

# BILL NO. 1

(as passed, with amendments)



*2nd Session, 58th General Assembly  
Nova Scotia  
50 Elizabeth II, 2001*

Government Bill

## Land Registration Act

CHAPTER 6 OF THE ACTS OF 2001

The Honourable Angus MacIsaac  
Minister of Service Nova Scotia and Municipal Relations

[First Reading](#): March 23, 2001

Second Reading: March 27, 2001

[Third Reading](#): May 29, 2001 (WITH COMMITTEE AMENDMENTS)

Royal Assent: June 1, 2001



**An Act to Provide for the  
Registration of Title to Land**

## and to Amend Certain Statutes Respecting Real Property

Be it enacted by the Governor and Assembly as follows:

**1** This Act may be cited as the *Land Registration Act*.

**2** The purpose of this Act is to

- (a) provide certainty in ownership of interests in land;
- (b) simplify proof of ownership of interests in land;
- (c) facilitate the economic and efficient execution of transactions affecting interests in land; and
- (d) provide compensation for persons who sustain loss from a failure of the land registration system established by this Act.

**3 (1)** In this Act,

- (a) "cancellation" means the administrative process by which the prospective effects of recording and registration are eliminated;
- (b) "court" means the Supreme Court of Nova Scotia;
- (c) "document" means a writing, a plan, a map or any information in a form that can be converted into a writing, a plan or a map by a machine or a device, and includes information
  - (i) on microfilm,
  - (ii) in electronic, mechanical or magnetic storage, or
  - (iii) in electronic data signals;
- (d) "holder" means the person who recorded an interest and includes a recorded assignee of the interest and a recorded assignee of the right to have the recording of the interest cancelled, and includes an agent empowered to act for that person;
- (e) "injurious affection" has the same meaning as in the *Expropriation Act*;
- (f) "instrument" means every document by which the title to land is changed or affected in any way;
- (g) "interest" means any estate or right in, over or under land recognized under law, a prescribed contract or a prescribed statutory designation, including a right or interest under the *Canada-Nova Scotia Offshore Petroleum Resources Accord (Nova Scotia) Implementation Act*, but excludes any interest under the *Gas Storage Exploration Act*, the *Mineral Resources Act*, the *Petroleum Resources Act* or the *Treasure Trove Act*;
- (h) "law" means the law in force in the Province, including enactments and principles of common law and equity;
- (i) "lien" means an interest created by operation of law that secures the payment or other performance of an obligation;
- (j) "Minister" means the Minister of Service Nova Scotia and Municipal Relations;
- (k) "overriding interest" means an interest referred to in subsection 73(1);

- (l) "owner" includes an agent empowered to act for an owner;
  - (m) "parcel" means any area of land that may be owned in fee simple absolute, and includes a unit as defined by the *Condominium Act*;
  - (n) "parcel identification number" means the unique identification number assigned to a parcel;
  - (o) "person" includes an agent empowered to act for a person;
  - (p) "prescribed" means prescribed by the regulations;
  - (q) "qualified solicitor" means a member of the Nova Scotia Barristers' Society entitled to practise law, but does not include a member who is subject to any limitation or restriction on practice imposed pursuant to the *Barristers and Solicitors Act* that precludes the member from certifying title to land;
  - (r) "record" means to secure priority of enforcement for an interest by means of entries in a register pursuant to this Act;
  - (s) "recordable" means capable of being recorded pursuant to this Act;
  - (t) "register" means the register established pursuant to this Act for a parcel of lands and includes any document incorporated into the register by reference;
  - (u) "registered owner" means the person shown on the records of the registrar as the owner of a registered interest;
  - (v) "registrable" means capable of being registered pursuant to this Act;
  - (w) "registration" means to affect, confer or terminate interests by means of entries in a register pursuant to this Act, and includes a revision of a registration;
  - (x) "registration district" means a registration district established by the Governor in Council pursuant to this Act;
  - (y) "security interest" means a consensual interest recognized by law that secures the payment of an obligation;
  - (z) "service" includes regular mail;
  - (aa) "servitude" means an interest affecting the use or enjoyment of land created by covenant, condition, easement or implication at law, and includes a utility interest, but does not include a lien or a security interest;
  - (ab) "subdivision" has the same meaning as in the *Municipal Government Act*;
  - (ac) "successor" means a person who acquires an interest, or an interest derived from that interest, directly or through intermediate transactions, from a prior owner of the interest;
  - (ad) "transaction" means an event or a dealing affecting an interest;
  - (ae) "utility interest" means an easement or other right in or to use land, in existence before the coming into force of this Act, in favour of a public utility or a municipality, and includes a fee simple interest in land owned by a public utility or a municipality before the coming into force of this Act;
  - (af) "wrongful act" does not include an act or omission that is only careless or negligent.
- (2)** In an enactment, in reference to land registered pursuant to this Act,
- (a) "registered", "recorded", "deposited" and "filed" mean registered or recorded, as the case may be, pursuant to this Act;

(b) "registrar of deeds" means a registrar appointed pursuant to this Act;

(c) "registration district" means a registration district pursuant to this Act;

(d) "registry of deeds" or "office of the registrar of deeds" means a land registration office established pursuant to this Act.

**(3)** Where in an enactment it is provided that an order, judgment, charge or lien may be registered, recorded, deposited or filed in any registry so as to bind or charge any interest in any lands in the county in which it is so registered, recorded, deposited or filed, owned by the named defendant or person against whom the order, judgment, charge or lien is made, whether acquired before or after the registered, recorded, deposited or filed, or has the same effect as a judgment pursuant to the *Registry Act*, the order, judgment, charge or lien shall be recorded in the judgment roll provided by this Act and shall not be registered pursuant to the *Registry Act*.

**(4)** Where an enactment provides that any document creating, removing, transferring or affecting an interest in one or more specific parcels may or shall be registered, recorded, deposited or filed in the registry of deeds and where the land that is the subject of the document is registered pursuant to this Act, the document may or shall be registered or recorded, as the case may be, in the parcel register of each of the parcels affected.

**(5)** Where in an enactment it is provided that any notice or other document may be served upon the registered owner of a parcel, or the person appearing from a search of the records at the registry of deeds to be the owner, and where the land is registered pursuant to this Act, the registered owner of the parcel is the person to be served.

**4 (1)** In this Act, the meaning of "fraud" is subject to this Section.

**(2)** For the purpose of this Act, the equitable doctrines of "notice" and "constructive notice" are abolished for the purpose of determining whether conduct is fraudulent.

**(3)** A person who engages in a transaction with the registered owner of an interest that is subject to an interest that is not registered or recorded at the time of the transaction, other than an overriding interest, in the absence of actual knowledge of the interest that is not registered or recorded

(a) may assume without inquiry that the transaction is authorized by the owner of any interest that is not registered or recorded;

(b) may assume without inquiry that the transaction will not prejudice that interest; and

(c) has no duty to ensure the proper application of any assets paid or delivered to the registered owner of the interest that is the subject of the transaction.

**(4)** A person obtains an interest through fraud if that person, at the time of the transaction,

(a) had actual knowledge of an interest that was not registered or recorded;

(b) had actual knowledge that the transaction was not authorized by the owner of the interest that was not registered or recorded; and

(c) knew or ought to have known that the transaction would prejudice the interest that was not registered or recorded.

**(5)** A person does not obtain an interest through fraud if the interest that was not registered or recorded was not enforceable against the person who transferred the interest.

**5 (1)** In subsection (2),

(a) "given name" includes an initial used in the place of a given name; and

(b) an initial and a given name are considered to be commonly used variations of each other only where the initial is the same as the first letter of the given name.

**(2)** In this Act, there is a material difference in names where

(a) the surnames are not identical;

(b) there is not any given name in one name that is identical to or a commonly used variation of any given name in the other name;

(c) one name contains the same number of given names as the other name but one of the given names in one name is not identical to or a commonly used variation of any of the given names in the other name; or

(d) one name contains fewer given names than the other name but one of the given names in the name with the fewer given names is not identical to or a commonly used variation of any of the given names in the other name.

**6 (1)** This Act applies to every parcel of land, and every interest in that parcel of land, for which a register is established pursuant to this Act.

**(2)** Her Majesty in right of the Province is bound by this Act.

**(3)** This Act applies to any interest vested in Her Majesty in any other right that is within the competence of the Legislature and to any interest that has been subjected to this Act by Her Majesty.

**(4)** Except as provided in Section 73, a lien in favour of Her Majesty in right of the Province pursuant to an enactment may not be enforced against any land registered pursuant to this Act unless the lien is recorded pursuant to this Act.

**(5)** This Act applies to every interest in Nova Scotia lands as defined in the *Canada-Nova Scotia Offshore Petroleum Resources Accord (Nova Scotia) Implementation Act*.

**(6)** For the purpose of this Act, Nova Scotia lands as defined in the *Canada-Nova Scotia Offshore Petroleum Resources Accord (Nova Scotia) Implementation Act* are deemed to be in the registration district that includes the County of Halifax.

**7 (1)** The Governor in Council shall establish one or more land registration districts in the Province for the purpose of this Act.

**(2)** For greater certainty, the Governor in Council may establish additional land registration districts, divide or combine land registration districts and change the boundaries of land registration districts from time to time.

**(3)** The Minister shall establish and maintain a land registration office in each land registration district.

**(4)** A land registration office may be combined with a registry of deeds established pursuant to the *Registry Act*.

**8 (1)** The Minister shall, in accordance with the *Civil Service Act*, appoint a person to be the Registrar General.

**(2)** The Registrar General is a member of the public service.

**(3)** The Registrar General shall

(a) supervise and direct the operation of the land registry offices and the land registration system established pursuant to this Act;

(b) supervise and direct the persons employed in land registration offices in the performance of their duties and exercise of their powers pursuant to this Act;

(c) inspect the records of land registration offices; and

(d) perform such other duties as are prescribed by this Act or directed by the Minister.

**(4)** The Registrar General may perform the duties and exercise the powers of a registrar.

**9 (1)** A registrar and such deputy registrars and additional employees as may from time to time be required shall be appointed by the Registrar General in accordance with the *Civil Service Act*.

**(2)** A registrar shall perform the duties and exercise the powers of a registrar imposed or conferred by this Act or the regulations.

**(3)** Any duty performed or power exercised by a deputy registrar, by a person authorized by the Minister or by one of a prescribed class of persons is deemed to have been performed or exercised by a registrar.

**10 (1)** In this Section, "register" includes a roll established pursuant to this Act.

**(2)** Any person who has paid the prescribed amount may examine any register or document incorporated in a register.

**(3)** Any person who has paid the prescribed amount shall be furnished with a copy of any register or document incorporated in a register.

**(4)** Any person who has paid the prescribed amount shall be furnished with a copy of any register or document incorporated in a register certified by a registrar.

**(5)** A copy of a register or document incorporated in a register appearing to be certified by a registrar is admissible in evidence in any proceeding to the same extent as the original would have been admissible, and is conclusive proof of the facts certified without proof of the signature or official capacity of the person who appears to have signed the certification.

**11** A registrar shall establish a parcel register for each parcel in the land registration district that is brought under this Act.

**12 (1)** A registrar may establish a utility roll for easements or other rights to use land owned by a utility or a municipality that affect more than ten parcels and are all of the same general effect.

**(2)** An instrument charging or transferring interests in a utility roll may be registered or recorded in that roll in lieu of being recorded in each parcel register if the instrument creating the original easement or other right to use land is recorded in the parcel register of the parcel subject to it.

**(3)** Where a utility roll is established, the utility roll shall be noted in the registers of all the parcels subject to the interests in the utility roll.

**13 (1)** A parcel register shall contain

(a) the parcel identification number assigned to the parcel;

(b) the civic address and lot number of the property, if known;

(c) the general location of the parcel;

(d) a description of the parcel;

(e) the direct or indirect right of access to the parcel, if any, from a public street, highway or navigable waterway;

(f) the name and mailing address, if known, of each registered owner of the fee simple absolute in the parcel;

- (g) the instrument that most recently conveyed the fee simple interest;
  - (h) an indication of any owner who is a non-resident;
  - (i) the full text of all recorded interests that are interests less than the fee simple;
  - (j) the names and mailing addresses, if known, of all holders of a recorded interest in the parcel;
  - (k) the full text of any servitude benefiting or encumbering the parcel; and
  - (l) such other particulars as may be prescribed.
- (2)** A unique document identifier shall be assigned to each document entered in a register.
- (3)** A reference in a register to a recorded document by its identifier incorporates that document in the register.
- (4)** An entry in a register is part of the register whether or not it was made under proper authority.
- (5)** A registrar shall issue a certificate of registered ownership in the prescribed form to the registered owner of a parcel upon payment of the prescribed fee.

**14 (1)** In this Section, "register" includes a roll established pursuant to this Act.

**(2)** Registers shall be maintained so as to permit any person examining the register to view and to obtain a copy of any document registered or recorded in the register or incorporated in the register by reference to its identifier.

**15** A register may include such additional information as the Registrar General thinks expedient.

**16** The Registrar General is not liable for the accuracy of any information in a register unless specifically provided in this Act or the regulations.

**17 (1)** The following interests may be registered:

- (a) a fee simple estate;
- (b) a life estate and the remainder interests; and
- (c) an interest of Her Majesty.

**(2)** Where another enactment requires the registration of an interest, and the interest is not registrable pursuant to subsection (1), the interest shall be recorded.

**(3)** Where another enactment authorizes the registration of an interest, and the interest is not registrable pursuant to subsection (1), the interest may be recorded.

**18 (1)** A registrar shall register an interest on application if

- (a) the interest is registrable;
- (b) the person who acquired the interest has complied with Part V of the *Municipal Government Act*;
- (c) the person from whom the interest is transferred is the owner of the interest; and
- (d) the interest is transferred by a document effective at law to transfer the interest.

**(2)** An interest is registered when the identifier assigned to the document accepted for registration is entered in the

appropriate register.

**(3)** A registration that does not comply with subsection (1) is void.

**(4)** A document submitted for registration other than a plan of subdivision or a notice of subdivision shall be accompanied by a certificate of a qualified solicitor setting out the legal effect of the document.

**(5)** Subject to subsection (4), a document submitted for registration without a certificate of legal effect from a qualified solicitor shall not be registered until the Registrar General obtains a certificate of legal effect from a qualified solicitor and the person applying to have the document registered pays the cost of obtaining the certificate.

**(6)** A registrar is entitled to rely upon the certificate of legal effect.

**(7)** The solicitor who signed the certificate of legal effect is liable to the Registrar General with respect to any negligent error or omission in the certificate of legal effect if the Registrar General has been required to pay compensation pursuant to this Act as a result of the negligent error or omission in the certificate within ten years after the date of the certificate.

**(8)** A document submitted for registration shall include the parcel identification number of the parcel.

**(9)** A registrar shall not accept for registration or recording a plan of subdivision, instrument of subdivision or notice of subdivision with respect to land that is not registered pursuant to this Act.

**(10)** Where a plan of subdivision, instrument of subdivision or notice of subdivision that results in the consolidation of lands is submitted for registration, a registrar shall not accept the document unless the parcel from which any land is taken and the parcel to which any land is added are registered pursuant to this Act.

**(11)** A registrar shall not accept for registration a deed to a parcel that has been approved for consolidation with another parcel unless the deed contains a description of the consolidated parcel and the parcel from which any land is taken and the parcel to which any land is added are both registered pursuant to this Act.

**(12)** Where an interest has been registered pursuant to this Section, the registrar shall revise the register to show the new owner of the parcel.

**(13)** Where revision of a registration is requested, the registrar shall either

(a) revise the registration as requested; or

(b) record a notice of request.

**(14)** Where the registrar refuses to revise the registration as requested, the registrar shall notify the person who requested the revision and advise of the right to apply to the Registrar General for a review of the registrar's decision.

**(15)** Where the person who requested the revision does not apply to the Registrar General for review of the registrar's decision within thirty days after the refusal, the registrar shall cancel the recording of the notice of request for revision.

**(16)** Where the Registrar General confirms the registrar's decision, and the person who requested the review does not file a notice of *lis pendens* within thirty days thereafter, the registrar shall cancel the notice of request for revision.

**19** A document submitted for registration or recording pursuant to this Act may, in lieu of including the full description of the property to which the document relates,

(a) refer to the parcel by lot number as shown on a plan recorded pursuant to this Act or as filed pursuant to the *Registry Act*; or

(b) where the document relates to a parcel registered pursuant to this Act, incorporate the description included in the



parcel register by reference to the parcel identification number of the parcel.

**20 (1)** The registered owner of a registered interest owns the interest defined in the register in respect of the parcel described in the register, subject to any discrepancy in the location, boundaries or extent of the parcel and subject to the overriding interests

(a) if the interest is registrable; and

(b) to the extent the interest is registrable by law.

**(2)** The interest defined in the register is a registrable interest subject to any limitations, additions or encumbrances specified when the interest was added to the register or that have been added to the register.

**(3)** A registered interest shall be enforced with priority over a prior interest where the subsequent interest

(a) was obtained for value;

(b) was obtained without fraud on the part of the owner of the subsequent interest;

(c) was obtained at a time when the prior interest was unregistered; and

(d) was registered at a time when the prior interest was not registered or recorded.

**(4)** Subsection (1) applies with respect to conflicting interests of successors to the owner of the registered interest.

**(5)** In this Section,

(a) if a subsequent interest will not be enforced with priority for an owner of that interest because the requirements of subsection (1) have not been satisfied, it will be enforced with priority for a subsequent owner of that interest when the requirements of subsection (1) are first satisfied; and

(b) once an interest is entitled to priority of enforcement, it remains so entitled when acquired by a successor.

**21 (1)** The description of a parcel in a register is not conclusive as to the location, boundaries or extent of the parcel.

**(2)** Provincial mapping is not conclusive as to the location, boundaries or extent of a parcel.

**(3)** A registration may not be rejected only because the location, boundaries or extent of the parcel appear to overlap the location, boundaries or extent of another parcel.

**(4)** Where it appears to the registrar that the location, boundaries or extent of parcels overlap, a notice to that effect shall be recorded by the registrar with respect to each parcel affected and a copy of the notice shall be served on the persons listed as owners in the registers of the affected parcels.

**22 (1)** Where a person who is the owner of an interest in land changes that person's name, the registrar may register the change of name on the production of

(a) an affidavit by that person verifying the change of name;

(b) any documentation that is required by the registrar; and

(c) the parcel identification numbers of all registers in which the change of name should be noted.

**(2)** A registrar shall not revise a registration to change the ownership of a parcel if the instrument effecting the change is not signed by the registered owner of the parcel in the name in which the parcel is registered unless the instrument contains an affidavit of change of name that complies with this Section.

**(3)** The registrar shall include any change of name in the judgment roll if there are any judgments in that roll against names that are not materially different from the previous name of the person whose name was changed.

**23 (1)** Where an instrument that results in the subdivision of land is accepted for registration, the registrar shall establish a new parcel register for each parcel created or affected by the subdivision.

**(2)** All documents recorded in the register for the parent parcel shall be recorded in each new register.

**(3)** Any instrument that results in the subdivision of land registered pursuant to this Act shall be submitted for registration.

**24 (1)** In this Section, "will" means a will with respect to which probate or administration has been granted.

**(2)** The registrar of probate shall forward a copy of a will with respect to which probate or administration has been granted, together with any translation obtained by the registrar of probate, to the registrar.

**(3)** The registrar of probate shall include with each will forwarded to the registrar a list of the parcel identification numbers provided by the executor or administrator with respect to which the deceased owned a registered or recorded interest.

**(4)** The registrar shall record the will and any translation provided by the registrar of probate in each of the parcel registers identified on the list provided.

**(5)** A deed from an executor shall not be accepted by a registrar as a direction to revise a registration unless the will is recorded in the register for that parcel and the deed is accompanied by a certificate of a qualified solicitor setting out the legal effect of the document.

**(6)** A will shall not be accepted by a registrar as a direction to revise a registration unless the registrar is provided with the certificate of a qualified solicitor verifying the interest devised, the parcel devised and the person to whom it was devised.

**(7)** A registrar shall not accept a will for registration or recording unless probate or administration has been granted with respect to the will.

**25 (1)** Where a registrar of probate grants administration in the case of an intestacy, that registrar shall forward a copy of the petition for administration to the registrar.

**(2)** The registrar of probate shall include with each petition for administration forwarded to the registrar a list of parcel identification numbers provided by the administrator with respect to which the deceased owned a registered or recorded interest.

**(3)** The registrar shall record the petition for administration in each of the parcel registers identified on the list provided.

**(4)** A registrar shall not accept a petition for administration for registration or recording unless administration has been granted.

**26** A deed from an administrator shall not be accepted by a registrar as a direction to revise a registration unless the will or petition for administration is recorded in the register for that parcel and the order of the court authorizing the sale is recorded in that register and the deed is accompanied by a certificate of a qualified solicitor setting out the legal effect of the document.

**27 (1)** A registrar shall accept proof of death of a joint tenant as a direction to revise a registration to delete that joint tenant as an owner.

**(2)** A registrar shall record the proof of death of the joint tenant in the parcel register identified by the applicant.

**(3)** Proof of death, for purposes of this Section, is a death certificate issued by the Registrar of Vital Statistics or by the director of a funeral home pursuant to the *Cemetery and Funeral Services Act*.

**28 (1)** Where an instrument discloses that a party to the instrument takes an interest in trust, a trustee shall, for the purpose of this Act, be deemed to be the owner of the interest.

**(2)** The registrar shall revise the registration, if required, to register the interest in the name of the trustee, followed by the words "in trust".

**(3)** Any conveyance or encumbrance of the interest by the trustee is, for the purpose of this Act, deemed to be in furtherance of the purposes of the trust.

**(4)** No action of a beneficiary of a trust in which the trustee does not join affects the title held by the trustee.

**29** A registrar shall accept an instrument evidencing an expropriation of a parcel or part thereof identified by the applicant pursuant to an enactment of Canada or the Province as a direction to revise a registration as to the ownership of the registered interest expropriated and shall register the instrument.

**30** A registrar shall accept a certified copy of a receiving order or assignment in bankruptcy pursuant to the *Bankruptcy and Insolvency Act* (Canada) as a direction to revise a registration as to the ownership of any registered interest of the bankrupt specified by the trustee and shall register the order or assignment.

**31 (1)** Where a registered parcel is sold for taxes pursuant to the *Municipal Government Act* or another enactment of the Province, a certificate that the parcel has been sold for taxes shall be recorded in the parcel register in the manner provided by the enactment pursuant to which the parcel was sold.

**(2)** Where the parcel is redeemed before a tax deed is delivered to the purchaser at the tax sale, a certificate of discharge or redemption shall be recorded in the parcel register and the registrar shall cancel the recording of the certificate of sale.

**(3)** On the application of the purchaser of a registered parcel at a tax sale and presentation of the tax deed, the registrar shall revise the registration of the parcel to show the purchaser as the owner of the parcel.

**(4)** A certificate of legal effect from a qualified solicitor is not required in order to register a tax deed pursuant to this Section.

**32 (1)** A person who claims to be entitled to be registered as the owner of any registered parcel or the owner of an estate or interest therein

(a) pursuant to a judgment or order of a court;

(b) pursuant to an enactment of Canada or the Province or an order in council;

(c) through the purchase of the land by a person at a judicial sale from someone other than the registered owner;

(d) pursuant to an order, judgment or certificate issued pursuant to the *Land Titles Clarification Act* or the *Quieting Titles Act*;

(e) pursuant to any other instrument or proceeding,

where no other provision of this Act provides for the registration of that person as owner of the land, interest or estate therein, may file the judgment or appropriate documents evidencing the right to be registered as owner thereof with the registrar who shall register the parcel or record the interest in the case of interests that are not registrable.

**(2)** A registrar may forward the documents to the Registrar General for an interpretation of whether the documents have

the effect contended by the applicant, and that any appeal period has expired.

**(3)** A registrar or the Registrar General may require the applicant to provide a certificate from a qualified solicitor setting out the legal effect of the documents.

**33 (1)** A registration shall be rectified to correct the register where a revision of the registration was not authorized or was based on a transaction that has been rectified or rescinded according to law.

**(2)** The registered owner of an interest who believes that a registration has been made in error or that there is an error in a registration may request the registrar to rectify the registration.

**(3)** The registrar may initiate the rectification of a registration where the registered owner has been notified of the proposed rectification and either concurs in writing or has been given at least fifteen days in which to file an objection.

**(4)** Where rectification of a registration is requested, the registrar shall either

**(a)** rectify the registration as requested; or

**(b)** record a notice of the request.

**(5)** Where the registrar refuses to rectify the registration as requested, the registrar shall notify the person who requested the rectification and advise of the right to apply to the Registrar General for a review of the registrar's decision.

**(6)** Where the person who requested the rectification does not apply to the Registrar General for a review of the registrar's decision within thirty days after the refusal, the registrar shall cancel the recording of the notice of request for rectification.

**(7)** Where the Registrar General confirms the registrar's decision, and the person who requested the review does not file a notice of *lis pendens* within thirty days thereafter, the registrar shall cancel the notice of request for rectification.

**(8)** Where the registered owner of the interest objects to a rectification proposed by a registrar, the registrar shall either notify the owner that the proposed rectification has been abandoned or advise that the proposed rectification has been submitted to the Registrar General for determination.

**(9)** Where a registrar's proposed rectification has been submitted to the Registrar General for determination, the registrar shall record a notice of the proposed rectification.

**(10)** Where the Registrar General refuses to accept the registrar's proposed rectification within thirty days after it has been submitted, the registrar shall cancel the recording of the notice of the proposed rectification.

**34 (1)** Rectification or revision of a registration preserves the priority of an interest that was obtained by a person as a successor from a registered owner whose interest is or was subject to rectification or revision, where the interest is entitled to priority of enforcement over the interest of a person entitled to require the revision or rectification of the registration according to the register that contained the registration subject to revision or rectification.

**(2)** A registered owner who sustains loss under this Section shall be compensated as provided by this Act.

**35 (1)** Where the revision of a registration was not authorized by law, and the revision has prejudiced or aggrieved another registered owner, the registered owner, the person prejudiced or aggrieved or the Registrar General may apply to the court for a declaration as to the rights of the parties, orders for rectification of the registrations and a determination of entitlement to compensation, if any.

**(2)** The Registrar General, the registered owner and the person prejudiced or aggrieved are parties to any proceeding pursuant to this Section.

**(3)** The court shall determine the rights of the parties according to law, subject to the following principles:

- (a) the person prejudiced or aggrieved may have the registration rectified to nullify the extent of the unauthorized revision;
  - (b) any rectification of the registration shall preserve the interest of a successor; and
  - (c) the court may, where it is just and equitable to do so, confirm the unauthorized revision.
- (4)** Where rectification of the registration cannot fully nullify the effects of the unauthorized revision or where the court determines that it is just and equitable to confirm the unauthorized revision, the court shall determine which of the parties suffered loss by reason of the unauthorized revision and order that any party who suffered loss be compensated as provided by this Act.
- (5)** In determining whether it is just and equitable to confirm an unauthorized revision, the court shall consider
- (a) the nature of the ownership and the use of the property by the parties;
  - (b) the circumstances of the unauthorized revision;
  - (c) the special characteristics of the property and their significance to the parties;
  - (d) the willingness of any of the parties to receive compensation in lieu of an interest in the property;
  - (e) the ease with which the amount of compensation for a loss may be determined; and
  - (f) any other circumstances that, in the opinion of the court, are relevant to its determination.
- (6)** A registered owner is not entitled to compensation or to retention of any of the benefits of an unauthorized revision unless that owner
- (a) believed that the revision was authorized by law;
  - (b) had no knowledge of the facts that made the revision unauthorized; and
  - (c) gave consideration for the benefits purportedly obtained under, or detrimentally relied upon, the revision of the registration.
- (7)** Where the Registrar General is satisfied that this Section applies to a revision, the Registrar General may enter into a settlement agreement as provided in this Act with the registered owner or the person prejudiced or aggrieved by the unauthorized revision providing for the payment of compensation and the reasonable expenses incurred in bringing the claim.
- 36 (1)** Where interests registered in one register appear to conflict with the interests registered in a different register, the priority to be given to one register over the other shall be determined in accordance with the first of the following rules to establish a priority:
- (a) *Rule 1*: where there is actual possession of land under an interest conferring a right to possession, that interest and the interests derived from it shall be enforced with priority;
  - (b) *Rule 2*: the interest that was not subject to revision under this Act when the initial conflict arose, and the interests derived from it, shall be enforced with priority.
- (2)** Any owner who sustains loss because another interest and the interests derived from it are enforced with priority under this Section shall be compensated as provided in this Act.
- (3)** A person does not sustain loss pursuant to this Section if an interest is enforced in priority to the person's interest

pursuant to Rule 1 and the possession is apparent to a reasonable person from an inspection of the parcel.

**37 (1)** Any person claiming to own a parcel that is not registered pursuant to this Act may apply to the registrar of the district in which the land is situated to have the title to the parcel registered pursuant to this Act.

**(2)** Any person who has, for valuable consideration, acquired the ownership of a parcel that is not registered pursuant to this Act shall apply to the registrar of the district in which the land is situated to have the title to the parcel registered pursuant to this Act.

**(3)** A person who claims to own a parcel that is not registered may not mortgage that parcel or any interest in it or provide a security interest in it until the title to the parcel is registered pursuant to this Act.

**(4)** An application shall be in the prescribed form and shall be accompanied by

(a) the prescribed fee;

(b) an opinion of title certified by a qualified solicitor setting out the ownership of the fee simple and of all other interests in the parcel and direct or indirect right of access to the parcel, if any, from a public street, highway or navigable waterway to the parcel appearing on the face of the record;

(c) the abstract of title on which the opinion is based;

(d) an affidavit of verification in the prescribed form;

(e) evidence of compliance with Part V of the *Municipal Government Act*;

(f) evidence that Part IX of the *Municipal Government Act* has been complied with or certification by the qualified solicitor that Part IX does not apply;

(g) the property identification number of the parcel certified by the registrar to match the description of the property; and

(h) such additional information as may be prescribed.

**(5)** Where the registrar is satisfied that the application is complete and properly identifies the land, the registrar shall register the parcel subject to any limitations, additions or encumbrances specified in the opinion of the qualified solicitor.

**(6)** Where the registrar is not satisfied that the application is complete and properly identifies the land, the registrar shall reject the application and return it to the applicant.

**(7)** Where the registrar cannot locate the parcel, the registrar may require the applicant to provide such further information concerning the size and location of the parcel as will permit the registrar to determine the parcel identification number for the parcel and a geographical representation of the parcel, showing it in relation to neighbouring parcels with reasonable accuracy.

**(8)** A parcel that cannot be located with reasonable accuracy or for which the description does not permit the creation of a geographical representation of the parcel shall not be registered.

**(9)** The solicitor's opinion of title shall be based upon an abstract of the title certified showing the chain of ownership of the land

(a) to the standard required to demonstrate a marketable title pursuant to the *Marketable Titles Act*; or

(b) to such lesser standard as the Registrar General may approve.

**(10)** The affidavit of verification shall be provided by the qualified solicitor and shall include confirmation that the solicitor's opinion is based upon the abstract of title required by subsection (9).

**(11)** A qualified solicitor is liable to the Registrar General with respect to any negligent error or omission in an opinion furnished pursuant to this Section if the Registrar General has, within ten years after the opinion was furnished to the Registrar General, been required to pay compensation pursuant to this Act as a result of the negligent error or omission.

**(12)** The Registrar General may at any time require the solicitor to produce any information that the solicitor may have relevant to the title with respect to which the opinion was given.

**(13)** Notwithstanding the *Freedom of Information and Protection of Privacy Act*, an abstract of title provided pursuant to this Section may only be disclosed by the Registrar General to an insurer of the qualified solicitor who provided it for purposes related to claims, to the Nova Scotia Barristers' Liability Claims Fund for purposes related to claims or to the Nova Scotia Barristers' Society for purposes related to professional competency or discipline.

**38** Where any person applies to have an interest registered pursuant to this Act or to have a registration revised to show a new or additional owner, that person shall include in the application a statement as to whether any of the owners of the interest is a non-resident.

**39 (1)** In this Section, "Registrar General" includes an adjudicator appointed by the Registrar General.

**(2)** Where

(a) a person other than the applicant appears from the opinion of the qualified solicitor to have an interest in the parcel; and

(b) the applicant asks to have the title registered free of that interest,

the registrar shall forward the application to the Registrar General.

**(3)** The Registrar General shall cause a notice in the prescribed form to be given to each person, other than the applicant, who appears on the basis of the abstract and opinion provided to the Registrar General to have some right to, or claim against, the land in question.

**(4)** The Registrar General may provide for notice to be served personally, by registered mail or by advertisement, posting or other means if the person apparently entitled to the notice is undetermined or the person's address for service is unknown.

**(5)** Any person who is entitled to notice under subsection (3) may file a consent in the prescribed form with the registrar, who shall forthwith forward the consent to the Registrar General.

**(6)** Where a consent is filed in accordance with subsection (5), the person who executes the consent need not be notified pursuant to subsection (3).

**(7)** A consent is a release of the interest of the person giving the consent.

**(8)** Where a person other than the applicant appears, by admission or otherwise, to be interested in the land and the applicant desires to have title registered subject to the interest of the other person, that person need not file a consent and need not be notified pursuant to subsection (3).

**(9)** Any person having a claim not recognized in the application for registration may, at any time before the Registrar General has ordered that the title to the land be registered, file with the Registrar General and the applicant a short statement of the claim verified under oath.

**(10)** Where the Registrar General decides that a hearing into the merits of an application to register a parcel free of an interest disclosed in the opinion of the qualified solicitor is advisable or when a statement of claim is filed pursuant to

subsection (9), the Registrar General shall cause notice of hearing to be given to the applicant, any person who has filed a statement of claim and such other persons as the Registrar General considers necessary, and the notice shall state the day, hour and place fixed for a hearing.

(11) Upon any hearing being held pursuant to subsection (10), the Registrar General may make such order as is appropriate in the circumstances.

(12) The Registrar General shall inquire into the nature of the interest of any person shown by the application to be in possession of the parcel or any part of it.

(13) Where the Registrar General is satisfied that there is little likelihood of a claim arising out of the registration of title to land free of any interest shown on the opinion of the qualified solicitor, the Registrar General shall either order that the title be registered or refuse to make the order.

(14) An order or refusal pursuant to subsection (13) may be appealed within ten days after the order or refusal to a panel of three adjudicators named by the Registrar General, excluding the person who made the order or refused to make the order.

(15) On the appeal the panel has all of the powers of the Registrar General pursuant to this Section.

(16) Where the Registrar General makes an order referred to in subsection (13), the solicitor who certified the title for the application is not liable to the Registrar General with respect to the opinion, except in the case of fraud in which the solicitor has participated or colluded.

(17) For the purpose of this Section, the Registrar General has all the powers, privileges and immunities of a commissioner appointed pursuant to the *Public Inquiries Act*.

(18) A person deprived of an interest in land by a decision of the Registrar pursuant to this Section is entitled to compensation under this Act.

40 (1) For the purpose of this Act, an unreleased security interest that is more than forty years old and that has not been amended or supplemented by an instrument registered during the preceding forty years is not an interest in a parcel.

(2) For the purpose of this Act, an unreleased dower interest is not an interest in a parcel.

(3) For the purpose of this Act, an interest that has escheated to Her Majesty from any person other than the immediate predecessor in title of the applicant is not an interest in a parcel.

(4) A person who has an interest referred to in this Section is entitled to compensation if the parcel in which the interest is held is registered pursuant to this Act free of that interest.

41 Where a person acquires title or confirmation of title to an interest in an unregistered parcel by the order of a court, a certificate of title pursuant to the *Land Titles Clarification Act* or the *Quieting Titles Act* or by an enactment, and a certified copy of the order, certificate or enactment is filed with the registrar, the registrar shall register the interest in the parcel upon payment of the prescribed fee.

42 Where the Registrar General

(a) is satisfied that any parcel should be brought under the operation of this Act;

(b) is satisfied that title to the parcel should be registered without a formal application and without complying with some or all of the requirements of this Act; and

(c) has obtained such supporting information as the Registrar General considers necessary,

the Registrar General may make an order directing a registrar to register the title to the parcel.



**43 (1)** Where a parcel is first registered pursuant to this Act, the registrar shall cause notice of the registration to be filed in the registry of deeds for the registration district within which the land is situate pursuant to the *Registry Act* as a conveyance from the persons shown as the former owners in the application pursuant to which the parcel was first registered.

**(2)** The notice shall show the person who appears from the solicitor's opinion to have been the owner immediately before registration pursuant to this Act as the grantor, and shall include the property identification number of the parcel and a copy of the description of it.

**44** Where a parcel is registered pursuant to this Act, the *Registry Act* ceases to apply to the parcel, except with respect to the interpretation of documents recorded pursuant to that Act.

**45 (1)** Except as against the person making the instrument, no instrument, until registered or recorded pursuant to this Act, passes any estate or interest in a registered parcel or renders it liable as security for the payment of money.

**(2)** Subsection (1) does not apply to an instrument creating a leasehold interest not exceeding three years where there is actual occupation of all or part of the parcel under the instrument.

**46 (1)** A registrar of deeds shall not accept for recording pursuant to the *Registry Act*

(a) any transfer of an equitable or legal title of a fee simple estate, life estate or remainder interest that the affidavit filed pursuant to the *Municipal Government Act* discloses is made for valuable consideration;

(b) a plan of subdivision, instrument of subdivision or notice of subdivision unless

(i) the subdivision results in the creation of fewer than three lots, including any remainder, or

(ii) the plan, instrument or notice is accompanied by an affidavit signed by each of the owners of the parcel to the effect that the sole purpose of the subdivision is to create lots to be gifted to a parent, spouse, brother, sister, child or grandchild of an owner;

(c) any mortgage of lands; or

(d) any certificate of title pursuant to the *Land Titles Clarification Act* or the *Quieting Titles Act*.

**(2)** The Registrar of Condominiums shall not accept for registration pursuant to the *Condominium Act* any condominium corporation where the property, as defined in the *Condominium Act*, is not registered pursuant to this Act.

**(3)** This Section does not apply to a transfer of title

(a) between persons married to one another;

(b) between persons formerly married to one another, if the transfer is for the purpose of division of matrimonial assets; or

(c) from the Nova Scotia Farm Loan Board to a borrower under the *Agriculture and Rural Credit Act*.

**47 (1)** An interest in any parcel that is subject to this Act may be recorded.

**(2)** An interest is recorded by recording the document on which the interest is based.

**(3)** The registrar shall, upon payment of the prescribed amount, accept for recording in a parcel register any document that may be recorded pursuant to this Act and that complies with the regulations and includes the parcel identification number of the parcel affected.

- (4)** Any person who has an overriding interest in a parcel may record that interest.
- (5)** A plan of survey may be recorded.
- (6)** Where a plan of survey shows more than one parcel the registrar may note the recording of the plan in the parcel register of every parcel identified on the plan by parcel identification number.
- (7)** A notice of claim pursuant to the *Marketable Titles Act* is not registrable or recordable pursuant to this Act.
- (8)** A recording that is not authorized by this Section is void.
- (9)** A registrar shall not accept for recording any document that does not indicate the parcel identification number of the parcel affected.

**48 (1)** A registrar shall record documents that comply with this Act, in so far as practicable,

(a) promptly after submission for recording; and

(b) in the order in which they are submitted for recording.

**(2)** An interest is recorded when the identifier assigned to the document submitted for recording is entered in the appropriate register.

**49 (1)** A recorded interest shall be enforced with priority over a prior interest where the subsequent interest was

(a) obtained for value;

(b) obtained without fraud on the part of the owner of the subsequent interest;

(c) obtained at a time when the prior interest was not recorded; and

(d) recorded at a time when the prior interest was not registered or recorded.

**(2)** Subsection (1) applies with respect to conflicting interests of successors to the owner of the recorded interest.

**(3)** In this Section,

(a) where a subsequent interest will not be enforced with priority for an owner of that interest because the requirements of subsection (1) have not all been satisfied, it shall be enforced with priority for a subsequent owner of that interest when the requirements of subsection (1) are first satisfied; and

(b) once an interest is entitled to priority of enforcement, it remains so entitled when acquired by a successor.

**50 (1)** Where a recording of a prior interest is cancelled pursuant to an invalid request for cancellation and as a result of the cancellation a subsequent interest becomes enforceable with priority over the improperly cancelled interest, correction of the register does not deprive the subsequent interest of its priority if the owner of the subsequent interest

(a) believed that the recording of the prior interest was validly cancelled;

(b) had no knowledge of facts tending to show the cancellation was unauthorized; and

(c) paid value for the benefits purportedly obtained under, or detrimentally relied upon, the cancellation.

**(2)** An owner of a prior interest who sustains loss pursuant to this Section shall be compensated as provided by this Act.

**51 (1)** Security interests do not transfer the title of the land charged by them and do not sever a joint tenancy.

**(2)** A security interest is an interest in land and has effect as security.

**(3)** A security interest is recognized under law only to the extent of the actual obligation of the debtor under law.

**(4)** Where the obligation secured by a security interest has been paid in full, the holder of the security interest shall record a release of the security interest.

**(5)** No fee or expense may be charged by a secured party for recording a release of a security interest unless the charge was agreed to by the parties before the obligation was paid in full.

**(6)** A security interest may be discharged in whole or in part, or as to all or any of the parcels charged, by recording a full or partial release of the security interest.

**52 (1)** The holder of a recorded mortgage or debenture incorporating a mortgage may enforce all rights and remedies permitted by law as if the parcel had been conveyed by mortgage subject to a proviso for redemption.

**(2)** A mortgage has priority over subsequent recorded interests to the extent of the sums actually advanced at the time the subsequent interest is recorded.

**(3)** Where a mortgage is foreclosed, the order for foreclosure shall be recorded.

**(4)** An application for an order for foreclosure shall specify whether the parcel with respect to which the order is sought is registered pursuant to this Act.

**(5)** Where the parcel with respect to which a foreclosure order is sought is registered pursuant to this Act, the application for an order for foreclosure shall include the property identification number of the parcel.

**53 (1)** A registered parcel may be mortgaged or charged by the recording of a debenture.

**(2)** A recorded debenture may be discharged in whole or in part or as to all or any of the parcels mortgaged or charged by the recording of a discharge of debenture.

**(3)** Where a floating charge contained in a debenture has been crystallized, a notice of crystallization of debenture shall be recorded in prescribed form against any parcel with respect to which the debenture has been recorded, and the debenture does not charge the parcel until such time as the notice of crystallization is recorded.

**54** An order of a court, including a court of probate, affecting the title to or boundaries of a parcel registered pursuant to this Act has no effect with respect to persons not parties to the action in which the order was granted until it is registered or recorded.

**55 (1)** A lease of a registered parcel may be evidenced by recording a lease or a notice of lease.

**(2)** A lease that has been recorded or with respect to which notice of lease has been recorded is not valid against the holder of any other interest in the parcel unless

**(a)** the lease or the notice of lease was recorded before the other interest;

**(b)** the holder of the interest has consented in writing to the lease; or

**(c)** the holder of the interest adopts the lease.

**(3)** A right of the lessee to purchase a parcel or extend or renew the term of the lease or to expand or contract the premises leased may be set out in the lease or notice of lease and, where they are not so set out, are not binding on persons who did not sign the lease.

**(4)** A lessee may, with the consent of the lessor, surrender a lease that has been recorded or with respect to which notice

of lease has been recorded, by the recording of a surrender of lease.

**(5)** A lease for a period of three years or less need not be recorded and subsection (2) does not apply to the lease if there is actual possession under the lease that could be discovered through reasonable investigation.

**56 (1)** A registrar shall refuse to register or record a document if

(a) the prescribed fees are not paid;

(b) the document does not comply with this Act or the regulations;

(c) the registrar has reasonable and probable grounds to believe that the registration or recording might result in a registration or recording that is not in accordance with law;

(d) the Registrar General has ordered that no further registrations or recordings be made with respect to the parcel or with respect to a party to the document or a person attempting to register or record the document; or

(e) any of the requirements of this Act have not been met.

**(2)** Where the Registrar General determines that an error has been made in a registration or a recording, or that there is risk of an improper or fraudulent registration or recording being made, the Registrar General may order that

(a) no further registrations or recordings be made with respect to a parcel;

(b) no further registrations or recordings be made with respect to documents to which a named person is a party; or

(c) no further registrations or recordings be made with respect to documents presented by, prepared by or certified by a named person,

and, thereupon, no further registration or recording shall be made contrary to the order and no certificate of registered ownership shall be issued with respect to any parcel identified in the order until the order has been rescinded.

**(3)** An order pursuant to subsection (2) shall be recorded in the register of each parcel identified in the order and shall be removed from the register when rescinded.

**57 (1)** The recording of an interest shall be cancelled

(a) when the interest may not be recorded pursuant to this Act;

(b) if the interest is recorded but not registered, when requested by the holder of the interest; and

(c) subject to any recorded renewal, amendment or termination, when the term of recording specified in an interest expires.

**(2)** Cancellation of the recording of an interest does not terminate the interest.

**(3)** Cancellation of the recording of an interest does not affect the priority of enforcement rights that accrued before the cancellation.

**(4)** An interest that is removed from a register and any release or discharge of the interest shall be preserved in an archive register.

**58 (1)** A certificate of *lis pendens* in prescribed form may be recorded with respect to the parcel described in it.

**(2)** A certificate of *lis pendens* may be removed from the register on the earliest of

- (a) cancellation of the recording;
- (b) the recording of an order of the court dismissing the action or discharging the *lis pendens*;
- (c) the recording of a certificate of a prothonotary of the court that the action was discontinued; and
- (d) the expiration of five years from the recording of the certificate of *lis pendens*.

**(3)** A certificate of *lis pendens* shall be signed by a prothonotary of the court in which the action affecting the land was commenced.

**(4)** A person filing or continuing a certificate of *lis pendens* without reasonable cause is liable to compensate any person who may have sustained damage as a result.

**59 (1)** A registration in the Personal Property Registry is not a registration or recording pursuant to this Act.

**(2)** A security interest in a fixture and a security interest in a crop pursuant to the *Personal Property Security Act* may be recorded in the parcel register of the land that they affect.

**(3)** A security interest in a fixture and a security interest in a crop pursuant to the *Personal Property Security Act* shall be removed from the register on the earliest of the

- (a) cancellation of the recording;
- (b) expiration of the period for which the interest was recorded; and
- (c) recording of a discharge of the security interest.

**60 (1)** Where

- (a) all of the obligations under the security interest have been performed;
- (b) the secured party has agreed to release all or part of the collateral;
- (c) the description of the collateral contained in the security interest includes an item or kind of property that is not collateral under a security interest;
- (d) the security interest does not affect the parcel in the register; or
- (e) no security interest exists,

the debtor named in the recorded security interest and any person with a registered interest in the parcel to which the security interest purportedly relates may give a written demand to the secured party requiring the secured party to discharge the interest so far as it relates to the parcel in the register or to discharge the interest so far as it relates to collateral agreed to be released or not included in the security interest.

**(2)** Where the secured party fails to comply with a demand made pursuant to subsection (1) within thirty days after it is given, the person making the demand may require the registrar to cancel or amend the recording in accordance with the demand upon proof of service of the demand.

**(3)** Notwithstanding subsection (2), a registrar shall not cancel or amend a recording if an order of the court is provided by the secured party permitting the continuance of the recording on such terms as may be specified in the order.

**(4)** An order pursuant to subsection (3) shall be recorded.

**(5)** After having been served with a demand pursuant to subsection (1), a secured party may apply to the court and the

court may order the continuance of the registration as if the demand had not been made on such terms as the court thinks just or may order the discharge or amendment of the security interest.

**(6)** No fee or expense may be charged by a secured party for compliance with a demand pursuant to subsection (1) unless the charge was agreed to by the parties before the demand was given.

**61** Every successive owner of land is affected with notice of a condition or covenant included in an instrument registered or recorded with respect to that land and is bound thereby if it is of such nature as to run with the land, but a condition or covenant may be modified or discharged by order of the court on proof to the satisfaction of the court that

(a) the modification or discharge will be beneficial to the persons principally interested in the enforcement of the condition or covenant;

(b) the condition or covenant conflicts with the provisions of a land-use by-law, municipal planning strategy or development agreement issued, made or established pursuant to an enactment and the modification or discharge is in the public interest; or

(c) the condition or covenant offends public policy or is prohibited by law.

**62 (1)** The right to have the recording of an interest cancelled or to postpone the enforcement of an interest may be assigned by the holder of the interest.

**(2)** The original holder may have a recording cancelled or postpone the enforcement of an interest unless an assignment of those rights is recorded.

**(3)** Any party to a recorded interest may record documents that amend, assign, renew, postpone, partially terminate, terminate or otherwise affect the recorded interest at any time before the recording is cancelled.

**63 (1)** The registered owner of a parcel may require the cancellation of a recorded interest by serving notice on the holder of that interest to take proceedings in the court to substantiate the interest.

**(2)** The notice shall include an affidavit showing that the interest, the recording of which is sought to be cancelled, is invalid with respect to the parcel.

**(3)** This Section does not apply to

(a) an interest that is registered;

(b) an interest to which the registered owner has consented;

(c) an overriding interest; or

(d) a recording pursuant to a statute other than this Act.

**(4)** The Registrar shall cancel the recording upon proof

(a) that sixty days has expired after the serving of the notice in the prescribed form on the holder of the interest and, where the interest is a servitude, on the owner of every parcel identified in the recorded document as land to which the benefit of the servitude is annexed;

(b) that no certificate of *lis pendens* has been recorded by any person certifying that proceedings in court have been commenced to substantiate the recorded interest; and

(c) that the person who caused the notice to be served is the registered owner of the land against which the recording to be cancelled was recorded.

**(5)** Notwithstanding clause (4)(a), the court may, on *ex parte* application, shorten the period of sixty days to such period as the court thinks just.

**(6)** An order shortening the sixty-day notice period shall be served with the notice.

**(7)** The notice shall be served personally, by registered mail directed to the address to which notices with respect to the recording are to be sent or in accordance with any directions given by the court on *ex parte* application.

#### **64** Where a recording

(a) is void because the interest did not qualify for recording under this Act; or

(b) was not cancelled at the request of the holder after the interest ceased to exist under law and the person affected by it had demanded its cancellation,

the holder of the recorded interest is liable to any person who sustains loss because of the initial recording or its continuance unless it was a registrar's recording or the court finds that the initial recording or its continuance was reasonable under the circumstances.

**65 (1)** A registrar shall establish a judgment roll for the registration district.

**(2)** A judgment creditor may record a judgment for the recovery of money in the judgment roll for a registration district.

**(3)** A judgment shall be certified by the registrar, clerk or prothonotary of the court that issued it.

**(4)** A judgment recorded in a judgment roll binds and is a charge upon any registered interests of the judgment debtor within the registration district, whether acquired before or after the judgment is recorded, from the date the judgment is recorded until the judgment is removed from the register.

**(5)** On the coming into force of this Act, a judgment recorded pursuant to the *Registry Act* before that date has the effect of a judgment recorded pursuant to this Act, has effect for twenty years subsequent to the date of the judgment, is subject to Sections 66, 67, 68 and 69 and may not be renewed.

**(6)** The recording of a judgment in the judgment roll has the same effect with respect to a property that has not been registered pursuant to this Act as it has with respect to a property registered pursuant to this Act, and no judgment shall be recorded pursuant to the *Registry Act* after this Act comes into force.

**66 (1)** A judgment is a charge as effectually and to the same extent as a recorded mortgage upon the interest of the judgment debtor in the amount of the judgment.

**(2)** A judgment against one joint tenant does not sever the joint tenancy.

**(3)** A judgment against one owner of an interest does not extend to or bind the interests of the other owners.

**(4)** A judgment shall be removed from the roll on the earliest of

(a) cancellation of the recording;

(b) the recording of a certificate of the registrar, prothonotary or clerk of the court that issued the judgment that the judgment was set aside;

(c) expiration of the time for which the judgment was recorded;

(d) the recording of a release of the judgment signed by the plaintiff, the solicitor for the plaintiff or the registrar, clerk or prothonotary of the court that issued the judgment; and

(e) the expiration of five years from the date of the recording of the judgment or the date of the last renewal of the recording of the judgment.

**(5)** The recording of a judgment may be renewed not more than three times by recording a certificate of renewal signed by the judgment creditor or the solicitor, agent or attorney of the judgment creditor at any time before the judgment is removed from the roll.

**(6)** A judgment that is removed from the roll ceases to bind or be a charge upon any registered interest in the registration district.

**(7)** The validity of any title acquired by a sale under a judgment is not affected by the removal of the judgment from the roll.

**(8)** A judgment does not affect a person's interest in any parcel if the person's name is materially different from that of the judgment debtor.

**67 (1)** The recording of a judgment shall contain the names and addresses of the parties to the action and, in the case of a judgment creditor, shall include an address at which the judgment creditor may be served and, in the case of a judgment debtor, shall include such information as tends to distinguish the judgment debtor from all other persons of the same or similar names.

**(2)** A certificate of judgment shall contain the amount recovered and the names of the solicitors for the parties, if any.

**(3)** A certificate of judgment shall be certified under the hand of the registrar, clerk or prothonotary of the Court that issued it, under the seal of the court, and, when so certified, shall be accepted by the registrar for recording without further proof.

**(4)** The name of a judgment creditor shall be sufficiently detailed and accurate as to permit the name to be distinguished from all other like names, and shall comply with the prescribed standards.

**(5)** The registrar shall not accept for recording a judgment that does not comply with the prescribed standards.

**68 (1)** Any person may require a judgment creditor who has recorded a judgment in the judgment roll to provide, without charge, confirmation that the person is or is not the judgment debtor referred to in the judgment and that the judgment is or is not satisfied.

**(2)** A request pursuant to subsection (1) shall include sufficient information concerning the person making the request to permit the judgment creditor to accurately determine whether the person making the request is or is not the judgment debtor and, for that purpose, the judgment creditor may, within seven days after receipt of the request, require further particulars concerning the person making the request.

**(3)** Where the judgment creditor does not provide the information required by subsection (1) within ten days after the request was received, or within ten days after the additional information requested was received, upon recording an affidavit containing proof that the request was sent to the judgment creditor at the address shown on the judgment roll, that there was no request for further information or that the request was complied with and that no further information was received, the judgment has no effect with respect to any parcel registered in the name of the person making the request.

**(4)** The registrar shall cancel the recording of a judgment upon receipt of a certificate from the registrar, prothonotary or clerk confirming that sufficient funds have been paid into court to satisfy the judgment and that the judgment creditor has been notified of the payment into court.

**69 (1)** The assignment of a recorded judgment may be recorded.

**(2)** The original judgment creditor may release or postpone the judgment unless an assignment of the judgment is



recorded.

**(3)** A judgment may be released in whole or in part, or as to some or all of the land affected by it, by the recording of a full or partial release.

**70** Filing or recording a mechanics' lien or a certificate of *lis pendens* pursuant to the *Registry Act* has no effect with respect to land registered pursuant to this Act.

**71 (1)** An interest levied upon pursuant to an attachment order is bound by the order from the time a certified copy of the order and of the description of the interest levied upon is recorded.

**(2)** The interest continues to be bound by the order until discharged by order of the court or until thirty days after final judgment has been signed in the action, and the judgment, if recorded before the expiration of the thirty days, binds the interest from the date the attachment order was recorded.

**72 (1)** Every registrar shall establish an attorney roll for the registration district.

**(2)** Any person may record a power of attorney in the attorney roll for a registration district.

**(3)** A power of attorney recorded in an attorney roll is valid with respect to any dealing with any recorded or registered interest of the person granting the power of attorney within the registration district, whether acquired before or after the power of attorney is recorded.

**(4)** A registrar shall not accept for registration or recording any document signed by an attorney for a person unless the power of attorney is recorded in the attorney roll or the register of the parcel to which the document relates, or the power of attorney is included with the document.

**(5)** A power of attorney may

(a) be recorded in the attorney roll;

(b) be recorded in a parcel register; or

(c) be included in the document to which it relates.

**(6)** A power of attorney that is included in the document to which it relates does not authorize the registration or recording of any other document pursuant to subsection (4).

**(7)** Where a power of attorney includes conditions that must be met before it has effect, or names alternative attorneys, a registrar and any other person may assume for all purposes that the conditions have been met and that the person acting under the power of attorney is authorized to so act.

**73 (1)** Notwithstanding anything contained in this Act, the following interests, whether or not recorded or registered, and no other interests, shall be enforced with priority over all other interests according to law:

(a) an interest of Her Majesty in right of the Province that was reserved in or excepted from the original grant of the fee simple absolute from Her Majesty, or that has been vested in Her Majesty pursuant to an enactment;

(b) a lien in favour of a municipality pursuant to an enactment;

(c) a leasehold for a term of three years or less if there is actual possession under the lease that could be discovered through reasonable investigation;

(d) a utility interest;

(e) an easement or right of way that is being used and enjoyed;

- (f) a right acquired by adverse possession or prescription either before the date this Act comes into force in the county in which the land is situated or acquired pursuant to this Act;
- (g) any right granted by or pursuant to an enactment of Canada or the Province
  - (i) to enter, cross or do things on land for the purpose expressed in the enactment,
  - (ii) to recover municipal taxes, duties, charges, rates or assessments by proceedings in respect of land,
  - (iii) to control, regulate or restrict the use of land, or
  - (iv) to control, regulate or restrict the subdivision of land;
- (h) a lien for assessments pursuant to the *Workers' Compensation Act*;
- (i) an interest created by or pursuant to a statute that expressly refers to this Act and expressly provides that the interest is enforceable with priority other than as provided in this Act.

**(2)** Notwithstanding clause (1)(g), a designation pursuant to the *Beaches Act* is not an overriding interest and has no effect with respect to a parcel registered pursuant to this Act until it has been recorded in that parcel's register.

**74** Interests acquired by adverse possession or prescription before the date a parcel is first registered pursuant to this Act are absolutely void against the registered owner of the land in which the interest is claimed ten years after the land is first registered pursuant to this Act unless an order of the court or agreement of the registered owner confirming the interest has been recorded before that time.

**75 (1)** The owner of an adjacent parcel may acquire an interest in part of a parcel by adverse possession or prescription after the parcel is first registered pursuant to this Act, if that part does not exceed twenty per cent of the area of the parcel in which the interest is acquired.

**(2)** For the purpose of this Section, adverse possession and prescription include time both before and after the coming into force of this Act.

**76 (1)** In this Section, "person" includes a person and that person's heirs, executors, administrators, successors or assigns.

**(2)** Where a person makes lasting improvements on land under the belief that it is the person's own, the court may, on the application of either the person making the improvement or the person to whom the land belongs,

- (a) require the person making the improvement to remove it or abandon it;
- (b) require the person making the improvement to acquire an easement, either limited in time or not, from the person to whom the land belongs, in the amount and on such terms as the court thinks just;
- (c) require the person making the improvement to acquire the land on which it was made from the person to whom the land belongs, in the amount and on such terms as the court thinks just; or
- (d) require the person to whom the land belongs to compensate the person making the improvement for the amount by which the improvement has enhanced the value of the land to the owner of it, in the amount and on such terms as the court thinks just.

**(3)** Where it is found that a building on land encroaches on adjoining land the court may, on the application of either the registered owner of the land on which the building is located or the registered owner of the land on which the building encroaches,

- (a) require the owner of the building to remove or abandon the encroachment;
  - (b) require the owner of the building to acquire an easement, either limited in time or not, from the person to whom the land belongs, in the amount and on such terms as the court thinks just;
  - (c) require the owner of the building to acquire the land on which it was made from the person to whom the land belongs, in the amount and on such terms as the court thinks just.
- (4)** An acquisition of land pursuant to this Section is not a subdivision within the meaning of the *Municipal Government Act*.
- (5)** Any application to the court pursuant to this Section shall include a plan of survey of the lands that are the subject of the application.

**77 (1)** Every instrument assigning or claiming an interest in or a right relating to or affecting the title to land or to any interest in land presented for registration or recording shall have endorsed on it or annexed to it an address of the transferee or claimant.

**(2)** Any document affecting the title to land to which the consent of the registered owner is not affixed shall include an address of the transferee or claimant.

**(3)** A person may notify the registrar in writing of a change of name or address.

**(4)** The last address of a person on file with the registrar is the address for service of all notices and documents given pursuant to this Act.

**(5)** Any notice to be served pursuant to this Act is sufficiently served if it is served personally, is sent by registered mail directed to the address to which notices with respect to the registration or recording are to be sent or in accordance with any directions given by the court.

**78** Any instrument submitted for registration or recording is validly executed and shall be registered or recorded, notwithstanding that it is not under seal and notwithstanding that it does not specify, or is not given for, good or valuable consideration.

**79 (1)** A registrar shall accept for registration or recording every instrument that may be registered or recorded pursuant to this Act that includes a certificate of execution to the effect that

- (a) at least one party executing the instrument has sworn or affirmed that the party executed the instrument;
- (b) the person who signed the instrument as a witness has sworn or affirmed that at least one of the parties to the instrument signed it in the presence of the witness; or
- (c) at least one of the parties to the instrument signed it in the presence of a person authorized by this Act to sign the certificate of execution.

**(2)** Where the instrument is executed within the Province, the certificate of execution may be signed by, and the affidavit sworn to or affirmed before,

- (a) a registrar;
- (b) a judge of the Supreme Court of Nova Scotia or of the Nova Scotia Court of Appeal;
- (c) a notary public;
- (d) a barrister of the Supreme Court of Nova Scotia;

(e) a justice of the peace;

(f) a commissioner of the Supreme Court of Nova Scotia;

(g) any person authorized to administer an oath or to take and receive an affidavit, affirmation or declaration within the Province for use within the Province.

**(3)** Where the instrument is executed outside the Province, the certificate of execution may be signed by, and the affidavit sworn to or affirmed,

(a) if made in another province before

(i) a judge of any court of record,

(ii) a person authorized to take affidavits in the province for use in any court of record in that province,

(iii) a notary or notary public,

(iv) a commissioned officer in any of Her Majesty's Armed Forces on active duty, or

(v) any person authorized by the laws of the Province to take affidavits for the Supreme Court of Nova Scotia; or

(b) if made in any foreign country, before

(i) any officer of Her Majesty's Canadian or British diplomatic or consular services including an ambassador, high commissioner, permanent delegate, envoy, minister, chargé d'affaires, counsellor, secretary, attaché, consul general, consul, vice-consul, pro-consul, honorary consul or consular agent and any person acting for any of them,

(ii) a Canadian Government Trade Commissioner or Assistant Canadian Government Trade Commissioner,

(iii) a judge of any court of record,

(iv) a notary or notary public,

(v) a commissioned officer in any of Her Majesty's Armed Forces on active duty, or

(vi) any person authorized by the laws of the Province to take affidavits for the Supreme Court of Nova Scotia.

**(4)** Where an instrument is executed outside the Province, the official seal of a notary or notary public who signed the certificate of execution or who took the affidavit is sufficient proof that the person is a notary or notary public.

**(5)** Where an instrument is executed outside the Province, a certificate of the person who signed the certificate of execution or who took the affidavit to the effect that the person is one of the persons named in subsections (2) or (3) is sufficient proof of the person's authority to do so for purposes of registering or recording the instrument without the need for a seal.

**(6)** This Section does not apply to

(a) a grant from Her Majesty;

(b) an order in council;

(c) a regulation filed pursuant to the *Regulations Act*;

(d) an instrument under the seal of a corporation;

- (e) an order of a court or judge of the Province;
- (f) a certificate of judgment, an execution order or an attachment order;
- (g) a certificate of *lis pendens* issued by a Nova Scotia court;
- (h) an instrument executed by a Minister of the Crown or by a person authorized by the Minister to execute the instrument;
- (i) a claim for lien under the *Mechanics' Lien Act*;
- (j) an instrument, including any instrument executed before the coming into force of this Section, that is provided for under another Act, its predecessor or a regulation and that does not under that Act or regulation require a witness to the instrument.

**80** An individual is not eligible to be a witness to an instrument executed after the coming into force of this Act if that individual is

- (a) a party to the instrument; or
- (b) a spouse who consents to the instrument pursuant to the *Matrimonial Property Act*.

**81** A registrar shall not register or record an instrument executed after the coming into force of this Act if the individual who signed the certificate of execution for that instrument is

- (a) a party to the instrument; or
- (b) a spouse who consents to the instrument pursuant to the *Matrimonial Property Act*.

**82** Failure to comply with an attestation requirement under this or another Act, its predecessor or a regulation does not, for that reason only, affect the validity of any instrument, whether or not it is recorded or registered.

**83** An instrument executed by a corporation, notwithstanding anything to the contrary in the statute, incorporating documents, charter or memorandum and articles of association of the corporation, shall, for the purpose of this Act, be deemed to be sufficiently executed if the instrument is

- (a) sealed with the corporate seal of the corporation and countersigned by at least one officer or director of the corporation; or
- (b) executed by at least one officer or director of the corporation
  - (i) whose signature is attested to pursuant to Section 79, and
  - (ii) who verifies by affidavit authority to execute the instrument on behalf of the corporation and thereby bind the corporation.

**84** On being satisfied of the due execution of an instrument, the court may authorize its registration or recording, notwithstanding that the proof of the execution is absent or defective.

**85 (1)** A person who sustains loss through a registration, a revision of registrations, a recording or a cancellation of a recording that are not authorized by this Act, or through the failure to revise a registration or to make or cancel a recording, as required by this Act, is entitled to compensation for the loss sustained.

**(2)** Compensation is the aggregate of

- (a) the market value of the interest lost or a family home for a family home determined according to the principles set

out in the *Expropriation Act*;

- (b) reasonable costs, expenses and losses arising out of or incidental to the person's disturbance, if any;
- (c) damages for injurious affection to remaining lands of the person arising from the loss of the interest;
- (d) any reduction in value of the interest due to its priority having been subordinated; and
- (e) the value of any special economic value of the interest.

**(3)** Compensation is determined as of the earlier of the date on which the person submits a claim for compensation to the Registrar General and the date on which the person commences an action for compensation.

**(4)** Notwithstanding the *Limitations of Actions Act*, a person loses the right to compensation if, within six years after the person learns that a loss may have been sustained, or within such additional time as the Registrar General may agree, that person does not either enter into an agreement with the Registrar General providing for compensation or commence an action for compensation.

**86 (1)** Compensation is not payable pursuant to this Act where a loss is sustained because a person with actual knowledge of a right to have a registration revised or rectified failed to request that revision or rectification within a reasonable time.

**(2)** Where a failure to request the revision or rectification of a registration within a reasonable time is not the sole cause of a loss but increases the amount of the loss, any compensation shall be reduced by the amount of the loss attributable to the delay.

**87 (1)** A person who claims to be entitled to compensation may submit a claim to the Registrar General.

**(2)** Where the Registrar General is satisfied that the person is entitled to compensation, the Registrar General may enter into an agreement with the claimant providing for the payment of compensation and the reasonable expenses of bringing and proving the claim and interest in the amounts set out in or determined according to the agreement.

**(3)** Upon entering into an agreement,

(a) the Registrar General shall certify to the Minister of Finance that the person is entitled to the various amounts determined pursuant to the agreement;

(b) the person is entitled to compensation and the Minister of Finance shall pay the amounts set out in or determined pursuant to the agreement;

(c) the person ceases to be entitled to payment under this Act except as provided in the agreement; and

(d) all causes of action arising from the loss, except those based on fraud, are extinguished.

**88 (1)** A person who claims to be entitled to compensation may commence an action against the Registrar General.

**(2)** The court may

(a) declare that the person is entitled to compensation;

(b) determine the amount of or a method of determining the compensation, interest and costs to which the person is entitled;

(c) dismiss the action, with or without costs.

**(3)** Where the court, by order made pursuant to subsection (2), declares that a person is entitled to compensation and

orders that compensation be paid to that person in the amount set out in the order or in the amount that is arrived at according to the method set out in the order, and the order becomes final by lapse of time or by being upheld by the highest authority to which an appeal is taken or where the highest authority to which an appeal is taken upholds the order to the extent that the order declares that the person is entitled to compensation, but varies the amount of compensation or the method whereby the amount of compensation is determined,

(a) the person is entitled to, and the Minister of Finance shall pay, compensation in the amount set out in the order or calculated in accordance with the method set out in the order, subject to any variation ordered by the highest authority to which any appeal is taken;

(b) the person ceases to be entitled to payment under this Act except as provided in the order with any variation; and

(c) all causes of action arising from the loss, except those based on fraud, are extinguished.

**89 (1)** Where a loss for which compensation is payable is caused in whole or in part by the wrongful act of any person, that person is liable to Her Majesty in right of the Province for the amount of the compensation or for such portion thereof as the court finds to be just and equitable, having regard to the extent of that person's responsibility for the loss.

**(2)** Liability under subsection (1) may be enforced by

(a) the Registrar General joining that person in an action brought against the Registrar General for compensation; or

(b) the Minister of Finance in an action brought against the person.

**90 (1)** A person who objects to and is aggrieved by

(a) a registration or a recording;

(b) a cancellation of a recording;

(c) a revision of a registration; or

(d) any decision of a registrar with respect to any action the registrar is required or authorized to take under this Act,

may require the registrar to provide written reasons and, within thirty days after receipt of the reasons, may apply to the court for an order requiring the Registrar General to take any action that the Registrar General is required or authorized to take under this Act.

**(2)** On an application pursuant to subsection (1), the court may make such order as it thinks just.

**91 (1)** The Registrar General may apply to the court for directions with respect to any matter concerning the duties of the Registrar General or of a registrar pursuant to this Act.

**(2)** On an application pursuant to subsection (1), the court may give any direction and make any order that it thinks just.

**92 (1)** In any proceeding with respect to an interest, the court may order a registrar to

(a) record an interest;

(b) cancel a recording;

(c) revise the priority of recordings;

(d) revise a registration;

(e) take any other action that the court thinks just.

**(2)** Any order pursuant to subsection (1) shall be recorded in the register of any affected parcel.

**93 (1)** The Governor in Council may make regulations required to achieve the purpose of this Act and, in particular, regulations

(a) establishing land registration districts, dividing or combining land registration districts and changing the boundaries of land registration districts;

(b) prescribing a class of persons who may perform the duties or exercise the powers of a registrar, specifying which powers may be exercised and any conditions under which the powers may be exercised;

(c) prescribing fees for services in relation to this Act;

(d) prescribing the circumstances in which a registrar may waive all or part of the prescribed fees;

(e) defining any term used, but not defined, in this Act;

(f) required for the effective implementation and continuation of a land titles system.

**(2)** The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

**94 (1)** The Minister may make regulations

(a) prescribing forms required for the administration of this Act;

(b) setting out the requirements for verification of documents submitted to obtain the revision of a registration or the cancellation of a recording;

(c) setting out the form and content of an affidavit of verification;

(d) prescribing the form and content of registers;

(e) establishing the procedure for applications to revise a registration or cancel a recording;

(f) prescribing the manner in which names and other particulars in documents submitted for recording or registration shall appear;

(g) prescribing information required to be included with an application for initial registration of a parcel pursuant to this Act;

(h) establishing requirements for certification of registers or any documents contained in a register;

(i) requiring every document submitted for registration or recording to be accompanied by a page identifying the parcel affected by parcel identification number, the names of the grantees in the form in which they are to be indexed, a precise identification of the nature of the document, including references to registry numerical coding, and such other information as may be prescribed;

(j) prescribing the manner in which documents may be electronically registered or recorded;

(k) prescribing the manner in which electronically registered or recorded documents may be verified, including the use of digital signatures of the parties or of the official completing the certificate of execution or any other certification authorized by this Act or any affidavit included in the instrument or authorized by this Act;

(l) requiring some or all documents in some or all registries to be submitted for registration or recording in electronic or other form;



(m) respecting any matter necessary to accommodate changes in technology;

(n) defining any term used, but not defined, in this Act;

(o) for the more effective administration of this Act.

**(2)** The exercise by the Minister of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

**(3)** Subject to the approval of the Governor in Council, the Minister may enter into agreements prescribing the terms and conditions under which the members of a profession may perform prescribed duties of a registrar and the agreements may contain provisions respecting the standards that the members of the profession shall meet, the manner of enforcement of the standards, the liability of the members to the Registrar General and such other matters respecting the implementation and administration of this Act as may be expedient.

**95 (1)** The Registrar General may

(a) prescribe standard forms of instruments that may be incorporated by reference in an instrument;

(b) prescribe standard terms or clauses that may be incorporated by reference in an instrument;

(c) require mortgagees or other holders of security interests to file standard charge terms.

**(2)** Any forms, terms, or clauses prescribed or filed pursuant to subsection (1) shall be maintained in a standard charge terms roll accessible at every land registration office.

**(3)** Where standard charge terms have been filed, no charge executed after thirty days after the filing that includes the standard terms shall be recorded without the consent of the Registrar General.

**(4)** Where the Registrar General has required the filing of standard charge terms, and the terms have not been filed within ninety days thereafter, the Registrar General may direct that no security interest in favour of the party in default may be accepted for recording.

**(5)** The exercise of the authority conferred on the Registrar General by this Section is not regulations.

**96** Clause 5(3)(b) of Chapter 22 of the Acts of 2000, the *Agriculture Marshland Conservation Act*, is amended by adding "or where the marshland section is located in one or more parcels of land registered pursuant to the *Land Registration Act*, record the description in the register or registers established for that parcel or those parcels pursuant to that Act" immediately after "situate" in the third line.

**97** Section 131 of Chapter 6 of the Revised Statutes, 1989, the *Agriculture and Marketing Act*, is amended by adding immediately after subsection (2) the following subsections:

(3) The lien referred to in subsection (1) is not a charge against a parcel registered pursuant to the *Land Registration Act* until a certificate evidencing the lien has been recorded in the register of the parcel.

(4) The Board may record a notice of the lien referred to in subsection (1) in the parcel register established pursuant to the *Land Registration Act* of any property owned by a person for whom or on account of whom such remedial or control measures have been carried out to which the lien applies and shall thereupon serve that person with a copy of the lien and recording particulars.

(5) Upon satisfaction of the lien including payment of the fees for recording the lien and the release, the Board shall record a release of the lien in the parcel registers in which the lien was recorded.

**98** Section 38 of Chapter 23 of the Revised Statutes, 1989, the *Assessment Act*, is amended by adding immediately after

subsection (2) the following subsection:

(3) Where real property has been registered pursuant to the *Land Registration Act*, the real property shall be assessed to the person shown in the register as the owner of the fee simple.

**99 (1)** Section 4 of Chapter 9 of the Acts of 1998, the *Cemeteries Protection Act*, is amended by adding immediately after subsection (2) the following subsection:

(2A) Where real property has been registered pursuant to the *Land Registration Act*, an order made pursuant to subsection (1) is ineffective unless and until the order is recorded in the register for the parcel established pursuant to that Act in which the real property is located in the manner prescribed by the *Land Registration Act* for the registration district in which the cemetery is located.

**(2)** Section 7 of Chapter 9 is amended by adding immediately after subsection (2) the following subsection:

(3) Where real property is registered pursuant to the *Land Registration Act*, subsection (1) does not apply to a person who, for valuable consideration, acquires an interest in property without notice that the property is set apart or used as a place for the burial or permanent placement of human remains, unless at the time of the acquisition, an order relating to the property, made pursuant to Section 4, is recorded in accordance with Section 4 in the register for the parcel established pursuant to that Act.

**100 (1)** Clause 3(1)(u) of Chapter 85 of the Revised Statutes, 1989, the *Condominium Act*, is amended by adding "the *Land Registration Act* or" immediately after "to" in the second line.

**(2)** Subsection 9(5) of Chapter 85 is amended by adding "or the *Land Registration Act*, as the case may be" immediately after "Act" in the second line.

**(3)** Section 31 of Chapter 85, as amended by Chapter 28 of the Acts of 1998, is further amended by adding immediately after subsection (7) the following subsections:

(7A) The lien referred to in subsection (6) is not a charge against the unit and the common interest of any unit registered pursuant to the *Land Registration Act* until a certificate evidencing the lien has been recorded in the register of the unit.

(7B) The corporation may record a notice of the lien referred to in subsection (6) in the parcel register of any unit to which the lien applies and shall thereupon serve the owner of the unit with a copy of the lien and recording particulars.

(7C) Upon satisfaction of the lien including payment of the fees for recording the lien and the release, the corporation shall record a release of the lien in the parcel register of the unit.

**(4)** Clause 46(1)(c) of Chapter 85 is amended by adding "or *Land Registration Act*" immediately after "Act" in the second line.

**101** Clause 12(b) of Chapter 97 of the Revised Statutes, 1989, the *Conveyancing Act*, is amended by adding "where the *Land Registration Act* does not apply," immediately before "sealed" in the first line.

**102 (1)** Subsection 149(4) of Chapter 4 of the Acts of 1994, the *Credit Union Act*, is amended by striking out "titles" in the third line and substituting "registration".

**(2)** Subsection 149(5) of Chapter 4 is amended by striking out "titles" in the third line and substituting "registration".

**103 (1)** Clause 3(ap) of Chapter 1 of the Acts of 1994-95, the *Environment Act*, is amended by adding "or land registration" immediately after "deeds" in the fourth line.

**(2)** Clause 106(2)(b) of Chapter 1 is amended by adding "and the land registration office" immediately after "deeds" in

the second line.

**(3)** Section 108 of Chapter 1 is amended by adding "(1)" immediately after the Section number and by adding the following subsection:

(2) Notwithstanding subsection (1), possession, occupation or use of a watercourse where the land is no longer covered by water, for a period of not less than forty years continuously, may give an interest therein in accordance with the principles of adverse possession or prescription.

**(4)** Section 132 of Chapter 1 is amended by adding immediately after subsection (7) the following subsection:

(8) No lien under subsection (7) is created against a property registered pursuant to the *Land Registration Act* until the order is recorded in the parcel register.

**104 (1)** Section 4 of Chapter 151 of the Revised Statutes, 1989, the *Escheats Act*, is amended by adding immediately after subsection (3) the following subsection:

(3A) Where the real property is registered pursuant to the *Land Registration Act*, a copy of the notice shall be served upon each and every person appearing on the register of the parcel as holding any interest in the parcel, by delivering the notice to the person personally or by leaving the same at the person's place of abode with some person apparently above the age of sixteen years, or if such service cannot be so effected, in such other manner as the court or a judge may direct.

**(2)** Section 11 of Chapter 151 is amended by adding immediately after subsection (2) the following subsection:

(3) Where the real property is registered pursuant to the *Land Registration Act*, the prothonotary shall furnish a certified copy of the original order to the Minister to be filed in the department and to the land registration office for the district in which the lands lie for recording in the register of each parcel affected by the order.

**105 (1)** Section 29 of Chapter 154 of the Revised Statutes, 1989, the *Evidence Act*, is repealed and the following Section substituted:

29 For properties registered pursuant to the *Land Registration Act*, all records and copies of records that are required by law to be kept or held by a registrar or the Registrar General, and accurate reproductions of such records or copies, shall in any court be admissible in evidence as proof of the contents therein if certified as correct by the registrar or Registrar General.

**(2)** Chapter 154 is further amended by adding immediately after Section 33 the following Sections:

33A The registration or recording of any deed or document pursuant to the *Land Registration Act* may be proved in any court by the production of the certificate of registration or recording, as the case may be, signed by the registrar, endorsed on such deed or document, or upon any such certified copy of such deed or document.

33B For properties registered pursuant to the *Land Registration Act*, no subpoena, no summons and no other process shall be issued or sued out requiring a registrar or the Registrar General to bring or produce before any court, judge or officer any records pertaining to the office of registrar or Registrar General, except upon an order of the court, judge or officer having jurisdiction in the cause or matter in respect of which the records are required to be brought or produced.

**106 (1)** Clause 3(1)(m) of Chapter 156 of the Revised Statutes, 1989, the *Expropriation Act*, is amended by adding "or the *Land Registration Act*" immediately after "Act" in the fourth line.

**(2)** Clause 3(1)(n) of Chapter 156 is amended by adding "and also includes a person shown as the owner of any registered interest in the parcel register established pursuant to the *Land Registration Act*" immediately after "roll" in the sixth line.

**(3)** Section 11 of Chapter 156 is amended by adding immediately after subsection (3) the following subsection:

(3A) In the case of an interest registered pursuant to the *Land Registration Act*, documents shall be recorded at the land registration office in the parcel register of the interest being expropriated and the registrar shall establish a new register for the interest expropriated.

**107** Section 17 of Chapter 171 of the Revised Statutes, 1989, the *Fire Prevention Act*, is amended by adding immediately after subsection (2) the following subsections:

(3) The lien referred to in subsection (2) is not a charge against a parcel registered pursuant to the *Land Registration Act* until a certificate evidencing the lien has been recorded in the register of the parcel.

(4) The treasurer of the city, town or municipality, as the case may be, may record a notice of the lien referred to in subsection (2) in the parcel register of any property owned by a person for whom or on account of whom the amount so certified by the Fire Marshal has been paid and shall thereupon serve that person with a copy of the lien and recording particulars.

(5) Upon satisfaction of the lien including payment of the fees for recording the lien and the release, the treasurer of the city, town or municipality, as the case may be, shall record a release of the lien in the parcel registers in which the lien was recorded.

**108** Section 103 of Chapter 25 of the Acts of 1996, the *Fisheries and Coastal Resources Act*, is amended by adding immediately after subsection (7) the following subsection:

(8) The lien referred to in subsection (7) is not a charge against a parcel registered pursuant to the *Land Registration Act* until a certificate evidencing the lien has been recorded in the register of the parcel.

**109** Chapter 190 of the Revised Statutes, 1989, the *Gypsum Mining Income Tax Act*, is amended by adding immediately after Section 12 the following Section:

12A The claim referred to in Section 12 is not a charge against a parcel registered pursuant to the *Land Registration Act* until a certificate evidencing the claim has been recorded in the register of the parcel.

**110** Section 88 of Chapter 246 of the Revised Statutes, 1989, the *Labour Standards Code*, is amended by adding immediately after subsection (2) the following subsection:

(3) The lien and charge and mortgage referred to in subsection (1) has no effect with respect to property registered pursuant to the *Land Registration Act* until the order of the tribunal under Section 26 is recorded in the judgment roll.

**111** Chapter 248 of the Revised Statutes, 1989, the *Land Holdings Disclosure Act*, is amended by adding immediately after Section 3 the following Section:

3A This Act does not apply to a parcel registered pursuant to the *Land Registration Act*.

**112** Chapter 47 of the Acts of 1903-04, the *Land Titles Act*, is repealed.

**113** Chapter 8 of the Acts of 1978, the *Land Titles Act*, is repealed.

**114** Chapter 250 of the Revised Statutes, 1989, the *Land Titles Clarification Act*, is amended by adding immediately after Section 2 the following Section:

2A This Act does not apply to a parcel registered pursuant to the *Land Registration Act*.

**115 (1)** Section 4 of Chapter 258 of the Revised Statutes, 1989, the *Limitation of Actions Act*, is amended by

- (a) striking out the comma immediately after "years" in the third line and substituting "or";
- (b) striking out ", or out of the Province" in the fourth line;
- (c) striking out the comma immediately after "age" in the seventh line and substituting "or";
- (d) striking out "or returned to the Province," in the seventh and eighth lines; and
- (e) adding ", or within five years, whichever is the shorter time" after "done" in the ninth line.

**(2)** Subsection 5(1) of Chapter 258 is amended by

- (a) striking out the comma immediately after "years" in the third line and substituting "or";
- (b) striking out ", or out of the Province" in the fourth line;
- (c) striking out the comma after "age" in the seventh line and substituting "or"; and
- (d) striking out ", or returned to the Province" in the seventh and eighth lines.

**(3)** Subsections 5(2) and 5(3) of Chapter 258 are repealed.

**(4)** Section 8 of Chapter 258 is amended by

- (a) striking out "or the party making the acknowledgment is, at the time of making the same, out of the Province," in the eleventh and twelfth lines; and
- (b) striking out "or the party has returned to the Province, as the case may be," in the fourteenth and fifteenth lines.

**(5)** Section 19 of Chapter 258 is amended

- (a) by striking out ", idiocy, lunacy, unsoundness of mind or absence from the Province" in the fifth and sixth lines and substituting "or unsoundness of mind"; and
- (b) by striking out "ten" in the tenth line and substituting "five".

**(6)** Section 20 of Chapter 258 is amended by

- (a) striking out "forty" in the sixth and in the tenth lines and substituting in each case "twenty-five"; and
- (b) striking out "ten" in the tenth line and substituting "five".

**(7)** Section 21 of Chapter 258 is amended by striking out "sixty" in the second line and substituting "forty".

**(8)** Section 24 of Chapter 258 is amended by adding "(1)" immediately after the Section number and by adding the following subsection:

(2) Notwithstanding subsection (1), no person claiming under a mortgage of land may make an entry or bring an action to recover such land after twenty years have elapsed from the maturity date set out in the mortgage or any registered or recorded renewal thereof.

**(9)** Section 32 of Chapter 258 is amended by striking out "forty" in the sixteenth line and substituting "twenty-five".

**(10)** Section 33 of Chapter 258 is amended by adding immediately after subsection (2) the following subsection:

(3) For the purpose of subsection (2), "city" and "incorporated town" include any area of a regional municipality

that, prior to the incorporation of the regional municipality, was a city or incorporated town.

**(11)** Section 37 of Chapter 258 is amended by striking out "forty" in the eighth line and substituting "twenty-five".

**116 (1)** Subsection 4(1) of Chapter 9 of the Acts of 1995-96, the *Marketable Titles Act*, is amended by adding "at common law or equity or otherwise" immediately after "title" in the first line.

**(2)** Subsections 4(4) and (5) of Chapter 9 are repealed and the following subsection substituted:

(4) Nothing in this Section extinguishes any interest in land.

**(3)** Chapter 9 is further amended by adding immediately after Section 4 the following Section:

4A Notwithstanding the *Descent of Property Act* and the *Intestate Succession Act*, but subject to Section 5, an interest in land, whether arising before or after the coming into force of this Act, that has not vested pursuant to an instrument that is registered pursuant to the *Land Registration Act* or the *Registry Act*, is extinguished by a registered instrument other than a will that conveys or purports to convey that interest in the land and that is executed by a person with a marketable title to that interest, upon the expiry of

(a) the twenty-year period immediately following the vesting of the interest;

(b) the five-year period immediately following the attainment of the age of majority by the person with the interest; or

(c) where the person with the interest is of unsound mind, the five-year period immediately following the person ceasing to be of unsound mind or the twenty-five year period immediately following the vesting of the interest, whichever is earlier.

**(4)** Subsection 5(1) of Chapter 9 is amended by striking out "subsection 4(4)" in the second and third lines and substituting "Section 4A".

**117** Section 12 of Chapter 284 of the Revised Statutes, 1989, the *Metalliferous Mines and Quarries Regulation Act*, is amended by adding immediately after subsection (5) the following subsection:

(5A) The lien referred to in subsection (5) is not a charge against a parcel registered pursuant to the *Land Registration Act* until a certificate evidencing the lien has been recorded in the register of the parcel.

**118 (1)** Section 114 of Chapter 18 of the Acts of 1990, the *Mineral Resources Act*, is amended by adding immediately after subsection (2) the following subsection:

(3) The lien referred to in subsection (2) is not a charge against a parcel registered pursuant to the *Land Registration Act* until a certificate evidencing the lien has been recorded in the register of the parcel.

**(2)** Section 158 of Chapter 18, as amended by Chapter 36 of the Acts of 1994, is further amended by adding immediately after subsection (6) the following subsection:

(7) The lien referred to in subsection (6) is not a charge against a parcel registered pursuant to the *Land Registration Act* until a certificate evidencing the lien has been recorded in the register of the parcel.

**119 (1)** Clause 3(bg) of Chapter 18 of the Acts of 1998, the *Municipal Government Act*, is amended by adding "and, in the case of an interest registered pursuant to the *Land Registration Act*, means a registrar appointed pursuant to that Act" immediately after "Act" in the second line.

**(2)** Clause 3(bh) of Chapter 18 is amended by adding "and, in the case of an interest registered pursuant to the *Land Registration Act*, means the appropriate land registration office established pursuant to that Act" immediately after "situate" in the third line.

**(3)** Chapter 18 is further amended by adding immediately after Section 269 the following Sections:

269A (1) In this Section, "registered owner", "holder", "qualified solicitor", "security interest" and "servitude" have the same meaning as in the *Land Registration Act*, and apply with all necessary changes to land that is not registered pursuant to that Act.

(2) An application for subdivision approval, including an instrument of subdivision, shall be signed by each registered owner and holder of a security interest in the land affected by the subdivision, other than the owner or mortgagee of a servitude, a lessee, the owner of a "profit a prendre" or the holder of a judgment.

(3) An application for approval of the subdivision of land that is not registered pursuant to the *Land Registration Act* shall be accompanied by a certificate of a qualified solicitor setting out each registered owner and holder of a security interest in the land affected by the subdivision, other than the owner or mortgagee of a servitude, a lessee, the owner of a *profit à prendre* or the holder of a judgment.

(4) A person whose signature is required on the application may instead sign a consent to the subdivision.

(5) An individual may not sign by an agent, but may sign by a duly appointed attorney if a copy of the executed power of attorney is filed with the application.

(6) A body corporate may sign by any person who alleges authority to bind the corporation.

(7) Where, for any reason, a signature or consent cannot be obtained, an application may be made to the Supreme Court of Nova Scotia for an order dispensing with the signature or consent on such terms and conditions as the court may impose.

269B (1) A subdivision, whether approved before or after the coming into force of this Section, shall be cancelled where all of the owners whose land was affected by the subdivision did not consent to the subdivision.

(2) A subdivision cancelled pursuant to subsection (1) is cancelled only with respect to lands that have not been conveyed as of the date the cancellation is recorded, and does not affect title to any lands conveyed prior to the date the cancellation is recorded in the registry of deeds or land registration office.

(3) A subdivision approved after the coming into force of this Section shall be cancelled where subsection 269A(2) is not followed.

(4) A subdivision cancelled pursuant to subsection (3) is cancelled only with respect to lands that have not been conveyed as of the date the cancellation is recorded, and does not affect title to any lands conveyed prior to the date the cancellation is recorded in the registry of deeds or land registration office.

**(4)** Clause 270(3)(e) of Chapter 18 is amended by adding "registration," immediately after "including" in the third line.

**(5)** Clause 271(3)(f) of Chapter 18 is amended by adding "registration," immediately after "including" in the third line.

**(6)** Clause 276(b) of Chapter 18 is amended by adding "or, in the case of land registered pursuant to the *Land Registration Act*, shall be recorded in the land registration office in the register of each parcel created or altered by the subdivision," immediately after "registry" in the first line.

**(7)** Chapter 18 is further amended by adding immediately after Section 282 the following Section:

282A (1) No plan or instrument of subdivision that, under the *Land Registration Act*, is not acceptable for registration pursuant to the *Registry Act*, may be approved by a development officer unless the development officer is provided with proof that the parcels affected are all registered pursuant to the *Land Registration Act*.

(2) No plan or instrument of subdivision that adds or consolidates parcels or areas of land, that, under the *Land*

*Registration Act*, is not acceptable for registration pursuant to the *Registry Act*, may be approved by a development officer unless the development officer is provided with proof that both the parcel from which land is taken and the parcel to which land is added are registered pursuant to the *Land Registration Act*.

(3) A deed to effect a consolidation provided to a development officer pursuant to Section 282 shall, where the deed is to be registered pursuant to the *Land Registration Act*, include a description of the consolidated parcel.

(4) The approval of a plan or instrument of subdivision contrary to subsection (1) or (2) shall be cancelled if the plan or instrument of subdivision is not accepted for registration pursuant to the *Land Registration Act*.

**(8)** Section 304 of Chapter 18 is amended by adding immediately after subsection (3) the following subsections:

(4) The lien referred to in subsection (1) is not a charge against a parcel registered pursuant to the *Land Registration Act* until a certificate evidencing the lien has been recorded in the register of the parcel.

(5) The municipality may record a notice of the lien referred to in subsection (1) in the parcel register of any property owned by a person to whom electrical power was provided to which the lien applies and shall thereupon serve that person with a copy of the lien and recording particulars.

(6) Upon satisfaction of the lien including payment of the fees for recording the lien and the release, the municipality shall record a release of the lien in the parcel registers in which the lien was recorded.

**120** Section 46 of Chapter 340 of the Revised Statutes, 1989, the *Pension Benefits Act*, as amended by Chapter 27 of the Acts of 1992, is further amended by adding immediately after subsection (5) the following subsections:

(5A) The lien referred to in subsection (5) is not a charge against a parcel registered pursuant to the *Land Registration Act* until a certificate evidencing the lien has been recorded in the judgment roll.

(5B) The Administrator may record a notice of the lien referred to in subsection (5) in the parcel register of any property owned by a person for whom or on account of whom the amounts are required to be held in trust pursuant to subsections (1), (3) and (4) to which the lien applies and shall thereupon serve that person with a copy of the lien and recording particulars.

(5C) Upon satisfaction of the lien including payment of the fees for recording the lien and the release, the Administrator shall record a release of the lien in the parcel registers in which notice of the lien was recorded.

**121 (1)** Section 7 of Chapter 379 of the Revised Statutes, 1989, the *Public Trustee Act*, is amended by adding immediately after subsection (5) the following subsection:

(5A) Where the real property is registered pursuant to the *Land Registration Act*, the Public Trustee may record the certificate or a true copy of the certificate in the register established pursuant to that Act for each parcel that shows the mentally disordered patient as a registered owner.

**(2)** Section 7 of Chapter 379 is further amended by adding immediately after subsection (6) the following subsection:

(6A) Where the real property is registered pursuant to the *Land Registration Act*, upon receipt of a certificate, the registrar for the registration district shall record it in the register established pursuant to that Act for each parcel affected, and until the registrar receives notice from the Public Trustee of the withdrawal of the certificate the registrar shall not accept for registration or recording any instrument affecting the mentally disordered patients lands, except an order of the court, a certificate of judgment or any document properly registrable or recordable in the course of proceedings for foreclosure or sale, unless the instrument or the document is executed by the Public Trustee or the registration or recording is authorized by the Public Trustee.

**(3)** Section 13 of Chapter 379 is amended by adding immediately after subsection (3) the following subsection:



(4) Where the real property is registered pursuant to the *Land Registration Act*, the registrar for the registration district within which the land of the missing person is situated

(a) on production of an instrument effecting a disposition of land referred to in subsection (2); and

(b) on production of a copy of or a certified copy of the order referred to in subsection (2),

shall deal with the instrument in the same manner as if the instrument were executed by the missing person.

**122 (1)** Section 6 of Chapter 382 of the Revised Statutes, 1989, the *Quieting Titles Act*, is amended by adding "(1)" immediately after the Section number and by adding the following subsection:

(2) Where the land is registered pursuant to the *Land Registration Act*, the plaintiff shall file with the originating notice a certified copy of the parcel register.

**(2)** Section 14 of Chapter 382 is repealed.

**(3)** Section 15 of Chapter 382 is amended by adding immediately after subsection (3) the following subsection:

(4) Where land is situate in a county to which the *Land Registration Act* applies, a certificate of title shall be registered pursuant to that Act without further proof and subsection (3) does not apply.

**(4)** Subsection 16(1) of Chapter 382 is amended by adding "pursuant to the *Land Registration Act* or the *Registry Act*" immediately after "registered" in the second line.

**(5)** Section 20 of Chapter 382 is repealed.

**123 (1)** Clause 2(e) of Chapter 392 of the Revised Statutes, 1989, the *Registry Act*, is amended by striking out "a grant from the Crown," in the fifth and sixth lines.

**(2)** Section 8 of Chapter 392 is amended by adding "(1)" immediately after the Section number and by adding the following subsection:

(2) During the hours that a registry office is open for business, upon payment of the prescribed fee, any person may search the indexes and records maintained at the office and may obtain copies or certified copies of any document recorded or filed in that office.

**(3)** Subsection 11(3) of Chapter 392 is repealed.

**(4)** Section 16 of Chapter 392 is repealed.

**(5)** Sections 20, 21, 22 and 38 of Chapter 392 are repealed.

**(6)** Chapter 392 is further amended by adding immediately after Section 47 the following Section:

48 (1) The Minister of Service Nova Scotia and Municipal Relations or such other member of the Executive Council as may be designated by the Governor in Council may make regulations requiring every document submitted for filing or recording to be accompanied by a page identifying the parcel affected by parcel identification number, if any, the names of the grantees in the form in which they are to be indexed, a precise identification of the nature of the document, including references to registry numerical coding, and such other information as may be prescribed.

(2) The exercise of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

**124** Section 59 of Chapter 17 of the Acts of 1995-96, the *Revenue Act*, is amended by adding immediately after

subsection (2) the following subsections:

(3) The lien created by subsection (1) is not a charge against a parcel registered pursuant to the *Land Registration Act* until a certificate evidencing the lien has been recorded in the register of the parcel.

(4) The Minister may record a notice of the lien referred to in subsection (1) in the parcel register of any property owned by a person to whom the lien applies and shall thereupon serve the registered owner with a copy of the lien and recording particulars.

(5) Upon satisfaction of the lien including payment of the fees for recording the lien and the release, the Minister shall record a release of the lien in the parcel registers in which the lien was recorded.

**125 (1)** Section 4 of Chapter 409 of the Revised Statutes, 1989, the *Sale of Land Under Execution Act*, is amended by adding "or land registration office" immediately after "deeds" in the third line.

**(2)** Section 8 of Chapter 409 is amended by adding "or land registration office" immediately after "registry" in the second line.

**(3)** Section 13 of Chapter 409 is amended by adding ", free from the judgment for which the land was sold and any lien or encumbrance recorded subsequent to it" immediately after "judgment" the second time it appears in the fourth line.

**(4)** Section 14 of Chapter 409 is amended by adding ", free from the judgment for which the land was sold and any lien or encumbrance recorded subsequent to it" immediately after "purchaser" in the last line.

**126** Section 2 of Chapter 442 of the Revised Statutes, 1989, the *Statute of Frauds*, is amended by adding "(1)" immediately after the Section number and by adding the following subsection:

(2) In this Act, "writing" includes any information, that may affect real property registered or that may be registered pursuant to the *Land Registration Act*, in a form that can be converted into a writing by a machine or a device, including information on microfilm, in electronic, mechanical or magnetic storage, or in electronic data signals.

**127** Subsection 147(7) of Chapter 10 of the Acts of 1994-95, the *Workers' Compensation Act*, is amended by adding "or where the real property is registered pursuant to the *Land Registration Act*, may record a certified copy of any assessment in a parcel register or the judgment roll pursuant to the *Land Registration Act*" immediately after "deeds" in the second line.

**128 (1)** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

**(2)** Notwithstanding subsection (1), Sections 2 to 64 and 70 to 95 only apply within a county designated by the Governor in Council.

**(3)** The exercise by the Governor in Council of the authority contained in subsection (2) is regulations within the meaning of the *Regulations Act*.

