Adverse Possession in Nova Scotia

The Department of Justice frequently receives inquiries about land claims based on Adverse Possession.

All Nova Scotia landowners should be aware of the doctrine of Adverse Possession or "squatters' rights".

Simply put, if a property owner allows someone to use their land without their permission and that use continues for 20 years, the title holder is at risk of the "squatter" making a claim for ownership of the land. A claim for possessory title could be by a neighbour whose driveway crosses a piece of the adjacent property or by members of a family who have occupied their home for generations without ever having a deed.

A claim for adverse possession is very difficult to make. It must be based on convincing evidence that the claimant's use of the land was "open, notorious, continuous and exclusive", meaning that the use was visible and public such that it would be known in the community, that there were no breaks in the occupation and that no one else was using the land including the owner. A claimant also must also normally show that the use was of *all* the land being claimed and that they have treated the land as theirs without regard for the interest of the person with legal ownership. The use must be without permission.

If the land being claimed is Crown lands the period of possession that must be shown is 40 years.

Landowners need to be careful to protect their ownership by giving clear permission whenever they allow others to use their land. Use with the owner's consent under a lease, license or other agreement does not give rise to a claim of adverse possession.

Anyone intending to make a claim to land by adverse possession and anyone concerned about losing ownership to a "squatter" should consult a lawyer for advice as the legal principles are complex and can be confusing.

There are many government and other websites with useful information on this topic:

For general information on adverse possession see:

http://novascotia.ca/natr/land/policyadversepossession.asp

For information on making a claim for adverse possession against Crown lands see:

https://novascotia.ca/natr/land/adverse-possession.asp

For information on the Land Titles Initiative, a government-led commitment to help residents in the communities of North Preston, East Preston, Cherry Brook/Lake Loon, Lincolnville and Sunnyville get clear title to their land, see:

https://ansa.novascotia.ca/landtitles

For information on Nova Scotia Legal Aid services with respect to the Land Titles Initiative see:

https://www.nslegalaid.ca/land-title-initiative-service-now-available/

For information on the requirements for a claim to Crown land under section 37 of the *Crown Lands Act* see:

https://novascotia.ca/natr/land/adverse.asp

For an application form to claim adverse possession of Crown land and application for Land Titles Clarification see:
https://novascotia.ca/natr/titles-clarification/pdf/LandAdversePossessFillable.pdf

For general information about getting title to your land under the *Land Titles Clarification Act* see:

https://novascotia.ca/natr/titles-clarification/

For information on procedures for Making a Claim under the *Land Titles Clarification Act* see

https://novascotia.ca/natr/titles-clarification/procedures.asp

For the Nova Scotia *Land Titles Clarification Act:*

https://nslegislature.ca/sites/default/files/legc/statutes/landtitl.htm

For the Nova Scotia *Land Registration Act:*

https://nslegislature.ca/sites/default/files/legc/statutes/land%20registration.pdf

And regulations:

https://www.novascotia.ca/just/regulations/rxaa-l.htm#landreg

For information on converting to the new Land Registration system:

https://novascotia.ca/sns/pdf/ans-property-converting-to-lra.pdf

For Land Registration information about consolidation of parcels based on a claim by adverse possession see:

https://linns.gov.ns.ca/LandRegistrationResourceMaterial/Property_Mapping/Subdivision/DeFacto_Consolidation_and_Adverse_Possession.htm

https://linns.gov.ns.ca/LandRegistrationResourceMaterial/Property_Mapping/PDCA/Request_for_PID_Assignment/RPA_Re___Possessory_Title.htm

https://linns.gov.ns.ca/LandRegistrationResourceMaterial/Property_Mapping/Policy/Possessory_Title/Possessory_Title_in_a_PDCA.htm

Public Legal Information resources:

https://www.legalinfo.org/legal-information-topics/land-titles-intro#what-are-squatters-rights-and-how-do-they-impact-title-to-land

https://www.lians.ca/resources/real-estate/articles/adverse-possession