

Nova Scotia Barrister's Society

Land Registration Act (LRA) Competencies

MODULE 1: Abstracting and Title Searching	
1.1	Complete the intake process.
1.1.1	Provide an overview of the process to the client.
1.1.2	Obtain relevant information from the client regarding the property (e.g., current ownership of the property, residency of owners, access to the property, use of property, unregistered burdens, easements, any occupation by others without permission).
1.1.3	Collect relevant documents from the client regarding the lands under search (e.g., deed, survey plan, location certificate).
1.2	Outline the principles of abstracting and title searching.
1.2.1	Identify when and why it is necessary to obtain an Abstract of Title.
1.2.2	List who is responsible for the Abstract of Title (preparation, review and assessment).
1.2.3	Explain where to search a title.
1.2.4	Explain what the Abstract of Title looks like and what it needs to include.
1.2.5	Describe the process for performing a title/judgment search.
1.3	Perform a title search.
1.3.1	Determine which essential elements need to be included in an Abstract of Title. (Standard 3.1)
1.3.2	Review relevant information collected from the client regarding the lands under search (e.g., deed, survey plan, location certificate).
1.3.3	Collect and review relevant information from <i>Property Online</i> regarding the lands under search.
1.3.4	Perform a title search and establish and document the chain of title (locate the root of title; review the abstract and applicable documents; include any documents that may have an effect on the lands under search such as mortgages and well agreement).
1.3.5	Perform a judgment search (review and abstract the applicable documents in the judgment search; identify material differences in names). (Standard 3.5)
1.3.6	Identify special situations that involve additional considerations when performing a title search (e.g., for condominiums and corporations).
1.4	Review the Abstract of Title to determine whether there is marketable title, and identify any qualifications. (Standard 1.3)
1.4.1	Determine the appropriateness of the root of title.
1.4.2	Verify that the Abstract of Title has appropriate form and content. (Standard 3.1)
1.4.3	Ensure accuracy, completeness, and clarity of the legal description for the lands under search. (Standard 2.1)
1.4.4	Determine where there is legal, documented access to the parcel and, if so, what is the appropriate category of access. (Standard 2.3)
1.4.5	Verify that the chain of ownership is complete and that all documents have been properly prepared and executed and are effective for the intended purpose.
1.4.6	Determine which on record and off record documents and other information will impact the parcel (e.g., mortgages, well agreements, encroachments, information on location certificates).
1.5	Confirm familiarity with possible search considerations (See Appendix B).
1.6	Summarize the Abstract of Title. (Standards 1.3 and 1.5)
1.6.1	Prepare a summary from the review of the abstract (preferably in writing), including any qualifications.
1.6.2	Explain the qualifications to the client and obtain any required instructions.

1.7	Demonstrate understanding of important terms/concepts related to Abstracting and Title Searching:
1.7.1	Chain of title (process for completing a chain of title to present day)
1.7.2	Easements
1.7.3	Materially different
1.7.4	<i>Property Online</i> System (e.g., what it is, what it contains, its purpose, and how it is used)
1.7.5	Root of title (e.g., which documents constitute a sufficient root of title)
1.7.6	Status of title (registered interests, recorded interests, benefits/burdens, manner of tenure, life interests, interest of the crown, Nova Scotia Farm Loan Board)

MODULE 2: Parcel Description Certification Application (PDCA)	
2.1	Outline the Parcel Description Certification Application (PDCA) process.
2.1.1	Identify what a PDCA is and the information it contains.
2.1.2	Explain the purpose of the PDCA.
2.1.3	Describe the limitations and qualifications of the PDCA.
2.1.4	Describe the PDCA submission process (preparatory steps to complete prior to submitting a PDCA in accordance with s. 7 of the <i>Land Registration Administration Regulations</i> and the PDCA checklist).
2.1.5	Identify who has authority to submit the PDCA.
2.1.6	Identify the PDCA approval process and administrative standard timelines that apply.
2.1.7	Understand the process for and requirement of correcting and amending PDCA's.
2.1.8	Identify circumstances in which a PID Assignment or PID Retirement will be needed and what is required.
2.2	Complete an electronic PDCA for a typical parcel.
2.2.1	Consult with the parcel owner or authorizing person to identify the PID.
2.2.2	Review the legal description from the Abstract of Title and check against the provincial property mapping graphics.
2.2.3	Assist the parcel owner or authorizing person in confirming the apparent match of the provincial mapping identified by the PID with the legal description(s) and reviewing any relevant documentation.
2.2.4	Assist the parcel owner in identifying owners of abutting parcels to further confirm match of provincial mapping.
2.2.5	Request a PID Assignment or PID Retirement, if applicable.
2.2.6	Submit required comments in the comments field if errors in the Provincial mapping of the parcel are identified.
2.2.7	Identify the proper parcel description for submission purposes. (Standards 2.1, 2.3, 2.4, and 2.6)
2.2.8	Review the title abstract in order to identify the current description for the property, including benefits and burdens, and include any relevant comments in the comment field.
2.2.9	Ensure all benefits, burdens, saved and expected parcels, and all information pertinent to the use of easements are properly described or referenced in the legal description in accordance with s. 7(10) of the <i>Land Registration Administration Regulations</i> governing same.
2.2.10	Review the PDCA checklist to ensure all information required to draft the PDCA is available and complete.
2.2.11	Ensure the parcel complies with or is exempt from the subdivision provisions of the <i>Municipal Government Act</i> and select the appropriate compliance statement and, if exempt, include the facts that support the exemption.

2.2.12	Include, where applicable (i.e., where the description is new or amended), the reason for the change to the description, who prepared the change, and registration particulars of the most recent registered document, which includes the amended description.
2.3	Complete a PDCA for condominiums, islands, cross-county PIDs or a <i>de facto</i> consolidation.
2.3.1	Identify the unique requirements for the PDCA for condominium units.
2.3.2	Identify the unique requirements for the PDCA for islands.
2.3.3	Identify the unique issues and processes to be considered when the parcel straddles a county line.
2.3.4	Identify the unique issues and processes applicable to <i>de facto</i> consolidations.
2.4	Correct or amend an approved legal description (if required).
2.4.1	Revise the legal description and provide an explanation for the revision in the relevant comments field and submit the new PDCA.
2.5	Demonstrate understanding of important terms/concepts related to the PDCA:
2.5.1	PID Assignment (Form 1)
2.5.2	<i>de facto</i> consolidation
2.5.3	Compliance with the subdivision provisions of Part IX of the <i>Municipal Government Act</i>
2.5.4	Reasons for amending or correcting a legal description
2.5.5	Awareness of roles and limitations of the lawyer and surveyor

MODULE 3: Application for Registration (AFR)	
3.1	Demonstrate understanding of the AFR process.
3.1.1	Identify what an ARF is and the information it contains.
3.1.2	Explain the purpose of the AFR.
3.1.3	Describe the limitations and qualifications of the AFR.
3.1.4	Describe the AFR submission process (preparatory steps to complete prior to submitting and AFR in accordance with s. 37 of the <i>Land Registration Act</i> and s. 10 of the <i>Land Registration Administration Regulations</i>).
3.1.5	Identify who has authority to submit an AFR for pre-approval and final approval.
3.1.6	Identify the AFR approval process and administrative standard timelines that apply.
3.1.7	Understand the responsibility associated with the opinion/certificate being given to government as to the state of title - marketability and interests.
3.1.8	Understand the requirements for who may execute the Form 5.
3.2	Gather and assess relevant information required for the AFR process.
3.2.1	Complete the title search and ascertain whether the title is marketable and can be certified (and to what standard).
3.2.2	Identify interests to be included in the AFR.
3.2.3	Identify title issues that need to be resolved.
3.2.4	Secure and register documentation to address title issues.
3.2.5	Determine whether information obtained from owner(s) regarding occupation of parcel for the Form 5 requires any notifications.
3.3	Demonstrate understanding of how the results of the title search are transferred into the AFR.
	<ul style="list-style-type: none"> • Access • The categorization of all interests (e.g., recorded interests including judgements, registered interests including possessory title, benefits and burdens including prescriptive interests) • Manner of Tenure • Textual qualifications • Condominium interests • Name changes and death of joint tenants

3.4	Draft and submit an AFR in <i>Property Online</i> for pre-approval.
3.4.1	Enter all gathered information and conclusions from the title search into the appropriate sections of the AFR, which includes consideration of all of the following: <ul style="list-style-type: none"> • Access • Any relevant comments (in the “comment” section) • Manner of tenure • Registered interests • Farm Loan Board • Benefits and burdens • Textual qualifications • Tenants in common - ownership interests not registered • Recorded interests (e.g., liens, mortgages, judgments)
3.4.2	Review the draft AFR to ensure it reflects all current interests in the parcel and conforms to the procedural requirements.
3.4.3	Review ‘flipside’/mirror parcels for compliance with ss. 10(14) and 14 of the <i>Land Registration Administration Regulations</i> .
3.4.4	Identify any applicable notices to be filed or served (e.g., Forms 9 and 26N, Form 8A, Form 8).
3.4.5	Review and affirm the content of the opinion and certificate of title (Form 6) before submitting the AFR for pre-approval.
3.5	Submit the pre-approved AFR for final approval.
3.5.1	Confirm that all required information is obtained before submitting the AFR for final approval, including: <ul style="list-style-type: none"> • Approved Draft AFR • Authorization or consent form • Executed Form 5 • Documented mapping graphics and description confirmation (including access) • Approved PDCA with no correcting flag • The Abstract of Title together with the relevant supporting documents • All documents referred to in the foundation documents except the Statement of Registered and Recorded Interests (SRRRI) and the sub-search
3.5.2	Perform and retain evidence of sub-searches (grantor/grantee, judgment search, plan index, plans in process, and non-LR documents in process) to confirm that there have been no further entries since completion of the title search that may affect the title.
3.5.3	Enter the required information on the pre-approved AFR (i.e., date and time of the sub-search, root of title document, standard(s) to which title has been certified, whether title insurance was used and for what purpose).
3.5.4	Submit pre-approved AFR within 10 minutes of the sub-search.
3.6	Ensure compliance with post migration requirements.
3.6.1	Serve Form 9 (or obtain directions from the RG) and file Form 26N if the parcel is migrated in whole or in part on the basis of adverse possession or if the Form 5 discloses that the registered owner is aware of an adverse occupier.
3.6.2	File Form 44 and 8A (or obtain directions from the RG) if flipside parcels for benefits and burdens are non-LR.
3.6.3	Notify the lawyer if flipside parcels for benefits and burdens are LR and do not match, and take steps to resolve the mismatch.
3.6.4	Retain Foundation Documents, including: <ul style="list-style-type: none"> • Authorization/consent form • Form 5 • Confirmation of parcel graphics • Form 9 and proof of service

	<ul style="list-style-type: none"> • Abstract of Title, including sub-search • Any other notices and forms required • SRRRI • Evidence of compliance with the Municipal Government Act • Any written directions, exemptions, or permissions from the RG • Copies of all documents and other information relied upon by the lawyer in support of the lawyer's exercise of professional judgment in rendering an opinion of title or certificate of legal effect
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MODULE 4: Working with Land Registered Parcels	
4.1	Demonstrate understanding:
4.1.1	of the nature and content of a Parcel Register and its various components, and that all its components must be consistent
4.1.2	of the responsibilities associated with a revision or rectification of the parcel register
4.1.3	of the responsibilities associated with recording interests
4.1.4	of the difference between registered and recorded interests
4.1.5	that a lawyer cannot amend a parcel register without first assessing the overall impact on other interests that may be affected
4.1.6	of the lawyer's responsibility when providing a Certificate of Legal Effect for any change to a parcel register
4.1.7	of what all the segments mean (land registration view, parcel archive view and property detail view)
4.2	Review the Parcel Register prior to making changes.
4.2.1	Examine the interests, enabling instruments, and other information in the Parcel Register including <i>inter alia</i> manner of tenure, parcel access, and textual qualifications.
4.2.2	Examine all documents referred to in the Parcel Register including associated documents.
4.2.3	Examine the Judgment Roll (all parties).
4.2.4	Examine the Power of Attorney roll, if applicable.
4.2.5	Review the legal description to ensure consistency with the Parcel Register, applicable plans and mapping graphics.
4.2.6	Review the abutting Parcel Registers and parcel descriptions to ensure consistency of benefits and burdens in Parcel Registers and parcel descriptions with subject parcel (i.e., 'Flip' matches).
4.2.7	Consider whether there are any title issues as a result of a review of the Parcel Register and what additional inquiries need to be made.
4.3	Revise the Parcel Register.
4.3.1	Understand that revisions include changes to the registered interests, benefits and burdens, and textual qualifications.
4.3.2	Review the document being submitted to ensure it complies with all requirements.
4.3.3	Review the accompanying form at the appropriate time, considering whether it should be paper filed or e-submitted.
4.3.4	Perform subsearches including Parcel Register, judgment roll, plan index, plans in process, LRA in process, and non-LRA in process.
4.3.5	Identify whether the revisions to the Parcel Register necessitate other changes (e.g., to the legal description or flip side benefits and burdens).
4.3.6	Review the SRRRI or Parcel Register to ensure the parcel has been appropriately amended after the filing is completed.
4.4	Record and remove an interest.

4.4.1	Review the document being submitted to ensure it complies with all requirements.
4.4.2	Review the accompanying form at the appropriate time, considering whether the document should be paper filed or e-submitted.
4.4.3	Perform subsearches including parcel register, judgment roll, plan index, plans in process, LRA in process, and non-LRA in process.
4.4.4	Consider whether any related or associated documents should be removed with the recording of the removal document.
4.4.5	Review the SRRI or parcel register to ensure the parcel has been appropriately amended after the filing is completed.
4.5	Outline the steps for rectifying a Parcel Register.
4.5.1	Identify the nature of the rectification required.
4.5.2	Determine the impact on any other parcels by rectification.
4.5.3	Identify who is responsible to complete the work associated with the rectification.
4.5.4	Identify who else may be authorized to fix errors or omissions.
4.5.5	List whose consent is required.
4.5.6	Determine whether RG waiver of consent is appropriate if consents not provided/available.
4.5.7	Explain the ethical responsibilities of a lawyer to undertake appropriate fixes and respond to objections of other lawyers in a timely and courteous manner.
4.5.8	Verify the foundation for rectification in order to support the professional judgment of a lawyer executing a certificate of legal effect.
4.5.9	Review the SRRI or parcel register to ensure the parcel has been appropriately amended after the filing is completed.
4.6	Subdivisions
4.6.1	Understand the effect of filing a subdivision plan on a parcel register.
4.6.2	Understand the requirement to File a Form 45 to confirm the status of the parcel attributes post subdivision (i.e., access, legal description, and benefits and burdens that were inherited on subdivision).
4.7	Condominiums
4.7.1	Understand the difference in Parcel Register information for condominiums compared to standard parcels.
4.7.2	Understand what a condo common represents.
4.8	Judgments
4.8.1	Understand when to perform a judgment search and how it needs to be placed in the Parcel Register.
4.9	Demonstrate understanding of important terms/concepts related to Land Registered Parcels:
4.9.1	SRRI
4.9.2	Parcel relationships (e.g., parent and infant)
4.9.3	Associated instruments
4.9.4	Textual qualifications
4.9.5	Submission of electronic vs. paper file documents
4.9.6	Operation of law (changes made to a parcel register on the basis of 'operation of law')
4.10	Understand when the following forms are appropriately used:
4.10.1	Form 21
4.10.2	Form 24
4.10.3	Form 26
4.10.4	Form 27
4.10.5	Form 45
4.10.6	Form 6A

APPENDIX A - Abstracting and Title Search Considerations

- Access (Standard 2.3)
- Bankruptcy (Standards 3.11 and 3.9)
- Boundary Line Agreements
- Builders/Mechanics Liens and Lis Pendens (Standard 3.18)
- Condominiums
- Corporations and Other Entities (Standard 3.13)
- Crown Grants and DVLA Grants
- Debentures (Standard 3.15)
- Easements
- Encroachments (Standard 2.5)
- Escheats
- Estates (Standard 3.10)
- Execution of Documents (Standard 4.2)
- Expropriations (Standard 3.16)
- Guardians (Standard 3.12)
- Gypsum Rights
- Intestacy
- Judgments (Standard 3.5)
- Judicial Sales (Standard 3.8)
- Land Titles Clarification Act s. 37 Crown Lands Act (Crown Release of Interest) Wills / Probate Act (old and new)
- Leaseholds (Standard 3.20)
- Legislative Provisions (Standard 1.1) - Matrimonial Property Act/Vital Statistics Act (Standard 1.7)
- Mineral rights
- Mortgages and releases
- Names (Standard 4.3)
- Options and Rights of First Refusal (Standard 3.17)
- Overriding interests (Sections 73 and 74 LRA)
- Partnerships (Standard 3.14)
- Possessory Title or Prescriptive Rights (Standards 3.2 and 3.3)
- Powers of Attorney (Standard 4.1)
- Public Roads or Streets
- Quieting Titles Act (Standard 3.19)
- Quit Claim Deeds
- Railways
- Receiverships (Standard 3.11)
- Recitals (Standard 1.6)
- Restrictive Covenants (Standard 3.6)
- Severance
- Statutory Declarations
- Subdivisions and Consolidations
- Survey Plans (Standard 2.4)
- Tax Deeds (Standard 3.7)
- Trustee's Deeds (Standard 3.9)
- Trusts
- Waters – Tidal and Non Tidal (Standard 2.6) - Confederation / pre-Confederation grant