

Municipal Development Officers Association of Nova Scotia

May 9, 2019 –
Holiday Inn, Sydney , NS

Subdivision by Instrument

v.

Subdivision by Survey

Presented

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MDOANS Associate Member

Municipal Government Act

PART IX SUBDIVISION



Requirements for subdivision approval

Section 268

- (1) An application for subdivision approval shall
 - (a) be made to the development officer; and
 - (b) include a plan of subdivision prepared by a Nova Scotia land surveyor.
- (2) Subdivision approval is not required for a subdivision
 - (a) where all lots to be created, including the remainder lot, exceed ten hectares in area;

Instrument of subdivision (MGA)

Section 269

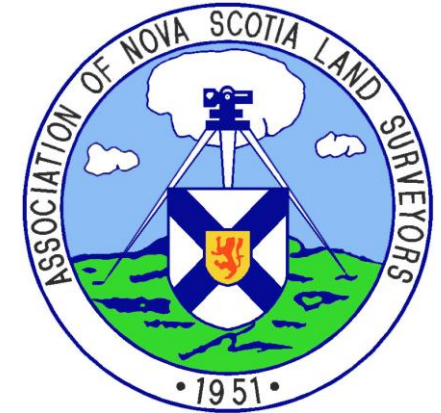
(1) Notwithstanding clause 268(1)(b), in a county or district municipality where so provided in the provincial subdivision regulations or a subdivision by-law, an application for subdivision approval may be made by instrument of subdivision rather than by a plan of subdivision

(4) Except as otherwise provided in this Act, the procedure and requirements for approval of a subdivision apply to subdivision by instrument and a reference to a plan of subdivision includes an instrument of subdivision.

- ***Several other exemptions to approval are detailed in Act.***

Land Surveyors Act

CHAPTER 38 OF THE ACTS OF 2010



Interpretation

2 In this Act,

(ad) “professional land surveying” means the advising on, the reporting on, the supervising of or the conducting of surveys to determine the horizontal and vertical position of any point and the direction and length of any line required to control, establish, locate, define or describe the extent or limitations of title;

Powers of Association (LSA)

Section 4 In order to

(a) serve and protect the public interest;

Prohibition on practice

Section 21

(2) No person shall engage in the practice of professional land surveying for the general public directly or indirectly, whether for or without compensation, unless the person holds the required professional liability insurance as set out in the regulations.

1. Why subdivision approval?
 - a) Taxation awareness;
 - b) Assurance of public registration;
 - c) Public protection.

2. Why a survey?
 - a) Delineation of extent of title;
 - b) Public protection and registration.

3. Why a Registry of Deeds?
 - a) Statute of Frauds;
 - b) Public protection;
 - c) Legacy data protection.

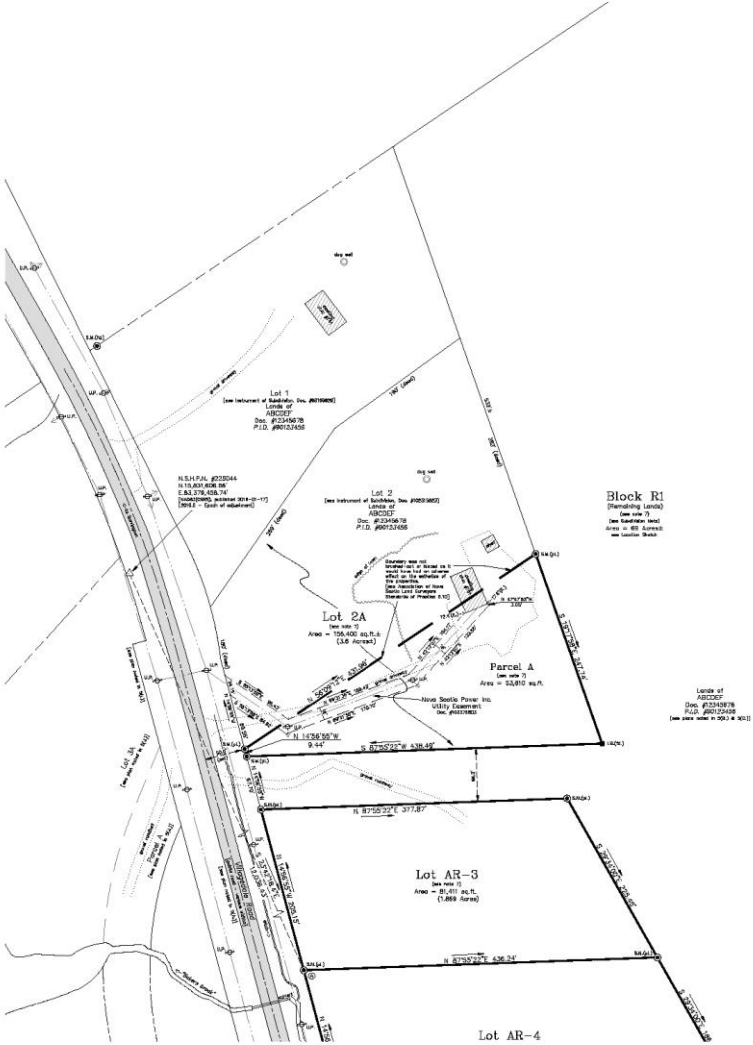
4. Why property mapping?

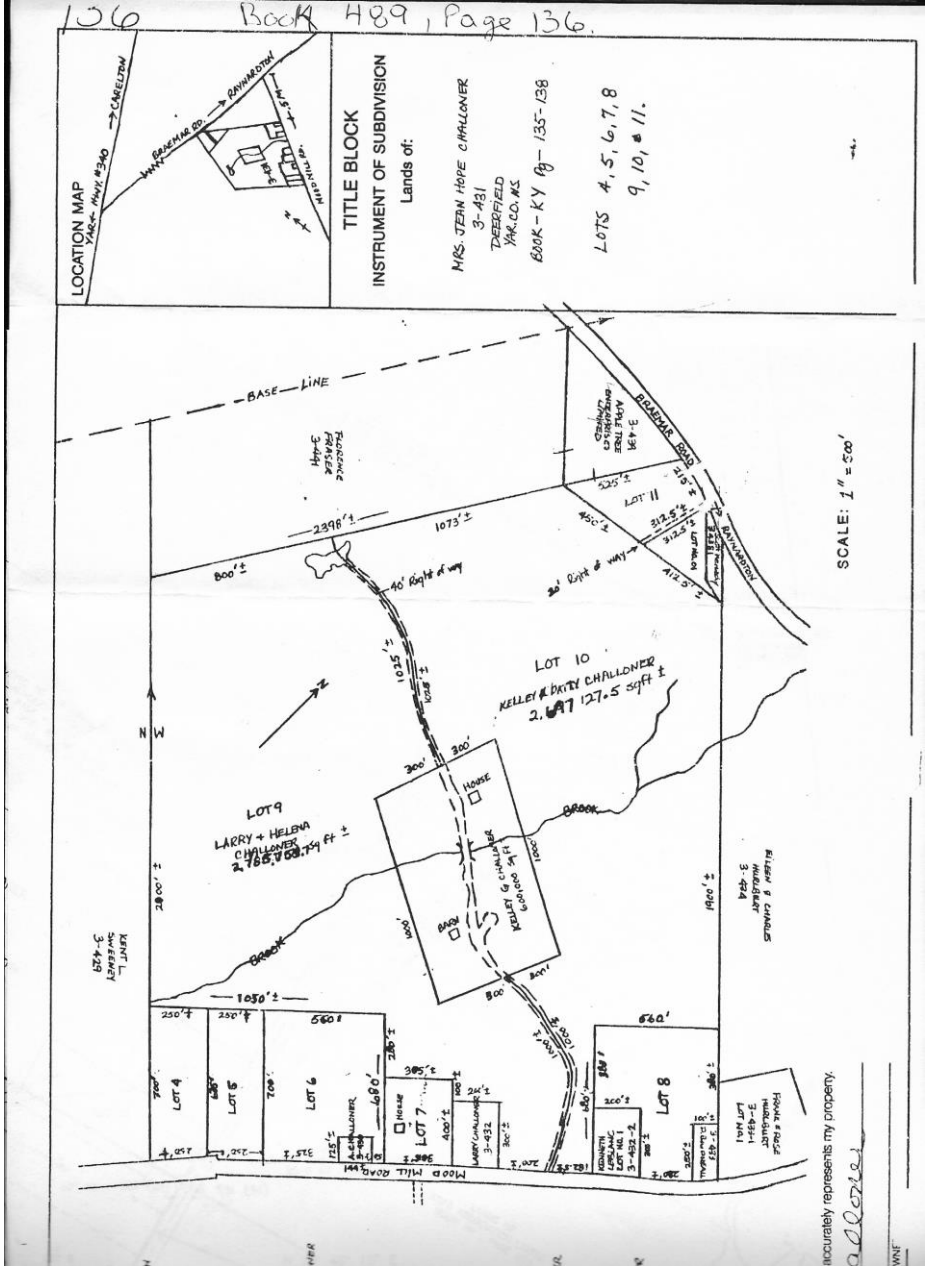
- a) Database for taxation;
- b) Database of a cadastre (property lines);
- c) Database for all development;
- d) Database for surface and subsurface infrastructure.

5. Why property migration?

- a) Guarantee of title;
- b) Elimination of repeated title searching;

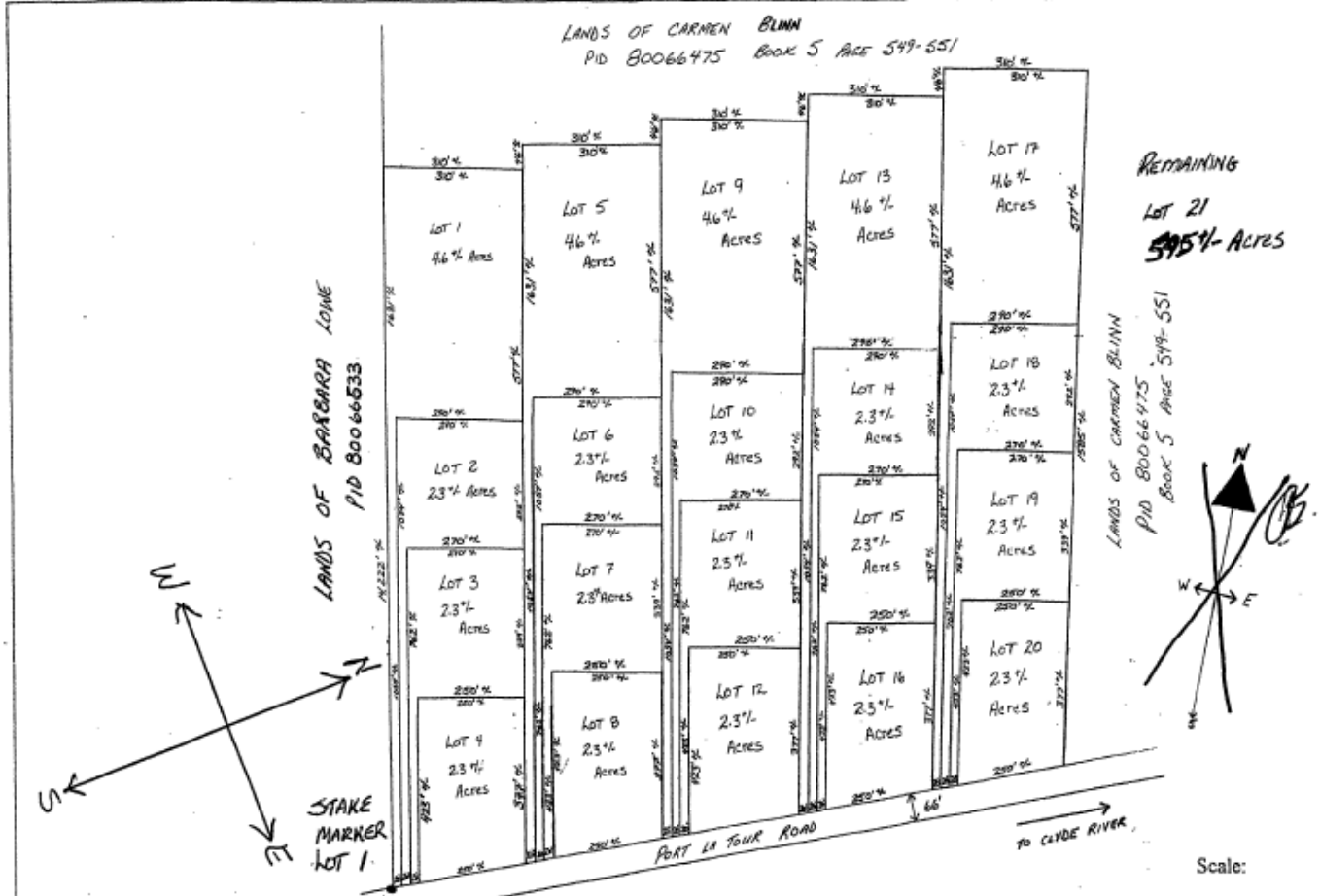
Now we head into the world of subdivision by instruments!





SCHEDULE "C" (Con't)

LANDS OF CARMEN BLINN
PID 80066475 BOOK 5 PAGE 549-551



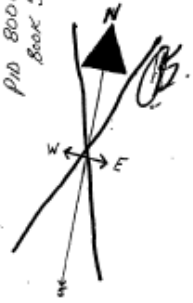
TITLE BLOCK
INSTRUMENT OF SUBDIVISION
Lands of:

CARMEN BLINN
TO CREATE LOTS 1, 2, 3, 4, 5, 6,
7, 8, 9, 10, 11, 12, 13, 14, 15,
16, 17, 18, 19, 20 AND
REMAINING LOT 21.
REFERENCE PID 80066475
BOOK 5, PAGE 549-551

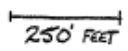
CARMEN BLINN
0 - PORT LA TOUR ROAD,
WEST PORT CLYDE, DISTRICT
OF BARRINGTON, NOVA SCOTIA.

REMAINING
LOT 21
5.95 1/2 - Acres

LANDS OF CARMEN BLINN
PID 80066475
BOOK 5 PAGE 549-551



Scale:

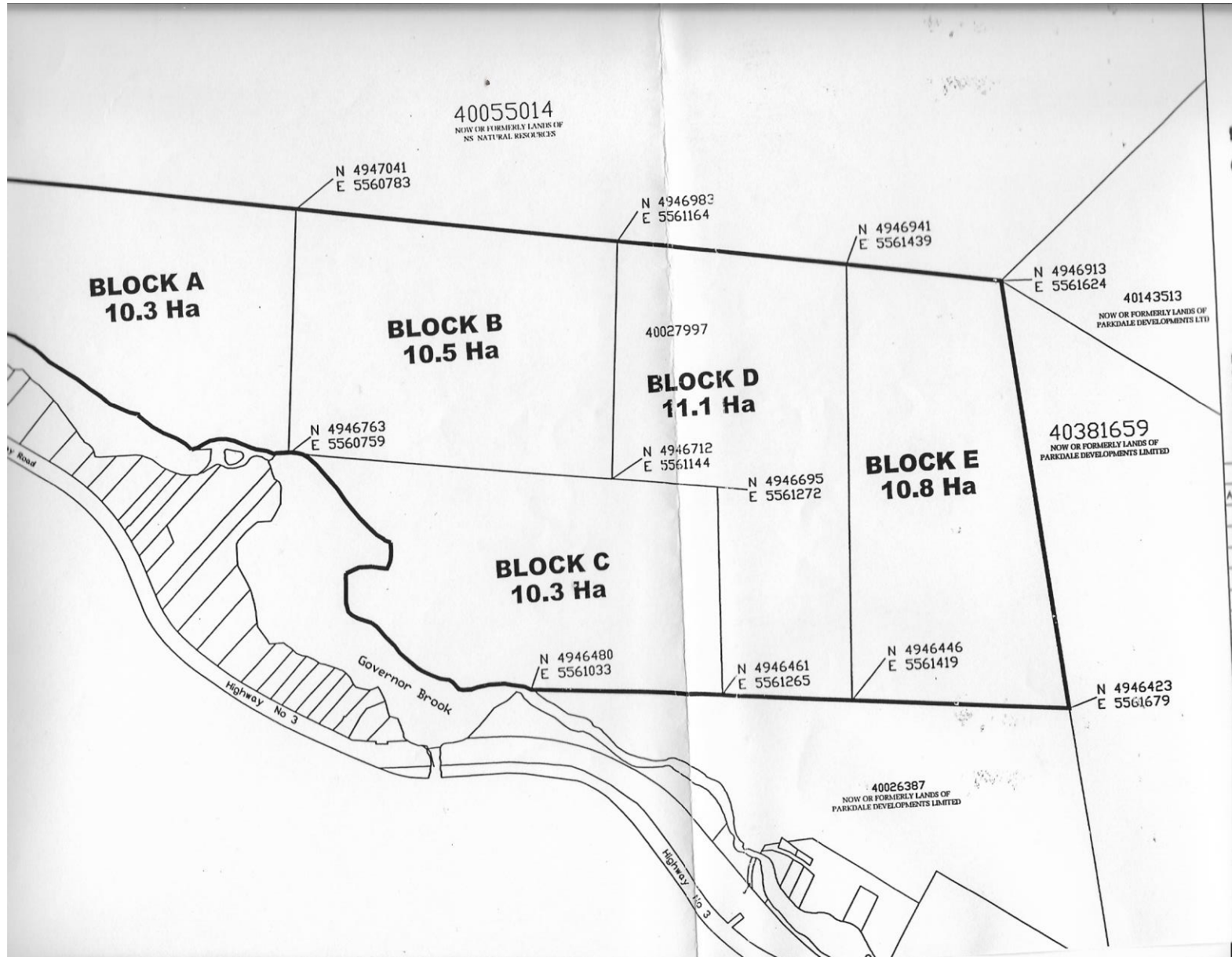


I certify that the above graphic representation accurately represents my property.

CARMEN BLINN x *Carmen Blinn*
Owner (s') Signature (s)

- Export PDF
- Create PDF
- Edit PDF
- Comment
- Combine Files
- Organize Pages
- Redact
- Protect
- Optimize PDF
- Fill & Sign
- Adobe Sign

Convert and edit PDFs
with Acrobat Pro DC
Start Free Trial



10 hectare lots
defining extent
of title by
coordinates.
Violates the
Land Surveyors
Act.



Search Provincial Map Bulletin Board Help

← Back to Search Results

Map Actions

- Point Select
- Pan
- Zoom In
- Zoom Out
- Zoom Box

- Monument Select
- Clear Selection
- Center Selection

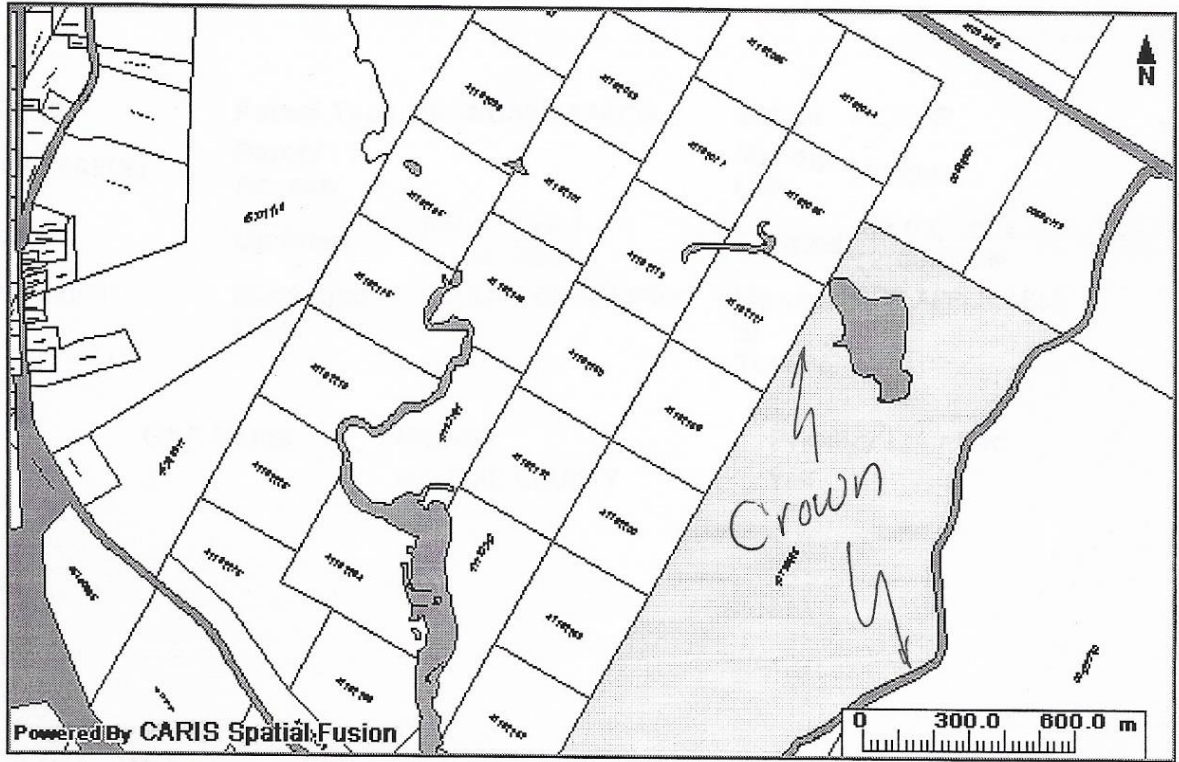
Map Layers

- Properties
- Topo
- Monuments
- Place Names

Refresh Map

Map Controls

- NS Overview
- Locator Map
- Print Map

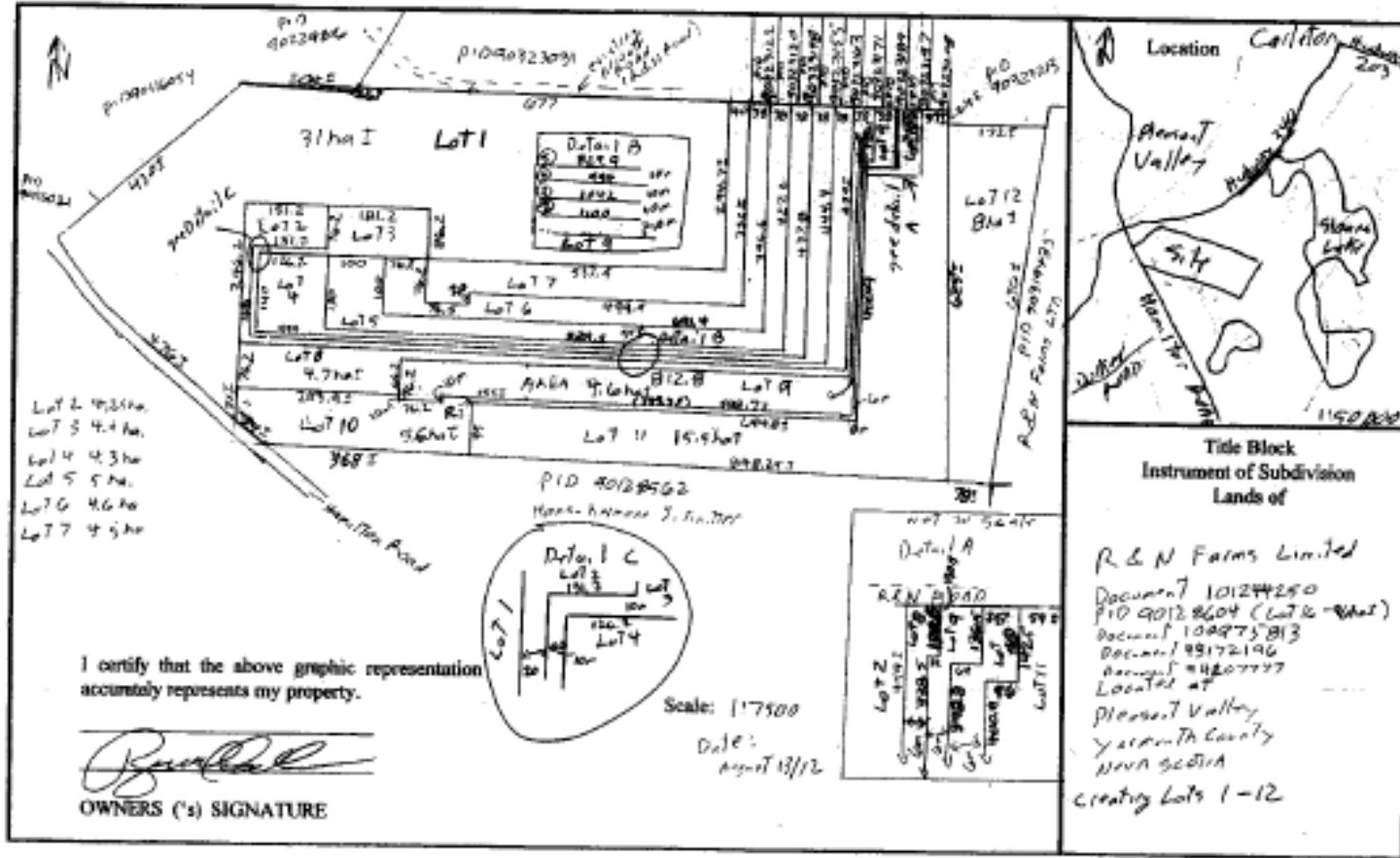


Lat: 44-50-44N Long: 63-46-27W Scale: 18828 Go Zoom: 4

The Provincial mapping is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Care has been taken to ensure the best possible quality, however, this map is not a land survey and is not intended to be used for legal descriptions or to calculate exact dimensions or area. The Provincial mapping is not conclusive as to the location, boundaries or extent of a parcel [Land Registration Act subsection 21(2)]. THIS IS NOT AN OFFICIAL RECORD.

10 hectare lots exempt from approval under the MGA.

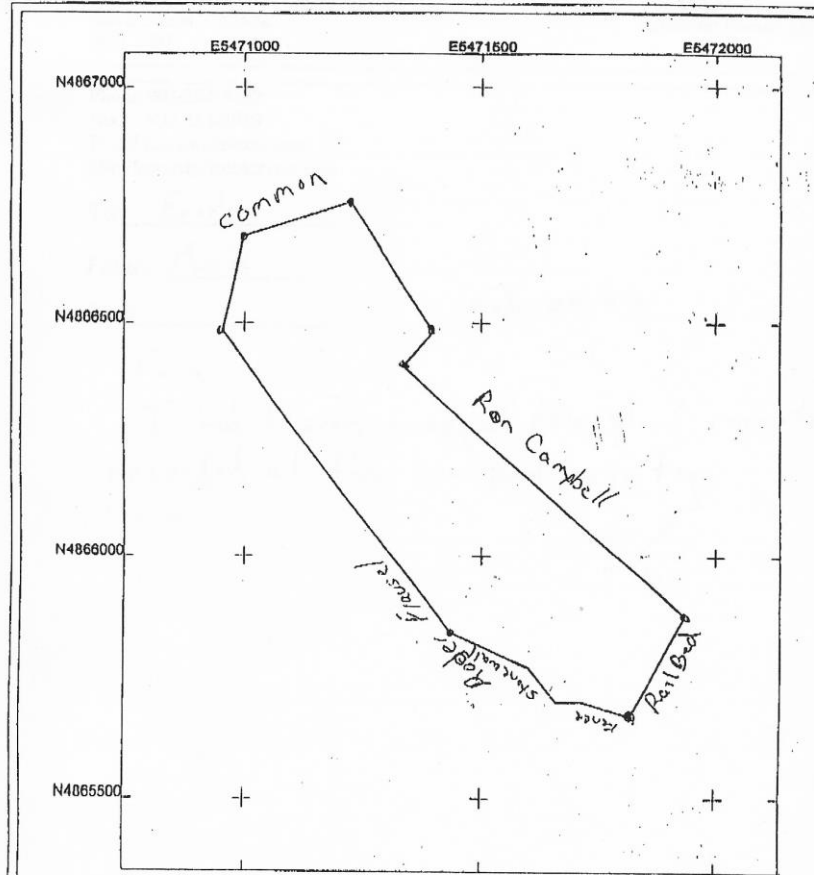
Good luck finding your lot.



Navigation controls including arrows, a hand icon, a zoom slider (39%), and a window icon.

Book 410 Page 465

000468
Schedule "B"



new shape going from stone wall to
treestand corner 39.72 ha.

ATS77
ZONE5
ATS77



Scale 1:10,000
0 0.300
Kilometers

R121313A.ssf
12/14/2003
GPS Pathfinder Office
Trimble.

Do it yourself
and then
register it.



Where are your boundaries?

1. Lots sold at market value.
2. Who marks the boundaries?
3. Are you building on your own property?
4. Who is liable for damages?
5. Is the public being protected?

This presentation has been an attempt to illustrate the fact that there is a conflict between provincial statutes, regulations and by-laws as it relates to the creation and demarcation of real property.

The public is NOT being served by instruments of subdivision as they presently exist.

Thank you for your attendance today.

Maybe you have some Questions?????

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