

**Date:** 4/28/03 10:55AM

**Subject:** LRA directives & process updates

Dear LRA Authorized Lawyers:

Attached are four directives from the Registrar General of Land Registration. These directives should be inserted at the front of LRA Resource Binder. A separate tab for RG Directives will be provided to you in the next month or so.

The four directives relate to:

1. Statutory Declarations Regarding Judgments
2. Relying on Previously Filed Back Title
3. Combination Revisions and Recordings
4. Accept/Reject Criteria for Draft AFRs

Set out below is an update on a number of questions & issues which have been raised since the LRA was implemented in Colchester. A number of these arise from the meeting held with members of the Bar on April 8, 2003 in Truro.

1. Flagging of non land registration parcels affected by easements on registered parcels - We have devised a system solution to flag non land registration parcels when they are affected by an easement on a registered parcel, however it has not yet been implemented. The related issue regarding the possible need for a separate category on the AFR for "Title Qualifications/Appurtenances" may impact on this proposed solution, and for that reason no change request has yet been put forward. A meeting with a number of lawyer representatives has been scheduled for May 1, 2003 to discuss these issues.

2. Use of Form # 4 - The Administration Regulations indicate that Form #4 must be used for all conversions, even though it was intended for use when the buyer's lawyer is acting on behalf of the seller to do the PDCA and/or AFR. Until the regulations are amended, lawyers are required to use the Form #4 regardless of whether it is the buyer or seller preparing the PDCA and/or AFR.

3. Mailing address fields and validations on AFR - guidelines on completing the various types of mailing addresses in the existing fields on the AFR are needed - We have requested that the following changes to the AFR be made by the system designer (CARIS) and we will notify you when these system changes are being implemented:

- > At least one registered owner must have a complete and valid mailing address.
- > For recorded and registered interests where the mailing address is unknown, choose unknown for a place name and the validations for the mailing address will be not apply to this address.

Samples of the various types of mailing addresses in Nova Scotia and how to complete these in the existing AFR fields will be sent out soon.

4. Addition parcels relating to consolidations on land registration plans - On the Request to

Revise (Form 24) related to addition parcels on a land registration plan, please ensure that you provide the PID for the parcel that the addition parcel is being added to and please note that it is part of PID 12345678. This is the best way for the front counter LRO staff to identify the revision as being an addition a parcel. Specific procedures for internal processing are required for these.

5. Undertakings for Mortgages and Related Releases - This is a reminder that if a parcel that is being converted to the land registration system is affected by an existing mortgage, the mortgage must be submitted on the AFR as an encumbrance, even if there is an undertaking to pay out the mortgage and discharge it. Unless the release of the mortgage is recorded at the Land Registration Office before the AFR is submitted, the mortgage must be listed on the AFR and the release must be recorded in the parcel register after conversion. Once a parcel is converted the release cannot properly be recorded in the Registry of Deeds.

6. Subdivision plans - A subdivision plan which would normally be exempt from triggering mandatory conversion because it was submitted for final approval before March 24 (Transition Exemption) or because the subdivision creates fewer than three parcels, can still trigger mandatory conversion of one or more parcels. This would happen if:

- a) one of the parcels affected by the subdivision is converted into the Land Registration System prior to the final endorsement of the plan; and
- b) the plan involves a consolidation of that LR parcel or part of the LR parcel with a non LR parcel.

Development Officers have been asked to watch for this by checking Property Online prior to final endorsement of any plan destined for the traditional Registry to ensure it does not involve this scenario. Please watch for this scenario when dealing with consolidations.

7. Keeping you informed of changes to procedures, etc -

We are working on getting all the standards and procedures posted on the web site so that as changes are made you will be able access to the updated procedures quickly. Directives from the Registrar General will be:

1. sent out to lawyers via email,
2. put in lawyers' boxes at the Registries and Land Registration Offices,
3. posted in the Registries and LROs, and
4. posted on the Property Online site and the main page of the Registry 2000 site.

If a Directive affects the procedures, the change will be made to the procedures and a reference made in the procedures to that particular directive. We are also asking the NSBS to create a link from their site to the Land Registration Act Directives and Procedures for your ease of reference.

We will also continue to send out emails such as this from time to time, to ensure that you have the most current information.

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