



# NOVA SCOTIA BARRISTERS' SOCIETY

## NSBS Legal Services Support - Foundation Document File Checklist

### General:

Anything on which a lawyer relied in support of exercising professional judgment in rendering an opinion of title or certificate of legal effect. It includes, whether prepared by the lawyer or others: ([LPA Regulations](#) at 1.1.1 ma)

- ☐ searches,
- ☐ documents,
- ☐ notes,
- ☐ survey fabric,
- ☐ other title information, or
- ☐ original or true copy of every e-submitted document s 6 (10) [LRA Administration Regs](#)

### AFR: from [LRA Administration Regulations](#)

- ☐ written authorization to submit the PDCA and AFR, if the submitting lawyer does not have a solicitor/client relationship with the owner of the parcel being registered; s 10 (6) a
- ☐ an owner's declaration regarding occupation of the parcel and residency status in Form 5 and, if signed by the authorized lawyer or authorized surveyor, evidence of the information relied upon under subsection (7); s 10 (6) b
- ☐ notice of parcel registration, in Form 9, sent in accordance with this Section, together with proof of service in accordance with Section 30, and any written directions given by the Registrar General under this Section, if applicable; s 10 (6) c
- ☐ SRRI that was sent electronically to the submitting lawyer upon submission of the AFR in final form; s 10 (6) d
- ☐ official report for the legal description from the parcel description database in Property Online at the time of submission of the AFR in final form; s 10 (6) e
- ☐ abstract of title upon which the submitting lawyer's certified opinion of title is based showing the chain of ownership of the parcel; and s 10 (6) f
- ☐ evidence of compliance with the *Municipal Government Act*. s 10 (6) g

### Other Specific Requirements to Retain:

- ☐ RG's written directions - adding benefit or burden to registered parcel s 14 (8);

- ☐ Form 8 notice & required proof of service when
  - adding benefit or burden to unregistered parcel s 15 (4)
  - adding burden or restrictive covenant per s 16 (2) c
  - adding overriding interest per s 18
- ☐ RG's exemption under 17 (1)
- ☐ Documents & info supporting request to correct certain errors s 21 & s 22

### **Other Information**

Use this checklist to help you comply with your obligations to keep foundation documents.

You will need another lawyer to sign for them when you retire or otherwise change status. Paper foundation documents might be harder to find someone to accept responsibility for.

We strongly recommend that you retain and organise your foundation documents electronically. Almost all originate as electronic documents. Consider having your searcher send you electronic versions, then keep them in labelled electronic folders with other documents you get from POL. If you need to see paper to understand something, print only as you need it but plan to keep the e-version.

However, if your foundation documents are paper, bundle them together in a subfile. Label your file (electronic or paper) to identify the property, PID & owner.

The obligation to retain and produce “foundation documents” started April 24, 2009. For any AFR submitted before that date, you may eventually destroy these documents pursuant to your file retention and destruction policy. To be clear, it is only post-April 24, 2009 documents that must be accepted by another lawyer when you change status.