

A Guide for Consumers:

Planning to Buy, Sell, or Mortgage Real Estate?

A land registration system that guarantees ownership to people buying, subdividing or mortgaging real estate in Nova Scotia has been implemented. The ownership guarantee, together with improved access to land-related information, will make real estate transactions easier for everyone. To receive the ownership guarantee, landowners need to convert their property into the land registration system. This is a one-time process for each property in Nova Scotia, involving certification of the legal description and the title of the property.

Questions and answers about the one-time conversion process...

When does my land get converted?

Any parcel of land that is being sold, subdivided (involving 3 or more parcels in total) or mortgaged must be converted into the land registration system. As well, anyone who owns property may voluntarily convert their property into the land registration system. If you are getting a mortgage, you may obtain one before your property is converted, however, the mortgage will not bind your property until your parcel is converted. For this reason, your financial institution may require you to convert your property before it releases the mortgage funds. Please see your lender for details.

How long does it take to convert my land?

The time required to convert a parcel will vary, depending on the complexity of your property's description and title. The government estimates that the steps required to prepare the electronic applications used to convert a parcel in ordinary circumstances take approximately two hours of time. Additional parcels that have the same title history usually take less than one extra hour of time to convert. The work required to convert a parcel is completed at the same time as the normal steps involved in completing a property transaction. Because your lawyer is certifying the state of the property's title to the Government, your lawyer will take as much time as is required to ensure that all of the information about the state of the title is completely accurate. This may add some time to the normal closing process. Anyone selling a property should allow one or two extra weeks in the agreement of purchase and sale. Since lenders are permitted to advance funds before conversion takes place if they wish, the conversion steps need not delay mortgage advances. Check with your lenders to discuss their policies on advancing funds prior to parcel conversion.

Who can convert my property?

Authorized surveyors and lawyers can help you with the first step in conversion-getting your description certified. Authorized lawyers can also handle the property registration steps. To find an authorized surveyor please visit the Association of Nova Scotia Land Surveyors website, www.ansls.ca. To find an authorized lawyer please visit the Nova Scotia Barristers Society website, www.nsbs.org.

Who pays to convert my property?

When a property is being mortgaged or if conversion is voluntary, the landowner pays the cost of converting a property into the land registration system. When land is being sold, either the seller or the buyer can convert the property. This should be decided as part of the sale negotiation.

What does it cost to convert a property?

There are no additional government fees for converting a property – the government charges the same document filing fee for converted and unconverted properties. Lawyers or surveyors will charge a fee for their professional services related to the added one-time steps required to convert your property. Each lawyer and surveyor, not the government, determines fees for the added services. If you are using the services of a lawyer who has previously completed a title search on your property, there may be a savings. As with any service, it is important for consumers to ask in advance what those fees will be. Do not hesitate to ask your lawyer to review with you fees that will be charged for your transaction.

Do I have to pay the conversion fee more than once?

The additional professional fees for conversion are paid only once for each property. Once a property has been converted into the land registration system, the costs for each subsequent property transaction related to that parcel should be reduced because there is no longer a requirement for a historic title search.

When should I register my old deed?

If you have paid money or value for your property (not a gift) and if the deed to your property is not currently registered at the Registry of Deeds, the registration of your deed will require you to convert your property into the land registration system and pay the associated one-time professional fees, even if you are not selling, mortgaging or subdividing the property.

Do I need title insurance to convert my land?

When converting a property to the land registration system, title insurance cannot replace the historic title search and the lawyer's opinion of title. The government provides a guarantee of ownership for properties certified in the land registration system so private insurance is not required for this purpose. Title insurance can still be purchased for other purposes related to a property closing, such as replacing a tax or zoning certificate.

Want to know more?

- Call toll-free at 1-800-670-4357
- Visit your local Land Registration Office
- Visit: <http://www.gov.ns.ca/snsmr/access/land.asp>