

Tips and Common Errors for Land Registration Mapping Processes

Agenda Items:

- Exemptions for Subdivision Approval under subsection 268(2) of the *Municipal Government Act*
- Section 268A of the *Municipal Government Act* commonly referred to as De facto consolidations
- Migrated as one parcel but subsequently discovered to be more than one parcel
- Consolidation Plans – points to remember
- PDCA's – to help speed up processing
- Mapping policies and procedures to be made available
- Questions

Tips and Common Errors for Land Registration Mapping Processes

Exemptions for Subdivision Approval under subsection 268(2) of the *Municipal Government Act*

To help ensure the document is processed correctly, the submitter should ensure the following:

1. Documents submitted on a form 24 (e.g. S/D by Deed). The checkbox stating “*This Form 24 creates or is part of a subdivision or consolidation*” must be checked. This has the effect to forward the document to the mapping section as changes to the extent of the property occurs by the registration of the document. Otherwise, if this statement is not checked, it will be maintained by the registry staff and updates to the graphics may get missed.

Tips and Common Errors for Land Registration Mapping Processes

Exemptions for Subdivision Approval under subsection 268(2) of the *Municipal Government Act*.

To help ensure the document is processed correctly, the submitter should ensure the following: *(continued)*

2. Specify in a recital, the exemption and the facts that subdivision approval is not required.

Example: *The intent of this document is to consolidate the parcel herein conveyed with the abutting lands of John Smith.*

Subdivision Approval is not required pursuant to clause 268(2)(f) of the Municipal Government Act.

This will make it clear to staff as well as anyone reviewing the document as to the intent of the document. Even though clauses (a) to (j) in subsection 268(2) are exemptions for the requirement of subdivision approval, the intent for the exemption must be acknowledged before staff can process the document as per the exemption.

Tips and Common Errors for Land Registration Mapping Processes

Section 268A of the *Municipal Government Act* (commonly referred to as De facto consolidations)

The majority of these documents are filed in the Registry of Deeds system to consolidate the parcels prior to migration. In the Registry of Deeds system the document is already registered when the mapper processes the document.

From the mappers procedure manual:

Note: *If Section 268(A) is not mentioned in the declaration, contact the submitter to confirm the document is intended to be filed as de facto consolidation as opposed to a statutory declaration filed to substantiate ownership by possession.*

Tips and Common Errors for Land Registration Mapping Processes

Section 268A of the *Municipal Government Act* (commonly referred to as De facto consolidations)

From the mappers procedure manual: (continued)

Create the consolidated parcel(s) when the declaration contains all of the following:

1. Statement(s) regarding common use
2. Statement(s) regarding common ownership.

Note: *Consult the mapping supervisor if the statements regarding common usage or common ownership appear to be non-compliant.*

3. Present descriptions of the lots (individual parcels that do not have existing descriptions still must be described).
4. All existing PID numbers that are assigned to the parcels being consolidated.
5. A single description of the consolidated parcel.
6. Signed by the owner or owner's agent. If the declaration is signed by someone else then we must investigate further to evidence consent. The submission of a PDCA is evidence of consent. If consent is not evidenced then we cannot react to the declaration.

Tips and Common Errors for Land Registration Mapping Processes

Migrated as one parcel but subsequently discovered to be more than one parcel

After a property has been registered under the Land Registration system, information becomes available which evidences that the parcel is actually more than one parcel.

There are a fair number of these and usually there are 3 contributing factors that appear to be common in most of these situations.

1. A portion of the parcel was transferred/conveyed /expropriated etc. which is outside of the lawyers marketable title search and severs the migrated parcel.
2. the parcel description historically was never updated except out the parcel of land conveyed out.
3. Property On-line does not have the parcel conveyed out mapped.

Tips and Common Errors for Land Registration Mapping Processes

Migrated as one parcel but subsequently discovered to be more than one parcel *(continued)*

Once the situation has been brought to our attention, the policy to correct these are as follows:

From the mappers procedures manual

1. The mapper contacts the migrating lawyer and if applicable the lawyer for the current owner and informs them of the situation and the process as detailed below.

Note: The mapper must receive confirmation that the original parcel represents the title to all the land minus the intervening parcel of course. If not, the mapper cannot create the severed parcels as Land Registration parcels - escalate to the property mapping supervisor and do not proceed until further direction is received.

2. The mapper creates a Non Land Registration parcel for the intervening road/parcel as necessary.

Tips and Common Errors for Land Registration Mapping Processes

Migrated as one parcel but subsequently discovered to be more than one parcel)

Once the situation has been brought to our attention, the policy to correct these are as follows:

From the mappers procedures manual (continued)

3. The mapper creates the new parcel(s) severed by the intervening road/parcel as Land Registration parcel(s).
4. The mapper inherits all interests from the existing Land Registration parcel to the newly created LR parcel(s).
5. The mapper adds the inherit flags to the existing Land Registration PID.

Note: all interests on all LR parcels other than registered interests (i.e. Fee Simple, Her Majesty the Queen, Life and Remainder interests) will display the inherited interest flag.

6. The mapper notifies lawyer when the above steps have been completed and discloses the PID assignment.

Tips and Common Errors for Land Registration Mapping Processes

Migrated as one parcel but subsequently discovered to be more than one parcel)

Once the situation has been brought to our attention, the policy to correct these are as follows:

From the mappers procedures manual (continued)

7. The lawyer submits description(s) for the new Land Registration parcel(s).
8. The lawyer submits an amending description for the existing Land Registration parcel.
9. Lawyer notifies the mapper that the PDCAs have been submitted.
10. The mapper reviews and approves PDCAs.
11. The mapper will:
 - blank Parcel Access for all PIDs.
 - send a work order to the GIS section to have the graphics updated.
 - maintain the parcel attributes: Assessment Accounts, acreage, etc.).

Tips and Common Errors for Land Registration Mapping Processes

Migrated as one parcel but subsequently discovered to be more than one parcel)

Once the situation has been brought to our attention, the policy to correct these are as follows:

From the mappers procedures manual (continued)

12. The lawyer submits a Form 45 to remove/confirm the inherited interests as well as add the parcel access to all LR parcels.
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Note: If the lawyer disagrees with the mappers findings or is unwilling to rectify the situation (i.e. submitting new and amending PDCAs, the mapper is to escalate the situation to the senior mapper who will then escalate the issue to Land Programs.

Tips and Common Errors for Land Registration Mapping Processes

Consolidation Plans – Points to Remember

Form 24 – consolidation deeds to create common ownership.

- As mentioned previously always check the *“This Form 24 creates or is part of a subdivision or consolidation”* checkbox.
- Always use the PID that will be used for the consolidation. Usually it will be the existing PID for the property that is receiving the addition parcel. If in doubt check with the municipal unit or the mapping section. Using the incorrect PID can result in the wrong property being inadvertently transferred.

Tips and Common Errors for Land Registration Mapping Processes

PDCA's – to help speed up processing

Make use of the comments section especially for:

- acknowledging anomalies in the mapping
- providing location information in relation to land marks or owner information for abutters
- when the description has been changed since the last conveyance (comment on what changed and why).

This is the feedback I received from the mappers out in the regions

Tips and Common Errors for Land Registration Mapping Processes

PDCA's – standards and the mappers activities

The PDCA standards have been reviewed by a committee consisting of SNSMR, lawyers and surveyors. Some recommendations were made with respect to the wording and the terms used (mappers lingo). I will be going through the recommendations in an effort to select appropriate wording that can be understood by both staff and clients. The review included the mappers activity that they perform to ensure standards are met. These will be made available on the client resource page and should be an asset for lawyers and legal assistants in understanding the mappers comments during this process.

Tips and Common Errors for Land Registration Mapping Processes

Mapping Policies used by staff

More of staff policies and procedures regarding mapping processes will be made available to clients on the Land Registration Client Resource page:

https://ows2.gov.ns.ca/LandRegistrationResourceMaterial/Client_Manual_Default.html

As an example :

Parcels Crossing Municipal or County Boundaries

has been provided in your handouts.

Tips and Common Errors for Land Registration Mapping Processes

Questions:

If anyone has a unique (one-off) situation I will be glad to discuss it following this presentation.