

Living with the LRA

Although I was involved in the development of the LRA, I was no more ready for the new system when it hit Annapolis County last March than anyone else. Fortunately, I had been required to take the LRA training. Bless the Barristers' Society for that.

After a few months, I am no longer baffled by PDCA or AFR or the other acronyms. I can put in a Property Description Certification Application with the best of them (and get it rejected, too). I can put in an Application for Registration. I can correct an Application for Registration (the reopen button is at the bottom of the top screen).

The biggest difference in practice under the LRA is something that I had never considered. I thought the legislation was intended to have the purchaser raise title after a search, just as it had always been. No.

In LRA counties, it has become standard practice, reinforced by real estate agents' use of "Schedule LRA," that the vendor is responsible for moving the property from the old system to the new. The vendor's lawyer has the last search done, the description prepared and approved, and title raised in the LRA. This might be a better idea. At least the vendor has a better idea of what the property looks like (you hope).

It is different. For that diminishing fraction of the profession who, like me, still do the title search themselves, there is some loss in acting for the purchaser. You do not have any special knowledge of the history of the property to pass on to your client any more. It is hard to get over the feeling that something is missing. Your client is relying on you, and you are relying on the box on your desk and some other lawyer's certification.

It is hard to get used to the fact that once title is raised in the LRA, what shows on the screen is what is. It is not just an insured title. It is what is. If somebody else (I usually refer to Great Aunt Agatha when explaining to my clients) was done out of an interest as a result of a mistake, she gets paid off but the ownership does not change. Fraud is different, of course.

Transactions involving migration, which is all of those where money changes hands, are somewhat more complex than they were. There is a lot more paper. There are dozens of forms, although you will only use three or four for any one transaction, and maybe six or eight on a regular basis.

We are all nervous as well about the final search. We are more careful, more thorough, and apply the standards fairly religiously. It is hard to see this as a problem – it is better practice – but it does take more time.

And after we end all of this, and have everything migrated? I can spend my time with my client providing genuine legal advice without worrying about whether the furnace lease from 32 years ago is still applicable, or whether an owner from 1964 was married.

The LRA has improved property practice in spite of the learning curve. It is a bit of a burden on sellers, but the results look like they'll be worth it.

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