Service Nova Scotia and Municipal Relations

Registry 2000 Land Records Reform

Deeds and Dialogue

Issue Number 19 June 2005

Accepted for Registration versus *Registered* – What's the Difference?

Old Registry of Deeds System

Under the traditional registry system, when a document is presented to the land registration office front counter, our staff members complete a series of steps to determine whether or not the document can be accepted for recording. These steps include standard acceptance criteria:

- Is the document properly signed and executed?
- Are all the appropriate affidavits included?
- Is a description attached if required? Has proper payment been included?

Staff are also responsible for ensuring that a Form 44 or 44A, as applicable, is attached to the traditional document.

If all the requirements have been met, the document is indexed by the front counter staff with no judgment on the validity or effect of the document itself. For example, staff do not determine if the person signing the document actually has any interest in the parcel.

Once the traditional document has been indexed and the receipt issued, the document is considered registered. Back counter staff members then complete the verification process. After the document is registered, it cannot be rejected by the land registration office staff. It is then up to those conducting title searches to make a determination as to whether or not this document affects the parcel they are searching.

Submitters can avoid many document rejections by viewing the parcel register while completing the documents and associated forms. This simple step can save much time for both the submitter and land registration office staff, and it helps to ensure that other submitters' original priority is maintained.

New Land Registration System

Processing a document which relates to a land registration parcel is very different. Along with the standard acceptance criteria which appear on all documents presented for registration or recording, staff members review the land registration form which must accompany a land registration document for completeness. If the document and form appear to be completed correctly, front counter employees index the document to the PID(s) indicated on the form and issue the receipt. The document is shown with a status of "Accepted for Registration." Unlike a traditional document, there are still a number of steps necessary prior to the document being considered "registered." During this time, the document appears in "Documents in Process" under the applicable LR PID(s).

A land registration document goes through a different verification process from a traditional registry document. Back counter staff members take the indexed document and verify that it was correctly "accepted for registration." If it is discovered that it is not acceptable, the document can still be rejected and removed from the "Documents in Process" queue. Rejected documents lose their priority in the queue. If the error is minor, the staff person often calls the submitter and, if possible, arranges for a corrected version to be provided without an actual rejection of the document.

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Often, it is only when a staff member opens the parcel register and attempts to maintain the parcel as per the instructions of the submitter that it becomes apparent the document must be rejected. These rejections occur, for the most part, when interest holder names or documents indicated to be removed are not present in the parcel register. If staff members are able to carry out the submitter's instructions, the document is registered and a new Statement of Registered and Recorded Interests (SRI) is generated.

The changes are immediately viewable in the parcel register and the document is removed from the Documents in Process queue.

Submitters can avoid many document rejections by viewing the parcel register while completing the documents and associated forms. This simple step can save much time for both the submitter and land registration office staff, and it helps to ensure that other submitters' original priority is maintained.

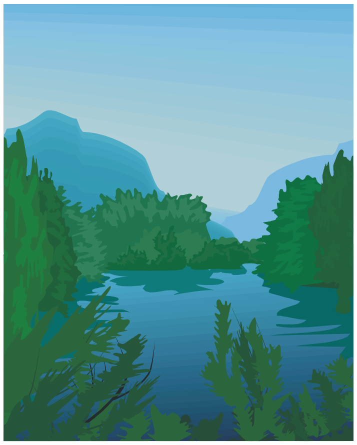
Land Registration Conversion Statistics

Land registration transactions continue to increase as we approach the busy summer real estate season. LRO staff members across the province have been able to maintain a one-day turnaround time for AFRs, with the exception of a few peak periods in Halifax. The three-day turnaround time has been consistently maintained on PDCAs, although extremely high volumes in Halifax have recently resulted in longer turnaround. The chart below gives an idea of where things stand across the province up to May 30, 2005.

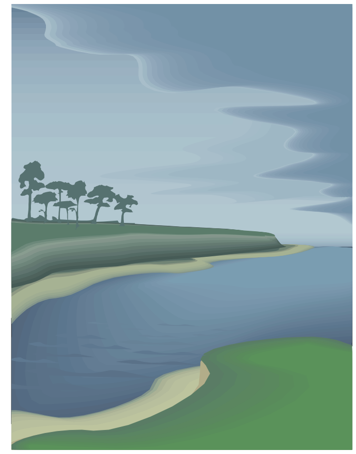
Land Registration Statistics as of May 30, 2005

LR County	Active Parcels* as of Jan 01, 2005	% Parcels Converted	New AFRs in May	Total AFRs to Date	Total PDCAs Approved	PDCAs Pending
Annapolis	20200	9.00%	118	1,817	2,020	8
Antigonish	13350	9.60%	59	1,282	1,607	3
Cape Breton	63800	0.86%	257	550	797	76
Colchester	33050	16.89%	142	5582	6,336	6
Cumberland	32000	9.48%	133	3033	3,384	22
Digby	24450	5.87%	66	1435	1,627	4
Guyborough	13800	0.43%	36	59	86	2
Halifax	146350	6.01%	1931	8,796	11,460	529
Hants	25850	13.78%	186	3,563	4,005	28
Inverness	21050	0.53%	55	111	143	15
Kings	34300	12.96%	224	4,446	5,203	5
Lunenburg	48100	1.24%	252	597	898	30
Pictou	31500	10.56%	182	3,327	3,705	22
Queens	16850	0.77%	58	130	205	2
Richmond	12650	0.44%	27	56	89	6
Shelburne	15750	0.95%	74	150	197	4
Victoria	9550	0.46%	20	44	65	2
Yarmouth	22750	0.91%	82	207	295	1
TOTAL	585,350	6.01%	3,902	35185	42,122	765

* Active Parcel count excludes private and public roads



New Contract and Casual Employees Take the Heat Off Summer!



Summer is coming (no matter what the weather in May would have you think) and the real estate business is booming! The new faces in our LROs around the province these days are an indication that, just as we did last year, we have bolstered our resources to assist with the extra volume that the June to September season brings and to fill in for vacations. All these extra hands will help us meet our turnaround targets and to make summer real estate transactions a success. The following table shows where and when the contract resources will be working.

Regional Offices	Extra Employees	Term
Eastern Region: Sydney, Guysborough, Port Hood, Baddeck, Arichat	3	April 4 to October 14, 2005
Central - Halifax	10	April 4 to October 14, 2005
Central - Halifax	5	October 14, 2005 to March 31, 2006
Central - Halifax	2	May 2 to September 2, 2005
Central - Halifax	4	June 13 to September 2, 2005
Northern - Truro, Pictou, Amherst, Antigonish	1	April 4 to October 14, 2005
Southern - Bridgewater, Liverpool, Shelburne, Yarmouth	4	April 4 to October 14, 2005
Western - Windsor, Kentville, Weymouth, Lawrencetown	2	April 4 to October 14, 2005

There's Help Out There!

The Nova Scotia Barristers' Society (NSBS) web site at www.nsbs.ns.ca **provides links to: LRA Education Program Info and Registry 2000 Information** where you will find

- the NSBS LRA Education Materials Binder
- the client-friendly brochure *Your Property and the Land Registration System*
- NSBS LRA Education Program information and registration
- important notices and practice recommendations.

Nova Scotia Barristers' Liability Claims Fund Web Site and the Real Estate Resource Page where you will find

- the current legislation and the Professional Standards for Real Property Transactions in Nova Scotia
- a link to the Real Estate Resource Page
- links to government resources such as aerial photography, Crown lands or municipal sites.

Library Services

- CANLII, the free search engine with access to Canadian case law
- Papers prepared for NSBS Continuing Professional Development workshops
- Connect with NSBS library staff for assistance

Real Estate Lawyers of Nova Scotia (RELANS) List Serve at http://groups.yahoo.com/group/relans **provides a forum for questions and answers among your peers**.

Whose Job Is It Anyway?

Lawyers, Assistants and the POL Help Line

The Property Online Help Line (1-866-518-4640) receives more than 90 calls per day from lawyers, legal assistants, title searchers, surveyors, municipal staff, and the general public. These calls cover a wide range of topics from procedural questions to legal questions. Unfortunately, Help Line staff members are not able to provide legal advice or assistance - they are not lawyers and cannot discuss the legal ins and outs of the new land tenure system. The Help Line is a source of "how to" information on navigating through the system's forms and processes. Service Nova Scotia and Municipal Relations Help Line staff members are trained to assist with callers' procedural questions, not their legal ones.

When questions more clearly relate to legal reasoning or statutory interpretation, they get redirected to the Registrar General (RG) or to the RELANS List Serve. Calling the RG or RELANS directly when your question is of a legal nature will save time and limit possible frustration for both the caller and Help Line staff attempting to help the caller.

Admittedly, substance and procedure are occasionally intertwined and difficult to separate, but callers should remember that Help Line answers are providing information grounded in process and not in legal substance. The following examples demonstrate process type responses to potentially legally grounded questions:

Question: The registered parcel that I am working on went through a foreclosure. How do I remove a mortgage when I do the revision?

Answer: You remove the recorded interest (mortgage) by using paragraph 7 of the Form 24.

Question: How do I remove interests that were inherited by infant parcels in a subdivision?

Answer: Use a Form 45. There is no charge to register/record this Certificate of Legal Effect.

Question: How do I delete textual qualifications on title?

Answer: Use paragraph 8 and 9 of the Form 24; it is not necessary to attach a document. Textual qualifications that are removed without a document have a separate interest type in the system.

The pattern to these questions and answers is clear. The lawyer or legal assistant may intend to ask a legal question or one that relates to interpretation of the *Land Registration Act* or Regulations, but the staff provide a process or procedural response. The answer does not deal with any substantive legal issue underlying the question. Staff can tell the lawyer how to do something from a procedural point of view, but cannot tell the lawyer or assistant whether it is appropriate to do so.

Assessment Account Data in POL

PID/Assessment Account Number Match
Property Online contains important and useful cross-references, such as the Assessment Account Number (AAN), to assist in the completion of real estate transactions and to improve the query ability in the database. The percentage of parcels which have the corresponding assessment account identified in the Property Online database is now greater than 80 per cent province-wide and well over 90 per cent in many areas. This is due to the work of many property mappers, assessment and municipal staff and various contract employees who have worked hard to create the link between these two principal databases. Reaching 100 per cent on the PID/AAN link will be of great benefit to all our users, municipal units and assessment services. This work is a priority and continues as resources are available. But even if the link has not been made, there are other ways to determine the assessment account number for a PID.

If a link has been established between the AAN and the PID, a Property Online user may query on either of those numbers and receive the assessment and property records information in that one query. In those uncommon cases where a link has not been established between the PID and the AAN, "No Information Found" is displayed on the search result screen where there would normally be an assessment account number. To obtain the assessment account information in such a situation, just follow these simple steps:

- ★ Go to the top of any of the parcel query or parcel query result screens in Property Online and click on "Search,"
- ★ Then click on "Assessment Search."
- ★ Enter the AAN, if you know it, or the owner name or civic address to query on the database for the information.

The principal information you need will appear – assessed owner, assessed value and classification of value.

Municipal Tax Data and the PID/AAN Link
It is also important for users to understand that when no link has been established between a parcel and the corresponding assessment account, the municipal property tax balance available on Property Online for some municipal units cannot be accessed using the property query screen. If this is the case, the municipal tax data can be retrieved using the "Assessment Search" screen.

Filed and Non-Filed Roll Values
When the assessment roll is filed at the end of December each year, the filed roll values are loaded into Property Online. This usually occurs in the third week in January. Until the filed roll is uploaded, Property Online will display assessed values for the previous year.

For property closings on any new parcels created after December 1 of any given year, lawyers must continue to use the parent assessment account to request a tax certificate for the new parcel.

Tax balance information is currently available in the following municipalities: Town of Bridgewater, Town of Yarmouth, District of Clare, District of Barrington; County of Colchester; County of Cumberland; District of Digby; Town of Parrsboro; Town of Truro; District of Argyle; Municipality of the District of Yarmouth.

Property Online Registration Index Search

On March 7, 2005, a new Registration Indexes Search tool was implemented in Property Online providing the ability to search the Grantor/Grantee Index, Judgments, and the Powers of Attorney Roll simultaneously. Using the web-based tool, Property Online users can search from their offices on information that is current to the most recent document completed in the Land Registration Office and view images of scanned documents.

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Implementation of the
E-submission
Pilot Project
begins on
Monday, June 13

Please stay tuned to our web site
for updates on the progress of the pilot:
www.gov.ns.ca/snsmr/property/esubmission

As part of the rollout, searchers who use the index either from their own offices or in LRO vaults were asked for feedback on how the tool retrieved and presented information. Where there was consensus on improvements, the changes were made to the application, and on May 2, a new release of the software was introduced. Below is a summary of these changes:

1. An improved method for printing No Records Found and search results has now been implemented. A button titled Printer Version was added to the Document Search Results area. Clicking the button creates a printer-friendly layout of all search criteria, the message that no records were found or, if there is a results set, the information in the Document Search Results area. To print the information, click File/Print from the web browser menu.

2. The release of new software allows searchers' reports to be created for Grantee searches. The searchers' report was initially available for Grantor searches only.

3. Query Exact logic was changed so that it no longer treats a blank middle name as a wild card. In the previous version of the software, if an exact query was requested and the middle name left blank, the search would retrieve all names that match the first and last names, regardless of whether the name in the GGI had a middle name. Now this search retrieves only names that match the first and last names and do not have a middle name entered.

4. A pop-up message will now appear when the View Image link on the Document Search Results screen is clicked, if there is an instrument association for the document. Previously, the only place to view an instrument association, such as a mortgage to a release of mortgage, was on the Document Details screen.

5. Two changes have been made to the Date Field:

   - To make the entering of dates easier, the new version of the software allows only the year portion of the date fields to be entered and the day/month will auto populate. For the start date field, if the year is entered and you tab out of the field, the day/month will populate with January 1. For the end date, the day/month will populate with the current date, if the year is the current year, or December 31 for other years.

   - To reset dates to the searchable range for the county, a Reset button was added in the Date Range section of the Document Query. Clicking this button sets the start date to the start of the searchable range for the county and the end date to the current date.

With the implementation of the new tool, the old Grantor/Grantee Search used in vaults across the province can now be retired. Over the last number of years the old application worked very well in providing name-based searches, however, the aging non-supported technology on which it is based, the effort for Registry staff to copy document information into the searching database, and the need to provide web access to information meant a new searching application was required. The Registration Indexes Search tool should fit the bill quite nicely.