the NSBS. It is cost shared between the NSBS and SNSMR and is designed to check authorized lawyers' compliance with the LRA, regulations and NSBS Professional Standards.

SNSMR is working with the NSBS to expand the scope of routine audits to include parcel descriptions. By expanding the scope of the routine audit, we aim to increase the quality and integrity of information in the system.

## Help is at Your Fingertips

To help registry users during the transition from the traditional Registry of Deeds system to the new land registration system, Service Nova Scotia and Municipal Relations has implemented two problem-solving tools.

The first problem-solving tool is information available online.

Links to many different help resources are listed on the land registration and Registry 2000 web sites. Just go to [www.servicens/property/registry](http://www.servicens/property/registry) to browse through the user resource pages and other links. For example, the "Forms and Guidelines" button provides links to downloadable forms that may be needed in the conversion process and to completed samples of various forms. The "Property Online Tutorials" link connects users to a quick review of Property Online features. The "User Group Resources" connection provides the most up-to-date information that various client groups may require. Users are encouraged to browse through the links where many tips and hints are available.

The second source of helpful information is the Property Online Help Desk.

Two former Halifax Registry clerks (Eileen Bartlett and Patricia Brooks) respond to questions phoned in to the Canada-wide toll free line (1-866-518-4640) or received by email at [propertyonline@gov.ns.ca](mailto:propertyonline@gov.ns.ca). With their help, users learn the best way to utilize the system or deal with land registration issues. The help line gets up to 1,400 calls a month, so the phone lines are sometimes tied up. If callers leave messages, staff work hard to respond quickly and, depending on the complexity of the problem, try to get back to callers within an hour.

The questions raised and suggestions submitted to the Help Desk by phone or email provide the team with insight into issues that need to be resolved, both in the system as well as in relation to land registration procedures. System issues are passed on to technical support staff for resolution, and procedural concerns go to the business change group. This allows the land registration system to continually evolve to everyone's advantage.

## Resources

Nova Scotia Barristers' Society's mandatory 15-hour education program must be taken by December 1, 2004, by lawyers who want to be certified to work in the Land Registration System. Register for this training online at [www.nsbs.ns.ca/LRAHRM.htm](http://www.nsbs.ns.ca/LRAHRM.htm).

Dianne Paquet is the NSBS staff member in charge of all things related to LRA. She can be contacted at 422-1491, or

dpaquet@nsbs.org

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[www.gov.ns.ca/snsmr/property/default.asp?mn=282.46.57.69](http://www.gov.ns.ca/snsmr/property/default.asp?mn=282.46.57.69)

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[www.gov.ns.ca/snsmr/property/default.asp?mn=282.46.71.79](http://www.gov.ns.ca/snsmr/property/default.asp?mn=282.46.71.79) has sample forms, scenarios, tips and tricks. Links to many different user resources are listed on the land registration and Registry 2000 web sites via [www.servicens/property/registry](http://www.servicens/property/registry)

Ready to register for Property Online? Go to [www.nspropertyonline.ca](http://www.nspropertyonline.ca) for information about how to subscribe.

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To view the Deeds and Dialogue newsletter for more details on the rollout plans and other project updates, go to:

[www.gov.ns.ca/snsmr/property/registry/news/deedsdialogue.asp](http://www.gov.ns.ca/snsmr/property/registry/news/deedsdialogue.asp)