



BILL NO. 28

Government Bill

*3rd Session, 63rd General Assembly
Nova Scotia
70 Elizabeth II, 2021*

**An Act to Amend Chapter 250
of the Revised Statutes, 1989,
the Land Titles Clarification Act,
Respecting the Land Titles Initiative**

CHAPTER 7
ACTS OF 2021

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
APRIL 19, 2021**

The Honourable Randy Delorey
Minister of Justice

*Halifax, Nova Scotia
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**An Act to Amend Chapter 250
of the Revised Statutes, 1989,
the Land Titles Clarification Act,
Respecting the Land Titles Initiative**

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Land Titles Initiative Acceleration Act*.

2 Section 2 of Chapter 250 of the Revised Statutes, 1989, the *Land Titles Clarification Act*, as enacted by Chapter 15 of the Acts of 2006, is amended by striking out “Natural Resources” and substituting “Lands and Forestry”.

3 Subsection 4(1) of Chapter 250 is amended by striking out “resides in the Province and” in the first line.

4 Subsection 5(7) of Chapter 250 is repealed and the following subsection substituted:

(7) Where the Minister issues a certificate of claim, the Minister must file the certificate in the registry of deeds for the registration district in which the land is situate in the same manner as a deed of conveyance and forthwith cause notice thereof to be published in a newspaper having circulation in the municipality in which the land is situate or as prescribed by the regulations.

5 Chapter 250 is further amended by adding immediately after Section 8 the following heading and Sections:

LAND TITLES INITIATIVE

8A In Sections 8B to 8I,

(a) “commissioner” means a person appointed pursuant to subsection 8C(1);

(b) “Fund” means the Land Titles Initiative Trust Fund established by the Attorney General.

8B The Land Titles Initiative is hereby established for the purpose of

(a) addressing land title interests in the designated land titles clarification areas of

(i) Cherry Brook,

(ii) East Preston,

(iii) Lincolnville,

(iv) New Road Settlement (North Preston), and

(v) Sunnyville,

and such other areas as may be prescribed by the regulations;
and

(b) providing an accelerated approach to clearing title for the areas referred to in clause (a).

8C (1) The Minister may appoint persons to act as commissioners for the purpose of Sections 8B to 8I.

(2) The Minister shall determine the remuneration, expenses and terms of appointment of commissioners.

8D A commissioner has all the powers, privileges and immunities of a commissioner appointed under the *Public Inquiries Act*.

8E A commissioner may make a decision awarding compensation from the Fund

(a) to persons adversely affected by the issuance of a certificate of title;
and

(b) in lieu of title to land, to resolve competing interests in land,

within the designated land titles clarification areas referred to in Section 8B.

8F (1) Where

(a) an applicant has made a claim pursuant to subsection 4(1) and there are other interest holders to all or a portion of the same lot of land making a claim pursuant to Section 7; or

(b) multiple applicants with competing interests have made claims to all or a portion of the same lot of land pursuant to subsection 4(1),

the Minister may refer the matter to a commissioner.

(2) A commissioner shall assist applicants and other interest holders to resolve their dispute through alternative dispute resolution.

(3) Where applicants and other interest holders wish to proceed by way of arbitration, they must agree that the decision of the commissioner will be final and binding.

8G (1) Where a person claims to have been adversely affected by the issuance of a certificate of title and has not applied to the Minister under Section 8, the Minister may refer the matter to a commissioner.

(2) Following an investigation, the commissioner may make a decision to award compensation.

8H Where there is no claim pursuant to subsection 4(1), but a person has commenced clarifying title through another process and there are competing claims, the Minister may refer the matter to a commissioner.

8I (1) Where a resolution has been reached respecting a claim referred under Section 8F, the commissioner may

(a) recommend to the Minister that a certificate or certificates of title be issued; and

(b) make a decision to award compensation.

(2) Where a resolution has been reached respecting a competing claim under Section 8H, the commissioner may make a decision to award compensation.

(3) The commissioner shall provide reasons for a recommendation and a decision to award compensation made under subsection (1) and for a decision to award compensation made under subsection (2).

(4) A decision whether to award compensation and the amount of any compensation made by the commissioner is not subject to further review or appeal.

(5) An award shall not be paid from the Fund until the later of

(a) when title for the parcel of land with respect to which the decision for an award of compensation is made is registered pursuant to the *Land Registration Act*; and

(b) 25 days after the date the decision of the commissioner is communicated to the parties.

6 Section 9 of Chapter 250 is repealed and the following Section substituted:

9 (1) The Governor in Council may make regulations

(a) prescribing a method for giving notice upon the filing of a certificate of title;

(b) respecting the addition of a land titles clarification area to the Land Titles Initiative;

(c) respecting any additional information required and processes for land claims under this Act;

(d) prescribing the qualifications of persons who may be appointed as commissioners;

(e) respecting the scope of duties of a commissioner and conferring additional powers, functions, duties and responsibilities upon a commissioner;

(f) respecting record-keeping for matters or proceedings before a commissioner;

(g) respecting the valuation criteria for decisions to award compensation;

(h) respecting processes and procedures for alternative dispute resolution;

(i) defining any word or expression used in this Part and not defined in this Part;

(j) respecting any matter the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Part.

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

7 Clause 278(2)(l) of Chapter 39 of the Acts of 2008, the *Halifax Regional Municipality Charter*, is repealed and the following clause substituted:

(l) resulting from the issuance of a certificate of title under the *Quieting Titles Act* or the *Land Titles Clarification Act*; or

8 Clause 268(2)(ib) of Chapter 18 of the Acts of 1998, the *Municipal Government Act*, is repealed and the following clause substituted:

(ib) resulting from the issuance of a certificate of title under the *Quieting Titles Act* or the *Land Titles Clarification Act*; or
