

How are Condominium Registrations Affected?

Land Registration
Service Nova Scotia and
Municipal Relations

The Province of Nova Scotia has enacted the *Land Registration Act (LRA)* and introduced new technology to modernize our 250-year-old Registry of Deeds system. The Act is now in force across the province after a region-by-region implementation that was completed on March 1, 2005.

The proclamation of the *Land Registration Act* affects the condominium registration process, therefore the following questions and answers are intended to provide condominium owners and developers with information on how the land registration system will affect them.

Frequently Asked Questions

Q. When does a condominium have to be migrated to the land registration system?

A. Existing condominium units must be converted to the land registration system when they are sold or mortgaged, in the same way as any other parcel of land. As well, acceptance for registration of new condominium declarations triggers the conversion of all the condo units being created.

Q. Does the LRA establish any prerequisites for acceptance for registration of a condo declaration?

A. Confirmation that the affected parcel(s) of land have been converted to the land registration system is a prerequisite for acceptance of the condominium declaration at the condominium registry. When they receive an accepted declaration for registration in the land registration system, Land Registration Office staff create separate parcel registers for each condominium unit and establish a relationship between the common interests PID and the separate condo unit PIDs.

Also, once the affected parcel(s) have been registered under the Land Registration system, a Request for Condominium Common PID Assignment must be submitted to the mapping section of the Land Registration Office where the property is located.

Q. What proof must be provided to show that the parcels of land affected by a condominium declaration have been converted to the land registration system?

A. The condominium registry will accept a print out from *Property Online* which shows that the parcels of land are registered. Please note that the Land Registration Office will not accept the Request for Condominium Common PID Assignment until the land parcels have been converted to the new Registration system.

Q. What steps must be taken when a condo unit is sold or mortgaged?

A. When individual condominium units are transferred for value or mortgaged, they must be converted to the land registration system. The first step in converting the condominium unit to the land registration system is to match its legal description (the identification information provided in the corporation's declaration; ie Level 4, Unit 6 Building A) with a parcel identification number (PID). This process is known as a Parcel Description Certification Application. In order to avoid delays in registering the condominium parcel, it is imperative that this certification takes place prior to a real estate closing.

Q. Are there LRA procedures or standards for condo unit legal descriptions?

A. The LRA Parcel Certification Standards state that the identification information for a condominium unit must be the same as is stated in the declaration and must contain only:

- (a) the name of the County where the condominium corporation is situated, together with the condominium corporation number as assigned by the registrar of condominiums; and
- (b) the description for the unit as detailed in the condominium declaration; and
- (c) a benefit, using the following wording: “together with the common interest appurtenant thereto”; and
- (d) a burden, using the following wording: “subject to the Declaration and By-Laws [remove reference to By-Laws if none have been registered] of [insert county initial(s)] CCC No [insert condominium corporation number]”.

Q. How do I update the ownership of a condominium unit which has been converted to the land registration system?

A. To update the ownership of a condominium unit, a lawyer must prepare a Request to Revise the Registration and a Certificate of Legal Effect (Form 24) and submit it with the attached owner transferring document to the Land Registration Office.

Q. How does a declaration amendment, amendment to bylaws or other instrument, which affects a registered condominium unit, get recorded?

A. All condominium documents (i.e. condominium declaration, condominium bylaws and amendments thereof) are recorded on a Form 28. The only PID to be listed on the Form 28 is the assigned condominium common PID. All condominium documents displayed on the condominium common PID are deemed to be registered or recorded against each unit. All other documents which affect the interests of a condominium unit are to be registered or recorded against each of the affected condo unit PIDs. This is done by submitting the actual document and/or plan to the Land Registration Office (previously the Registry of Deeds) together with an appropriate cover form.

Q. If a declaration amendment or bylaw amendment affects one or more condo units registered in the land registration system and also some units which are not registered, what is required to record or register the document(s)?

A. Condo declarations, condo bylaws and their amendments are only registered against the condo common PID with cover form 28 attached. If there are one or more units within the corporation that are not land registration parcels, then the system will generate an entry in the Grantor/Grantee Index to ensure the document is found in a Registry of Deeds search.

Q. Where can I go to get more detail with respect to condominiums on the requirements of the Land Registration Act, Regulations, Policies and Standards?

A. For more information on condominiums with respect to the Land Registration system please see the following list of materials:

- The *Land Registration Act*
- The *Land Registration Administration Regulations*
- Land Registry Resource Material found on the Property Online homepage, www.nspropertyonline.ca. Click on [Land Registry Resource Material](#) and search “condominium” or click on the folders “Land Registration” and then “Condominiums.”

Questions?

Call toll-free: 1-800-670-4357

Email: propertyonline@gov.ns.ca

Website: <http://www.gov.ns.ca/snsmr/access/land.asp>

