

Changes to the Subdivision Process

Land Registration
Service Nova Scotia and
Municipal Relations

The Province of Nova Scotia has enacted legislation and acquired technology that has modernized its 250-year-old Registry of Deeds system. The *Land Registration Act* moves Nova Scotia from an antiquated names-based system to a system that guarantees ownership and provides access to land-related information to subscribers through an Internet browser. Documents recorded at the Land Registration Office are indexed to the unique location of the land parcel affected. Converting a property from the traditional names-based registry into the new land registration system is required any time you purchase a property for value (the value is usually the purchase price or the mortgage assumed if the property is a gift), mortgage a property or subdivide your land into three or more parcels (including the remainder). The LRA brought changes to the subdivision approval process in Nova Scotia. Requirements affecting the process came into effect across Nova Scotia in March 2005.

Subdivision Requirements

1. Three or More Parcels

The *Land Registration Act* states that non-family subdivisions resulting in three or more parcels will require the existing affected parcels be converted to the land registration system. If the sub-divider creates one new parcel on one plan and later creates another new parcel on another plan, neither subdivision is triggered. The trigger for conversion to the land registration system is one plan that results in three or more parcels, including the remainder.

2. Sale of New Parcel Triggers Transfer

Even though a subdivision that results in fewer than three parcels does not require the conversion of the existing affected parcels, when each of the new parcels is sold (transferred for value), the sale will trigger the mandatory conversion of those parcels to the land registration system. It is, therefore, a benefit to the developer to convert the existing parcels to the land registration system *before* they are subdivided, even if the subdivision would not automatically trigger such a conversion. If the developer converts the bulk land (parent parcel) first and then subdivides, only one conversion needs to be done. If the developer converts each lot as it is approved, conversion costs are incurred for each individual lot as it sells.

3. Conversion of Existing Parcels

If the subdivision is triggered into the land registration system, the existing parcel(s) must be converted to the land registration system prior to the application for final subdivision approval. Once the existing parcels are under the land registration system, any parcels created from them are automatically in the land registration system.

4. Family Subdivision

If the owner is subdividing solely for the purpose of gifting to family members, a sworn affidavit to this effect must be submitted with the application for final subdivision approval. Family subdivisions, regardless of the number of lots being created, do not have to be transferred to the land registration system.

5. Consolidations and Addition Parcels

A consolidation is not a trigger but certain sales related to consolidations are. If the addition parcel did not exist on its own before the proposed consolidation, the sale of that addition parcel is not a trigger. If the addition parcel did exist on its own prior to the proposed consolidation, the sale of that addition parcel is a trigger which will require the other lot(s) involved in the consolidation to also be triggered, as it is not possible to have only a portion of a parcel in the land registration system.

Subdivision Process Steps

1. The sub-divider consults (by phone or in person) with the municipal unit during the preliminary and tentative stages of the subdivision process.

2. At the final stage of subdivision approval, the municipal unit sends the subdivision application and proposed plan to the Land Registration Office (LRO) staff to review and provide feedback on the requirements under the *Land Registration Act*

3. LRO staff members review the subdivision application and plan and complete a pre-approval checklist to assist the municipal unit on what the requirements are and if they have been met. The assistance and advice includes:
 - Determining if existing parcels require conversion to the land registration system
 - Assigning PIDs to all new parcels and remainder parcels
 - Determining if multiple ownership exists and if deeds are required
 - Determining if any anomalies exist which would require further information as so not to delay or prevent the plan to be registered.

- NOTE:** The advice being given by LRO staff regarding subdivision requirements is based on the information contained in the subdivision application and shown on the proposed plan. If any changes are made to this plan prior to final endorsement by the development officer, and these changes result in the requirement for additional existing parcels to be transferred to the land registration system, this must be done *before* the plan is submitted for registration at the LRO. If these requirements are not met, the registration of the plan, and any conveyances of the parcels created by the plan, will be delayed.

4. When existing parcels are required be converted to the land registration system prior to subdivision, the sub-divider must obtain the services of a lawyer or surveyor to submit a Parcel Description Certification Application (PDCA). This can only be done if the parcel can be located on the provincial property map with reasonable accuracy in relation to neighbouring parcels. Once the description is approved by LRO staff, a lawyer is needed to register the parcel in the land registration system.

5. Once all provincial and municipal subdivision requirements are met, the development officer approves the final subdivision.

6. The approved plan is sent to the LRO by the municipal unit/planning commission to be registered as required by either the *Land Registration Act* or the *Registry Act*, depending on whether the existing parcels were triggered into the land registration system or not.

Questions?

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

Email: propertyonline@gov.ns.ca

Visit: www.gov.ns.ca/snsmr/access/land