

From: **Marilyn Sexton** <marilyn.sexton19@gmail.com>

Date: 9 November 2015 at 12:36

Subject: Interview to discuss the Land Title Clarification Act and North Preston

To: Bruce.X.Nunn@novascotia.ca

Hi Bruce,

Thank you for your assistance in helping with this interview.

I am a student in the Radio and Television Arts program at the NSCC Waterfront Campus. Our diversity class is doing a project on North Preston and the fact that many land lots have not been granted title.

I would like to ask a government official to participate in an on camera interview. We would need access to an interview area for about 30 minutes. We would only need the person interviewed for approximately 10-15 minutes.

I would like to give you an idea of specific information that will be required for the interview.

I will be asking the official:

1. About The Land Title Clarification Process
2. Number of people who have applied for clarification of their land since the Act was introduced in 1963.
3. Number of properties actually clarified since inception.
4. Number of properties that are still not clarified. I have a 2013 map show engrafted lands in the area. Not sure if that is up to date.
5. Budget and human resources in place for this year in dealing with this issue
6. What was the money used for when the LTCA was rolled out in 1963?
7. When did the funds assigned to clarifying the properties stop?
8. Procedure used by DNR to process a LTCA application.

There are a few more questions but no research will be required.

I am available for the interview this Friday, at anytime. Thursday if absolutely necessary. Next week in the afternoon is also possible.

I look forward to hearing back from you.

Thanks.

Marilyn Sexton

NSCC Radio and TV Arts Program
marilyn.sexton19@gmail.com
902=694-4111

From: **Nunn, Bruce (COMMS/DNR)** <Bruce.X.Nunn@novascotia.ca>
Date: 26 November 2015 at 10:41
Subject: Your Preston Lands interview request/follow up
To: "marilyn.sexton19@gmail.com" <marilyn.sexton19@gmail.com>
Cc: "Nunn, Bruce (COMMS/DNR)" <Bruce.X.Nunn@novascotia.ca>

Hello Ms. Sexton-

I am following up on your request to speak in a sit-down interview with Gretchen Pohlkamp here at DNR. We had discussed that she could do the interview but was away, returning last week. She is now back in office. I hadn't heard from you, so thought I would follow up to see how we may still help you. We could provide you a chat with Gretchen or email you responses to your questions or perhaps both. Please let me know how you would like to proceed. If we can still assist in some way, we are happy to do so. I look forward to hearing from you.

Regards,

Bruce

Bruce Nunn, Media Relations Advisor

Department of Natural Resources

desk: [902 424 5239](tel:9024245239)

cell: [902 476 6454](tel:9024766454)

Founders' Square, Floor 3

1701 Hollis St. Halifax,

Nova Scotia, Canada

From: Marilyn Sexton <marilyn.sexton19@gmail.com>
Date: Thursday, November 26, 2015 at 9:21 PM
To: "Nunn, Bruce (COMMS/DNR)" <Bruce.X.Nunn@novascotia.ca>
Subject: Re: Your Preston Lands interview request/follow up

Hi Bruce,

Thank you for your assistance with our project.

Yes, I would appreciate an in-camera interview with Ms. Pohlkamp.

I previously sent you a list of topics that would be discussed in the interview. If you have any answers or stats that can be forwarded to me by email, in advance of the meeting, that would work too. If this is done a half hour interview is all that is requested.

I will be starting a two week internship next week. I will continue to monitor my email for any updates you may have.

Please feel free to contact me if you have further questions.

Thanks again.

Marilyn

From: Nunn, Bruce (COMMS/DNR) <Bruce.X.Nunn@novascotia.ca>
Date: 27 November 2015 at 14:47
Subject: Preston lands title clarification process
To: "marilyn.sexton19@gmail.com" <marilyn.sexton19@gmail.com>
Cc: "Nunn, Bruce (COMMS/DNR)" <Bruce.X.Nunn@novascotia.ca>

Hello Ms. Sexton,

I am getting back to you as promised re the Preston lands title clarification process. You asked I send you some information related to your questions so please see below. It may be helpful for you to know that the *Land Titles Clarification Act* provides a process for title clarification within thirteen designated areas across the province. When the legislation was first introduced, government provided the services of lawyers and surveyors to assist residents with title clarification issues. Over the years, the resources have been removed from the program. The title clarification process is challenging; without assistance of lawyers and surveyors, many residents in the land title clarification areas are not able to gain clear title to their property. That is why the provincial government is working with outside agencies to develop a pilot project to assist residents living

in the areas of East Preston, North Preston and Cherry Brook through the **land titles clarification process**.

A lack of clarity around land title can be frustrating to residents as it affects their ability to use, develop, and enjoy their land. People with clear title to their land can have taxes dealt with properly, among other things. It's still fairly early in the process and, as time passes, this project will more fully develop and unfold. As it is early in the process, and upon further consideration, we think it may be inappropriate to comment in an interview at this time. We can look at doing that in future perhaps when the process is at a more developed stage. Replies to your specific questions are below, however. I hope you find this information helpful and useful. Best of luck in your project.

Q1: Number of people who have applied for clarification of their land since the Act was introduced in 1963.

A1: We do not have statistics on the total number of people who have applied to have lands clarified under the Act. We did a search of our paper records in relation to one of the three areas in the pilot project, and have identified that approximately 125 people in New Road Settlement (North Preston) have applied to have land titles clarified.

Q2: Number of properties actually clarified since inception.

A2: Number of properties actually clarified since inception in New Road Settlement (North Preston) is 110.

Q3: Number of properties that are still not clarified. I have a 2013 map show engrafted lands in the area. Not sure if that is up to date.

A3: The maps on line are up to date. Since the introduction of the Land Registration Act in the early 2000s, some land owners have used the land registration process to obtain clear title to their lands.

Q4: Budget and human resources in place for this year in dealing with this issue

A4: Government resources being applied to this ongoing work include the time and attention of senior officials in the Crown Land Service branch of the DNR, as well as input and advice from African NS Affairs officials, the Barristers' Society and NS Legal Aid. It is not an amount easily calculated or being tracked but there

are considerable government and non-government resources being applied to help residents get land ownership clarification. Two land administration officers are working on the open land titles clarification files. As well, DNR's Land Services branch hired a law student for the summer to work on the files. This is an ongoing process and govt has committed to see it through.

Q5.What was the money used for when the LTCA was rolled out in 1963?

A5: The Department of Natural Resources (DNR) has responsibility for the LTC Act. When the Act was introduced, resources were hired to help residents complete applications, including surveyors and lawyers. Over time, budget reductions by previous governments led to the elimination of specific LTCA staff resources. Now DNR processes the applications and the pilot project committee is working to help residents know more about what steps they will need to take to clarify land ownership and to guide them through the process. As well, the project is working to identify resources in the legal community to help individuals with their legal issues.

Q6. When did the funds assigned to clarifying the properties stop?

A6: Many years ago, during a previous administration. But the work to address the issues is current and ongoing with a committed committee of advisors meeting regularly to put forward a pilot project to help the community.

Q7. Procedure used by DNR to process a LTCA application?

A)...It is all on the government website. Here are the steps...:

- Application form for LTCA claim is available online at DNR website:
 - <http://novascotia.ca/natr/titles-clarification/>
- Application requires:
 - Description of claimed property (PID, AAN)
 - Sketch that accurately shows the location and the size of

the parcel (acres or hectares) in relation to neighbours and other local features

- Applicant must be resident of Nova Scotia
- DNR staff check to see if the claimed land is in a designated area and ensure that it has not been registered under LRA
- Information package is sent to claimant requesting additional information
- Help of lawyer and surveyor will normally be required to complete a claim
- The claimant will be asked to provide the following information to support the claim
 - A statutory declaration from the claimant explaining how they have used the land, over what period of years, and what steps they have taken to let people in the community know that the land is theirs
 - A statutory declaration from a disinterested person with information that supports the claim
 - An abstract of title
 - Information on judgments and encumbrances
 - Information of any other claimants of the land
- The test for proving an LTCA claim is similar to the standard used for proving adverse possession
 - Actual Possession/Open and Notorious/Continuous/Exclusive.
- It is possible that a survey plan or a drawing prepared by a Nova Scotia Land Surveyor may be needed to prove where the land is located and to provide a legal description of the land.
- Natural Resources staff will tell the claimant if more information is needed to clearly identify the location of the land.
- Evidence can come from many sources, and should show use over time (20 years)

- After Claim is Submitted
 - Natural Resources and Justice staff review documents to determine if claim is proven
 - If so, Minister of Natural Resources may sign certificate of claim, which DNR registers at appropriate Land Registry
 - DNR publishes notice of registration in local newspaper and advises neighbours
 - Anyone who claims to have an interest in the land has 60 days to make a claim

Application:

1. An application for a certificate under the LTCA is submitted to the Land Services Branch of the Department of Natural Resources. The application form can be found online on the Department of Natural Resources website.
2. The application must include:
 - a. A description of the claimed property (for example civic address, Parcel Identification Number (PID) from the land registry, Assessment Account Number (AAN) from tax bills, location in relation to neighbouring properties); and
 - b. A sketch accurately showing the location and the size of the parcel (acres or hectares). Including the names of neighbouring properties is helpful to locate the property.
3. Department of Natural Resources staff review the application to make sure that the location is inside one of the designated land titles clarification areas. The department also checks to see if the land:
 - a. Has been registered under the Land Registration Act;
 - b. Is part of an existing claim area.

If either of these situations apply, the department will let the claimant know that the claim cannot proceed.

4. If the application can proceed, the claimant will be asked to submit the following:
 - a. Information to support the claim of ownership (use and occupation of the land for at least 20 years):
 - i. Information from the claimant: The claimant should provide an explanation of how they and their family have used the land, over what period of years, and what steps they have taken to let people in the community know that the land is theirs. [example on the website]
 - ii. Information from an impartial community member: The claimant should provide the name of at least one people in the community (neighbour or friend, but not relatives) who can explain how the claimant and their family have used and occupied the land, how long they have lived there or used the land, and what the people in the community know about the claimant's land. [example on the website]

The statements from the claimant and their neighbours/friends must be must prepared as sworn statements (statutory declaration) – given under oath. The help of a lawyer or paralegal will be needed to complete this.

- b. An abstract of title – this is a description of all the records in the land registry that affect (or may affect) the title to the land. The help of a title searcher or lawyer will be needed to complete this.
 - c. Information on judgements and encumbrances - A statement providing information regarding any liens or mortgages or judgments or other encumbrances on the land must be provided. The help of a title searcher or lawyer will be needed to complete this.
5. It is possible that a survey plan or a drawing prepared by a Nova Scotia Land Surveyor may be needed to prove where the land is located and to provide a legal description of the land. Land Services staff will tell the claimant if more information is needed to clearly identify the location of the land.

Review and Processing of Application

1. Land Services staff and a Department of Justice lawyer will review the documents and determine whether the information proves the claim.
2. If it does, a Certificate of Claim is forwarded to the Minister of Natural Resources for approval and signature. The document is then registered at

the Land Registration Office in the county where the land is located.

3. The department publishes a notice of the registration in a local newspaper, to advise anyone who claims to have an interest in the land that they have 60 days to make a claim.
4. The department also sends the notice of registration to all adjoining / neighbouring land owners and parties who may have an interest in the land.
5. If no one claims an interest in the land within the 60 days, the department prepares a Certificate of Title, which is signed by the Minister of Natural Resources.
6. If someone does submit a notice to the Minister of an interest in the land, the person has another 60 days to start a proceeding in the Supreme Court. The Court then determines the extent of everyone's interests in the land.

Costs Related to Land Titles Applications

1. There is no application fee
2. The services of a lawyer or other professional (title searcher or paralegal) will be needed to prepare the statutory declaration and the abstract of title. The claimant must pay for these services, if a fee is charged.
3. If a survey is needed to establish the boundaries of the area claimed, the cost of preparing the survey must be paid by the claimant.
4. There may be fees for recording the Certificate of Title.

Time Frame

Land Titles Clarification applications take time to process; the greatest amount of time involves collecting the information required to establish the claim. This is under the control of the claimant. The department processes the claims files in the order received and as quickly as possible. Once a complete package of information, including statutory declarations, abstract of title and any required survey documents, is submitted to the Department of Natural Resources, the department makes every effort to complete the claim review process within 6 months.

Regards,

Bruce N.

Bruce Nunn, Media Relations Advisor

Department of Natural Resources

desk: [902 424 5239](tel:9024245239)

cell: [902 476 6454](tel:9024766454)

Founders' Square, Floor 3

1701 Hollis St. Halifax,

Nova Scotia, Canada

From: Marilyn Sexton <marilyn.sexton19@gmail.com>

Date: Tuesday, December 1, 2015 at 10:15 PM

To: "Nunn, Bruce (COMMS/DNR)" <Bruce.X.Nunn@novascotia.ca>

Subject: NSCC - North Preston Land Title Project

Hi Bruce,

First of all I apologize for the delay in getting back to you. I do appreciate the information you have provided.

If you don't mind I just have a few questions about the pilot project?

1. What is the name of the pilot project?

2. Who started it? Why?

3. When was it started?

4. Who is participating in it?

Once again, thank you for providing us with important information about the Department of Natural Resources' role as the administrator of the Land Title Clarification Act.

Take care,

Marilyn

From: "Nunn, Bruce (COMMS/DNR)" <Bruce.X.Nunn@novascotia.ca>
Date: Dec 17, 2015 3:49 PM
Subject: Your questions/responses- DNR
To: "Marilyn Sexton" <marilyn.sexton19@gmail.com>
Cc:

Hi Marilyn—Here are answers to your questions. These are provided by Gretchen Pohlkamp.

1. What is the name of the pilot project?

Land Titles Clarification Pilot Project (East Preston, North Preston, Cherry Brook)

2. Who started it? Why?

The Nova Scotia Barristers' Society (NSBS) approached the Nova Scotia Department of Natural Resources (DNR), Nova Scotia Legal Aid (NSLA), and African Nova Scotian Affairs (ANSA) to work together on a pilot project help black communities improve the quality of their land titles by using the Land Titles Clarification Act (LTCA). There are 13 land titles clarification areas in the province, so this is the first step to improve land titles for underserved communities. Halifax is also interested in helping to clarify land titles and improve tax records.

3. When was it started?

The LTCA (Land Titles Clarification Act) working group started meeting in 2014. The project charter was developed and signed by the NSBS, NSLA, DNR and ANSA in 2015. Over the summer in 2015 NSBS and DNR hired students to

begin working in the pilot communities to raise awareness and provide general knowledge about land titles issues.

4. Who is participating in it?

The four lead organizations are: African Nova Scotian Affairs, the Nova Scotia Barristers' Society, Nova Scotia Legal Aid, and the Nova Scotia Department of Natural Resources. HRM and community elders are also key to the project. Other groups providing helping roles include: the Association of NS Land Surveyors, community groups/churches, and the Legal Information Society of Nova Scotia.

Good luck with your class project.

Bruce

Bruce Nunn, Media Relations Advisor

Department of Natural Resources

desk: [902 424 5239](tel:9024245239)

cell: [902 476 6454](tel:9024766454)

Founders' Square, Floor 3

1701 Hollis St. Halifax,

Nova Scotia, Canada