

Land Titles Initiative

The Land Titles Initiative helps residents in the communities of North Preston, East Preston, Cherry Brook/Lake Loon, Lincolnville and Sunnyville get clear title to their land at no cost.

Background

For more than 200 years, many African Nova Scotians have been living on land passed down by their ancestors without clear land title. Without clear title, they can't get a mortgage, bequeath or sell their land, or access housing grants.

Clarifying land title can be an expensive legal process. Under the Land Titles Initiative, all fees will be covered at no cost.

Land titles

Having title to land means that you own the land. Clear title means there's legal certainty that you own it. If you have clear title, you can:

- build on or develop your land
- mortgage or lease your land
- sell your land
- transfer your land to another owner

About the Land Titles Initiative

The Land Titles Initiative is a government-led commitment to help residents in the communities of North Preston, East Preston, Cherry Brook/ Lake Loon, Lincolnville and Sunnyville get clear title to their land. Government has committed to help residents with legal fees and other costs associated with clarifying land ownership. Dedicated positions have been created to assist residents in obtaining clear title to their land: 1 manager, 2 community navigators, 1 crown surveyor and 2 survey technicians. We have partnered with the Nova Scotia Legal Aid Commission to provide legal services. Their staff includes two lawyers and two legal assistants.

The Land Titles Initiative helps residents in eligible communities:

- get clear title to their property (Land Title Clarification Act)
- migrate their property to the new land registry system (Land Registration Act)
- estate administration when someone dies (Probate Act, Intestate Succession Act)

Get started

To start an application for land title clarification, please contact one of the Community Navigators who can take your application and provide you with project information by phone.

Community newsletters

- [Land Titles Initiative Community Newsletter - September 2022 \(PDF\)](#) (docs/lti-community-newsletter-september-2022.pdf) - includes update on engagement sessions on community boundaries
- [Land Titles Initiative Community Newsletter - July 2022 \(PDF\)](#) (docs/LTI_Newsletter_July_2022_-_Revised_July_11_2022.pdf)
- [Land Titles Initiative Community Newsletter - January 2022 \(PDF\)](#) (docs/Community-Engagement-Bulletin.pdf)
- [Land Titles Initiative Community Newsletter - October 2021 \(PDF\)](#) (docs/Land-Titles-Initiative-Newsletter-OCT2021.pdf)

Community Liaison Committee

Following an application process, a Community Liaison Committee was established to facilitate the work of the Land Titles Initiative and make sure the organizing body receives input from communities.

The CLC supports the initiative by monitoring progress, sharing the community's perspective and voice, and advising staff. Committee members help the Land Titles Initiative show accountability and transparency, as well as raise awareness of potential issues with the land titles process, access to justice and the administration of justice.

The Committee consists of 10 members (2 residents from each of the 5 designated Land Titles Clarification Areas).



Back row (left to right)

Ivan Wyse, Cherry Brook - ivanwyse@gmail.com (<mailto:ivanwyse@gmail.com>)

Melissa Downey, North Preston - mdown9301@gmail.com (<mailto:mdown9301@gmail.com>)

Spencer Colley, East Preston - ecolley@eastlink.ca (<mailto:ecolley@eastlink.ca>)

Joe Colley, North Preston - Amanda.joe@live.com (<mailto:Amanda.joe@live.com>)

Front row (left to right)

Robert Pelley, Sunnyville - tonyapelley@hotmail.com (<mailto:tonyapelley@hotmail.com>)

Karen Hudson, Cherry Brook - HUDSON2@NS.SYMPATICO.CA (<mailto:HUDSON2@NS.SYMPATICO.CA>)

Juanita Byard, Lincolnville - juanita.byard@theblackeducators.ca

(<mailto:juanita.byard@theblackeducators.ca>)

Sabrina Skinner, Sunnyville - sabrina.skinner@srce.ca (<mailto:sabrina.skinner@srce.ca>)

Kaye Medley, East Preston - kaye.nbmns@gmail.com (<mailto:kaye.nbmns@gmail.com>)

You can take questions, concerns or ideas to a committee member in your community. They can help you or put you in touch with a Community Navigator.

Role of the Community Navigators

Community Navigators are in place to assist all applicants involved in the Land Titles Initiative. Their role is to work directly with residents to help them through the land claims process.

There are different ways to get clear land title. The Community Navigators will help you get on the right path and will track the progress on your case. They can also help connect you with other services you may need.

To speak with a Community Navigator or schedule a meeting by calling Toll free number 1-833-424-6100 or communitynavigator@novascotia.ca (<mailto:communitynavigator@novascotia.ca>) or contact:



Karalee Oliver

Phone: (902) 424-5381

Email: Karalee.Oliver@novascotia.ca (mailto:Karalee.Oliver@novascotia.ca)



Amel Taisier

Phone: (902) 428-2038

Email: Amel.TaisierAli@novascotia.ca (mailto:Amel.TaisierAli@novascotia.ca)

Information you may need to know

Title to Land

“Title to land” means ownership of the land. A person who has “title to land” has satisfied the legal requirements to own the land and can exercise the rights of land ownership, including the right to:

- use and occupy land
- include or exclude others from using land

This also refers to legal documents such as a deed, which is a proof of ownership.

Clear land title

“Clear land title” means land owned that is not burdened by liens or legal questions.

Why having clear title to land is important

Having clear title to land is important because it provides landowners with legal certainty to enjoy the rights and obligations of land ownership. It also enables landowners to develop, sell, lease, mortgage and transfer land within the bounds of the law.

Rights and obligations of having title to land

A person who has title to land can exercise all the rights landowners enjoy. These rights include any lawful use:

- build on land
- develop land
- sell land
- lease or mortgage land
- transfer of ownership (give land to someone)

These rights are subject to restrictions imposed by laws such as municipal land-use bylaws. Where a person does not have title to a specific piece of land, they may be denied the opportunity to exercise these rights.

Having title to land means complying with the legal obligations of land ownership. These obligations will vary depending on where land is located. In Nova Scotia, the main legal responsibilities of all landowners include paying municipal property taxes and following land use bylaws.

Land Titles Clarification Act

The Land Titles Clarification Act is a legislative process, administered by the Department of Lands and Forestry, that was created to clear land title issues for residents who live in 13 Nova Scotian communities. This process allows residents to provide information about how they (or their ancestors) have used and occupied the land.

The Department of Lands and Forestry has broad discretion in determining entitlement to land. Several factors are considered for the Minister to determine whether to issue a Certificate of Title. If the information from the resident is adequate, the Minister of Lands and Forestry will issue a "Certificate of Claim" which begins the notice period for complaints or objections possibly raised. If there are no complaints or objections, the Certificate of Title may be issued.

A Community Navigator can provide more information about this process.

Migration

These residents have title to their property. The term "migration" refers to the act of moving your parcel of land from the old paper-based registry system to the new online parcel-based system after clear land title has been obtained. Once the process is completed and approved by the Land Registration Office, the land is "migrated".

Every parcel of land in Nova Scotia is required to be migrated.

Three events trigger migration: selling your land, mortgaging your land, or subdividing your land into three or more lots.

Migration provides a guarantee to the landowner, subject only to any disclosed outstanding interests. The landowner has priority over all other persons who may claim an ownership interest in the same land/property.

Estate administration

“Estate administration” is the act of dealing with the assets of a deceased person’s estate. This is also known as “probate”. This includes land/property and personal property (money and possessions). The authority to do this is called a “Grant” from the Probate Court.

If there is a will, the appointed “Executor” must collect all assets, pay any debts and distribute the remainder of the assets to the beneficiaries. If there is no will, an appointed person must apply to the Probate Court to be the “Personal Representative”. The Personal Representative has the same duties as the Executor except the assets of the deceased person are distributed to the heirs-at-law (set out in the Intestate Succession Act). The Grant is the legal proof that the Executor/Personal Representative has the authority to deal with the deceased’s assets.

A Grant is always required to sell, or transfer land held in the name of the deceased person unless they owned their land with someone else (a joint tenant).

If you don’t have clear land title

Without clear title to land, the landowner’s rights may be limited or restricted by other people’s claims to the same land. This could stop the landowner from developing or selling their land. Also, it could result in family conflicts about the current and future uses of the land. For example:

- A person who wants to build a home may be stopped from doing so by another person who claims to have an interest in the same piece of land. As a result, until the dispute is resolved, the land cannot be used or developed fully.
- A person who wants to sell their land may not be able to do so if they do not have clear title.
- If it is not clear who owns the land, occupiers of the land may not know they should pay the property taxes, or may decide not to, and the land could be sold by the municipality for unpaid separate homes built on a single piece of land that has not been legally subdivided. It may not be clear who must pay the taxes.

*Courtesy of the Legal Information Society of Nova Scotia.