



Obtaining a Right of Way or Easement Over Nova Scotia Crown Land

Prepared by the Land Services Branch, Department of Natural Resources | Updated January 2014

A right of way is adequate for access and road construction on Crown land. An easement is required if utility services are to be installed in addition to a roadway.

How to request a right of way or easement

Complete an application form, which can be obtained through local DNR offices and on our website:

<http://novascotia.ca/natr/land/application.asp>

Submit your completed application and attachments to the address given on the form.

Our process

When processing an application for a right of way or easement over Crown land, we

- request a report from the Crown Land Information Management Centre to determine if the area is Crown land and if there are any encumbrances or title issues related to the Crown land where the easement or right of way is proposed
- complete an integrated resource management review to identify special land features, uses, and resource values that may affect our decision to grant the request
- consult with the Mi'kmaq of Nova Scotia under the Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference to determine if the proposed easement or right of way could impact Aboriginal and Treaty rights—note that if the consultation process identifies issues that could impact the creation of the right of way or easement, you may need to pay for additional reviews of the property, such as an archaeological survey and subsurface testing of the proposed right of way or easement

- make a decision that considers all the information gathered—economic, environmental, and social—and balances resource uses and values so that long term sustainable values are optimized, special land features and uses are protected, and conflicts minimized
- seek approval of the Minister or Cabinet

Cost

A one-time fee is charged for an easement or right of way. The price is set out in the fee schedule which is available at <http://novascotia.ca/natr/land/pdf/Fees-Activities-on-crownland.pdf>

The applicant must also pay

- an administration fee: see the fee schedule
- any legal fees and costs associated with the transaction
- any costs associated with aboriginal consultation
- the cost of hiring a land surveyor to prepare a survey plan, if required

Time

The time required for issuing an easement or right of way depends on the complexity of the request. Factors include the time it takes to complete aboriginal consultation and the land survey.

Contact the Department of Natural Resources Land Services Branch for further information (902) 424-4006