

Property Migration

In 2004 the province of Nova Scotia adopted an new method of recording and managing land ownership and interest rights. The *Land Registration Act* (LRA) has moved Nova Scotia from an outdated, names based system to a system that guarantees ownership and provides subscribers access to land-related information through an Internet browser. Registration not only gives property owners guaranteed ownership of their land, it makes it easier for the owner to finance or sell their property.

Conversion to the new system will eliminate any future requirement to search historic title records, removing significant cost and time delay for post-conversion property transactions. The owner is guaranteed by the government to be the owner of the parcel of land. A property that has been 'migrated' into the land registry system has guaranteed title, but does not guarantee extent or location.

Transfers for value, mortgages, subdivisions resulting in three or more parcels of land, new condominium developments and the issuance of land titles clarification certificates and quieting of title certificates prompt mandatory conversion. Traditional methods of registration will continue until all land parcels in the province are converted to the new system either voluntarily or by a mandatory trigger. In some cases it may be beneficial to migrate the parcel of land prior to subdivision even if it is not mandatory.

Once a parcel is under the new system, any new parcels created from them are automatically in the new system.

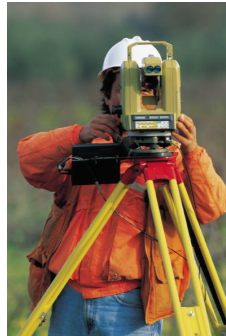
For more information regarding the Land Registration System or the Land Registration Act, please contact 1-866-518-4640 or email propertyonline@gov.ns.ca or visit your local office located at 87 Cornwallis Street, Kentville.

Department of Transportation and Infrastructure Renewal

This department regulates access on provincially owned roads. When an application for subdivision is made the Municipality will forward a copy of the proposed subdivision and a copy of the application for subdivision to the Department of Transportation and Infrastructure Renewal, if it abuts a road owned by them.

Registered Nova Scotia Land Surveyor

All plans submitted to the Development Officer for final approval shall be drawn by a certified Nova Scotia Land Surveyor. These plans shall comply with the regulations of Section 7(6) of the Municipality of the County of Kings Subdivision By-Law.



Process

- Have a NS Land Surveyor prepare a Plan of Subdivision
- Submit Application form and Plan of Subdivision to Development Officer (DO) including the following: 12 copies of the Plan of Subdivision, QP report if applicable and Fees.
- DO forwards plan to external departments for comments (if applicable; Nova Scotia Environment, Land Information Centre, Department of Transportation and Infrastructure Renewal, Engineering and Public Works Department, Property Valuation Services Corporation, Nova Scotia Power, Village Office, Aliant and any other external department deemed necessary by the DO)
- If a Public Open Space Fee is required and upon receipt of a letter advising amount required, submit contribution to Municipality
- If applicable: Submit Deed(s) and fee for recording (for plans of consolidation, where lots are under different ownership)
- Approved/Refused
 - **Approved:** Applicant is sent endorsed Final Plan of Subdivision (upon receipt of positive comments from all agencies requested to give comments and if the plan satisfies all the other requirements of the Subdivision By-Law the DO approves the Final Plan of Subdivision and it is recorded at the Land Registration office)
 - **Refused:** If the Plan does not satisfy the requirements of the Subdivision By-Law the DO notifies the applicant in writing that the plan has been refused and also notifies of the right to appeal to the Nova Scotia Utility and Review Board.

Note: Upon approval of the Final Plan of Subdivision the DO files the plan, indicating approval of the Final Plan of Subdivision, at the Land Registration Office. The subdivision takes effect once the plan is filed.

Application Fees

Migrated - \$263.35 Non-Migrated - \$363.35
Record a Document - \$100.00/document Tentative - \$50 per lot

For More Information

Please contact a Development Officer at 902-690-6152

Visit our website at www.county.kings.ns.ca



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of the County of Kings

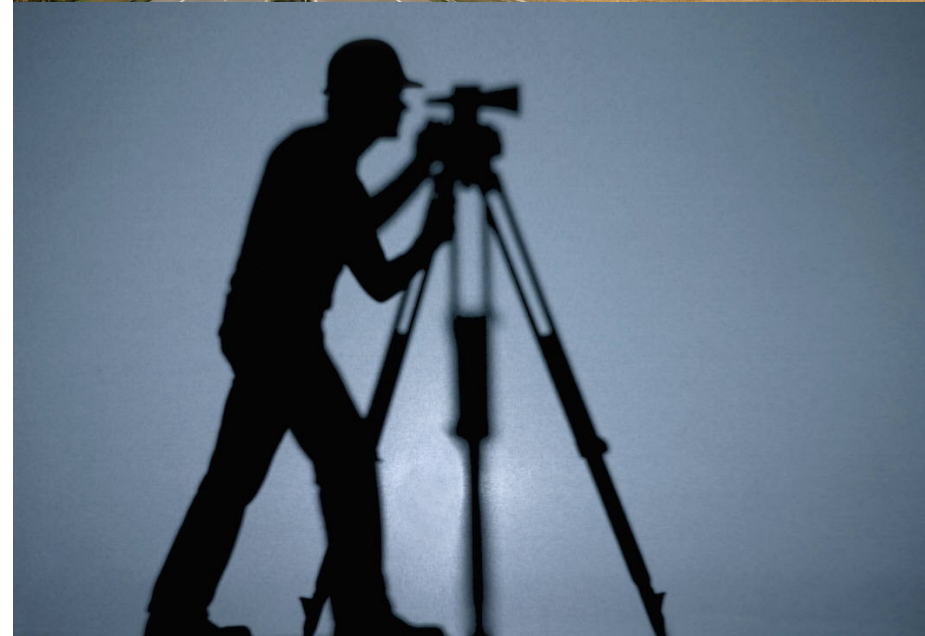
Please note that this brochure is provided for convenience only, and may not address all of the requirements necessary for the approval of a Plan of Subdivision. In addition, the requirements to be satisfied will vary depending on the nature of the subdivision being proposed. For determination of the requirements for subdivision approval please refer to the Municipality's Subdivision By-law and NS Subdivision Regulations.



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Subdivision

What is required to subdivide a parcel of land?



Subdivision means the division of an area of land into two or more parcels and includes a re-subdivision or a consolidation (addition) of two or more parcels. Generally lot boundaries cannot be changed and new lots cannot be created without subdivision approval. However if a lot to be severed off is over 25 acres (10 ha) and the remaining parcel is over this size, a property owner can subdivide by deed as per Section 268(2)(a) of the Municipal Government Act (MGA).

Zoning Confirmation

Consult by phone or in person with a Development Officer to confirm zoning or the parcel or parcels you wish to subdivide or consolidate. Each zone in the Municipality of the County of Kings has separate requirements for lot size and area. These requirements can be found in the Land Use By Law (LUB), which is located on the County Website at www.county.kings.ns.ca.

Final Approval (Minor Subdivisions)

A minor subdivision (S/D) is a plan that creates lots which will be serviced by existing municipal systems and do not require the extension of streets, utilities or public improvements. Consolidation and additions usually fall into this category.

Submission Requirements:

- 12 copies of the plan drawn to scale by a certified Nova Scotia Land Surveyor, which meet the LUB and S/D By-Law Requirements
- QP report (if on site septic)
- Deed (if applicable)
- Application & Fee

Open space fees may be waived if only one lot is created in a calendar year.

Open Space Fee

The Development Officer may require the applicant to convey to the Municipality for park, playground or similar public purposes an area of useable land equal to 5% of the area of land shown on the final plan of subdivision.

Where there is no useable land or where the subdivider so desires, the Municipality shall accept, in accordance with the Municipal Government Act of Nova Scotia a sum of money equal to 5% of the assessed value of the new lot(s) being created.

Change of Use Tax

Property Valuation Services Corporation are responsible for assessing the value of property based on a variety of data sources. In some cases a change of use tax may apply to your new parcels of land. Please contact the Provincial Assessment Department at 1-800-380-7775 to determine if this tax may apply to you.

Tentative Approval (Major Subdivisions)

The Tentative Subdivision Plan is a procedure designed to ensure that such things as street alignments, drainage and sanitary facilities, location and size of easements and rights-of ways, traffic access, grading and numerous other features conform to the Municipality's By-Laws. This process typically applies only if you are proposing new streets or installing municipal services such as water and central sewer.

Submission Requirements:

- 12 copies of the tentative plan drawn to scale
- boundary survey completed by a certified Nova Scotia Land Surveyor, of area being developed
- 4 copies of centre line profile, and, if applicable;
 - sewer services plan
 - water systems plan
 - storm drainage plan
- Park land dedication 5% land or cash in lieu
- proposed names of roads
- QP report (if on site septic)
- NSE approval - ie. permit to install services, permit to alter a watercourse etc.

Tentative approval is valid for **2 years** within which time an application for final approval must be filed, or the Tentative approval will expire, forcing the owner to go through the process again.

Final Approval (Major Subdivisions)

A final major subdivision is a plan that requires new Municipal services to be installed such as water and sewer. The creation of new roads that will be owned by the Municipality will also trigger major subdivision approval.

This phase can only be entered into if Tentative approval has been granted and 2 years have not passed since tentative approval.

Submission Requirements:

- 12 copies of the plan drawn to scale by a certified Nova Scotia Land Surveyor
- Road record drawings & any required supporting Engineering Drawings or Tests
- Street and Services Agreement
- Bonds - maintenance and performance
- Deeds, forms and recording fees for roads and parkland (if applicable)
- Certificate of title
- Nova Scotia Environment (NSE) permit to install services
- NSE permit to install culverts (if applicable)

Nova Scotia Environment

Nova Scotia Environment regulates the disposal of on site sewage through the Onsite Sewage Disposal Systems Regulations. These regulations apply to any lot shown on a plan of subdivision that is submitted to a Development Officer for approval by a Municipality and is proposed to be serviced by an on-site system. One exception to the regulations a lot that is larger than 9000m² (96,878.4 sq ft) in area and 76 m (249.3 ft) or more in lot width and is identified on an application for a subdivision as not intended for development purposes and is currently vacant.

When an application for subdivision is made the Municipality will forward a copy of the proposed subdivision, a copy of the application for subdivision and the completed QP report to Nova Scotia Environment. It is the responsibility of the applicant/owner to contact Nova Scotia Environment regarding that departments' requirements.

It will be the applicants responsibility to hire a Qualified Person (QP) to determine if the lot is suitable for an on-site system. QPs can select or design a system based on technical guidelines that will suit the lots soil conditions, such as soil type, slope, depth to water table and depth to bedrock. There are two types of QPs:

- Qualified Persons Level 1 (QP1) who can select or design systems. QP1s are professional engineers who are registered to practice in Nova Scotia and who hold valid liability insurance.
- Qualified Persons Level 2 (QP2) who can select systems, but cannot design them. QP2s are technical persons other than professional engineers who hold valid liability insurance, and who have been properly trained and certified. Many QP2s are also qualified to install on-site systems.

A complete list of QPs can be found at your local Nova Scotia Environment Office or at:

<http://www.gov.ns.ca/nse/wastewater/onsitesewage.asp>

Municipal/Village Services (Roads, Sewer and Water)

If your parcel of land is located in an urban area it may be accessible to municipal sewer and or water. Check with the Engineering and Public Works Department or at your Village Office to see if connection is available. If subdividing a lot with an existing dwelling, these departments may require a dye test to confirm connection.

The Engineering and Public Works Department regulates municipally owned roads. When an application for subdivision is received, the Municipality will confirm that access is permitted from the Municipal road as part of the subdivision approval process.

If new municipal services including roads and sewer lines are being installed tentative approval is required prior to final approval. (See Tentative Section for more details)