

## *Land Titles Clarification Act, RSNS 1989, c*

### 250

3(1) Where the residents of an area of a municipality are in necessitous circumstances as a result of lack of property development in the area and where there appears to be confusion as to the ownership of land, the Governor in Council may designate the area as a land titles clarification area. [...]

4(1) A person who claims to own land in a land titles clarification area may apply to the Minister for a certificate of claim in respect of a lot of land in the area which he claims to own.

(2) An application for a certificate of claim shall contain

- (a) a description of the land sufficient to identify and distinguish it from all other lands;
- (b) a concise statement of the facts on which the applicant bases his claim to ownership of the lot of land; and
- (c) the names of the persons other than the applicant who have occupied the lot of land or who have at any time claimed ownership of the lot or any interest in it.

(3) An application for a certificate of claim shall be accompanied by

- (a) an abstract of the title to the lot of land showing all the records in the registry of deeds that affect or may affect title to the lot or any interest in it;
- (b) a statutory declaration attesting to the history of the occupation of the lot of land so far as the same is known; and
- (c) a statement showing the names of any person who holds any lien, judgment, mortgage or encumbrance or any other charge on the lot of land and the details thereof.

(4) The Minister may require the applicant to furnish any information that the Minister desires and may require the applicant to verify by affidavit or otherwise any information or material furnished or included in or accompanying the application.

5(1) When it appears from the application that the applicant is entitled to the lot of land, the Minister may issue a certificate of claim to the applicant.

[...]

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.