

Plans and Surveys Standard – RESC Standard 2.4

Existing Standard	Proposed Standard	Rationale
<p>2.4 PLANS AND SURVEYS</p> <p>STANDARD</p> <p>In preparing an opinion of title, a lawyer must advise the client that any opinion provided to the client will be qualified as being subject to survey.¹</p> <p>A lawyer must advise the client that the lawyer does not deal with ‘extent’ and that boundary and location are only ascertained through a survey and recommend that the client retain the services of a surveyor to determine the extent of title to the parcel being examined.</p> <p>A lawyer must confirm the qualification of the opinion as subject to survey prior to closing. The lawyer must confirm the client’s instructions prior to closing.²</p> <p>Before finalizing an opinion of title, a lawyer must examine plans arising from the search and survey information affecting the parcel. A lawyer should identify and reconcile where possible any material discrepancies between the legal description for the parcel or any information contained in the abstract,</p>	<p>2.4 PLANS AND SURVEYS</p> <p>STANDARD</p> <p>A lawyer must advise the client that the lawyer does not deal with ‘extent’ and that boundary and location are only ascertained through a survey and recommend that the client retain the services of a surveyor to determine the extent of title to the parcel being examined. In preparing an opinion of title, a lawyer must advise the client that any opinion provided to the client will be qualified as being subject to survey prior to closing.¹</p> <p>Before finalizing an opinion of title, a lawyer must examine plans arising from the search and survey information affecting the parcel and advise the client of any encroachments, or easements shown on the plan. A lawyer should identify and reconcile where possible any material discrepancies between the legal description for the parcel or any information contained in the abstract, and survey information.²</p> <p>After preparing an opinion of title, a lawyer should advise the client of material discrepancies between plans arising from the</p>	<p>The Committee determined that it would be prudent to update the Documentation of Advice and Instruction Standard to better align with current practice, case law and legislation. The Revised Standard is intended to provide guidance and assistance to lawyers with respect to practices concerning documentation of client instructions and advice</p>

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<p>and survey information.³</p> <p>After preparing an opinion of title, a lawyer should advise the client of material discrepancies between plans arising from the search and survey information affecting the parcel.</p> <p>A lawyer should explain to their client the difference between obtaining an up to date survey or location certificate and obtaining a title insurance policy.⁴</p> <p>FOOTNOTES</p> <ol style="list-style-type: none">1. Opinions subject to survey: Ravina and A & R Properties Ltd. v. Stern (1987), 77 N.S.R. (2d) 406, per Clarke C.J.N.S. (N.S.S.C.A.D.)2. Standard 1.5: Documentation of Advice and Instruction3. Advice about survey matters: Marwood v. Charter Credit Corp. (1971), 2 N.S.R. (2d) 743, per Coffin J.A. (N.S.S.C.A.D.)4. See Standard 5.5: Title Insurance <p>ADDITIONAL RESOURCES</p> <ul style="list-style-type: none">• Parcel descriptions: Land Registration Act, S.N.S. 2001, c. 6, s. 21(1)• MacLean, Ian H / Title searching land	<p>search and survey information affecting the parcel. The lawyer must confirm the client's instructions prior to closing.³</p> <p>A lawyer should explain to their client the difference between obtaining an up-to-date survey or location certificate and obtaining a title insurance policy.⁴</p> <p>FOOTNOTES</p> <ol style="list-style-type: none">1. Opinions subject to survey: <i>Ravina and A & R Properties Ltd. v. Stern</i> (1987), 77 N.S.R. (2d) 406, per Clarke C.J.N.S. (N.S.S.C.A.D.)2. Advice about survey matters: <i>Marwood v. Charter Credit Corp.</i> (1971), 2 N.S.R. (2d) 743, per Coffin J.A. (N.S.S.C.A.D.)3. Standard 1.5: Documentation of Advice and Instruction4. See Standard 5.5: Title Insurance <p>ADDITIONAL RESOURCES</p> <ul style="list-style-type: none">• Parcel descriptions: <i>Land Registration Act</i>, S.N.S. 2001, c. 6, s. 21(1)• MacLean, Ian H / Title searching land registered parcels (April 2016) <p>PRACTICE NOTE</p> <p>It is good practice to provide a copy of any survey or plan material showing the approved lot</p>	
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<p>registered parcels (April 2016)</p> <p>PRACTICE NOTE</p> <p>It is good practice to provide a copy of any survey or plan material showing the approved lot to the client for review, particularly if the approved plan is an instrument of subdivision, as instruments of subdivision are not usually drawn to the same standard as survey plans. A client who is familiar with the land may identify a problem which the lawyer would not have the knowledge to recognize.</p> <p>Revised by Council on September 25, 2020</p>	<p>to the client for review, particularly if the approved plan is an instrument of subdivision, as instruments of subdivision are not usually drawn to the same standard as survey plans. A client who is familiar with the land may identify a problem which the lawyer would not have the knowledge to recognize. It is also good practice to request any plans that the client may have in their possession, especially in instances where no plan arises from the title search conducted as they provided valuable information that can assist the lawyer.</p>	