

CI 33562

FAC Land Registration Act

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Nova Scotia
Utility and Review Board

REDACTED

November 24, 2010

NOVA SCOTIA
POWER
An Emera Company

UARB APPROVAL SHEET

Project Title: **FAC Land Registration Act**

CI Number: 33562

☒ Capital Project Authorization

Head Office Use:

☐ ATO

Project Number:

☐ Final Cost

Date: November 24, 2010

Location:			Division:	
Expenditure Profile			Schedule	
YEAR	Budget Estimate	Project Estimate		
2010	1,892,331	1,899,162	Estimated Start Date	2010-10
			Estimated In-Service Date	2014-12
			Estimated Close Date	2014-12
Total	\$1,892,331	\$1,899,162		

COMMENTS

Submitted on behalf of NOVA SCOTIA POWER INCORPORATED

Approved on behalf of NOVA SCOTIA UTILITY AND REVIEW BOARD

M/S *Sm*

Nov 22/2010

Authorized Signatory

DATE

DATE

Mark Savory

VP Technical and Construction

Project Number

- FAC Land Registration Act

CI Number : 33562

Parent CI Number :

Budget Version - UARB Submissions

Cost Centre : 032 - 032-Facilities

	Forecast
Start :	10/01/2010
Operational :	12/31/2014
Final Cost :	12/31/2014
2010	\$323,133.13
2011	\$349,644.75
2012	\$377,703.23
2013	\$408,013.26
2014	\$440,667.92
Total :	\$1,899,162.29
Original Cost :	\$0.00

This item provides for costs associated with migrating NSPI property titles to a new system, enabling the provincial government to guarantee title to the property. CI 25262 was used to migrate NSPI hydro lands and rights to the new title system. This capital item will be used to migrate NSPI's remaining lands to the new title system.

Summary of Related CI's +/- 2 years

No other projects in 2008,2009,2010,2011 and 2012

CI Number : 33562 - FAC Land Registration Act

Project Number

Parent CI Number :

Approved Date

Cost Centre : 032

- 032-Facilities

Budget Version

UARB Submissions

Capital Item Accounts

Acct	Actv	Account	Activity	Forecast Amount	Amount	Variance
094		094 - Interest Capitalized		327,058	0	327,058
001	001	001 - Regular Labour (No AO)	001 - GP - Land	144,001	0	144,001
011	001	011 - Travel Expense	001 - GP - Land	9,599	0	9,599
020	001	020 - Royalties, Easements, App	001 - GP - Land	566,668	0	566,668
028	001	028 - Consulting	001 - GP - Land	851,836	0	851,836
066	002	066 - Other Goods & Services	002 - GP - Land Rights	0	0	0
Total Cost:				1,899,162	0	1,899,162

Original Cost:

CI Number : 33562	- FAC Land Registration Act	Project Number
Parent CI Number :	-	Approved Date
Cost Centre : 032	- 032-Facilities	

Capital Item Justification

Justification Criteria : LAND AND RIGHT-OF-WAY

Sub-Criteria : <Select a value>

Name of Report :

Document Location :

Person Responsible :

Why do this project?

The Land Registration Act (LRA) is the first major change to the land registration system since 1759. The LRA establishes a process to migrate the title to properties from the old system to the new system. Once title to a property is migrated to the new system, the provincial government guarantees the title to this property.

Why do this project now?

NSPI needs to migrate its remaining non-LRA registered properties now to protect its title under the LRA System. The remaining properties relate to land acquired for transmission, distribution, power production, and corporate services.

Why do this project this way?

NSPI will use external legal resources to complete this project using the same procedure developed in CI 25262.

CI Number : 33562	- FAC Land Registration Act	Project Number
Parent CI Number :	-	Approved Date
Cost Centre : 032	- 032-Facilities	

Reason for Variance / Over Expenditure / Final Costing

14171263

The variance of \$6,831 is due to the estimate being revised since the submission of ACE 2010. The revised estimate showed that less Labour (\$36,000) and Consulting (\$198,165) was required. This was offset by Royalties and Easements being \$256,949 higher than originally estimated.

33562 - FAC Land Registration Act

Account	ACE 2010	Current Submission	Variance
001 - Regular Labour (No AO)	180,000	144,000	(36,000)
011 - Travel Expense	12,000	9,600	(2,400)
020 - Royalties, Easements, App	309,720	566,669	256,949
028 - Consulting	1,050,000	851,835	(198,165)
094 - Interest Capitalized	322,500	327,058	4,558
066 - Other Expenses	18,111	-	(18,111)
	1,892,331	1,899,162	6,831

Land Registration Act
Reference Notes

Budget Year	2010	Date	Nov 3rd, 2010
Division	Procurement	CI number	33562
Department	Real Estate		

Note 1	Royalties, Easements, Consulting	The total estimated amount for these items is \$1,418,504. This is based on the estimate provided by [REDACTED] attached. The estimate for this project was derived using the rate of [REDACTED] per standard PID and an average rate of [REDACTED] per non-standard PIDs based on information provided by [REDACTED]

[illegible][illegible][illegible]

This page has been removed due to confidentiality.

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General Plant Responses

Request IR-GP21:

With respect to page 259, CI# 33562, FAC Land Registration Act,

a) Please provide the report, study, and related correspondence that support this project and explain the need to proceed in 2010 as opposed to waiting until some event requires further action with respect to title migration.

b) The description for CI# 25262 implies that this WO would substantially complete the migration of the properties owned by NSPI. Please clarify exactly what was completed and what remains to be done to migrate property titles under this program. Provide a breakdown of the costs incurred and the number of properties completed, by year.

c) Will external resources will be engaged to complete this process? Will these resources be hired through a competitive bid process? Please elaborate and explain the program intended.

d) What is the expected time required to complete this project?

e) Please provide a detailed breakdown of the \$1,892,331 project cost estimate.

Response IR-GP21:

a) Many easements and documents related to unused rights of ways such as transmission easements as well as deeds for unoccupied lands would have been recorded in the 1920's and 1930's and are outside the time period a lawyer searches in order to migrate a registry property to the new land registration system. The statutory declaration portion of the project will be found within the lawyer's search period so that he or she will have notice of NSPI's rights. NSPI migrating its unoccupied lands will ensure that NSPI's interests are protected.

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1 Response IR-GP21: (cont'd)

2
3 b) Phase 1 of the Land Registration project (carried out under CI#25262) covered almost all
4 properties exclusively owned by NSPI which are used in connection with the hydro electric
5 reservoir systems. Properties were title searched, boundaries identified, (surveyed as
6 necessary) and then submitted for registration at the appropriate local land registry.
7 Approximately \$17,000 has been incurred to date.

8
9 Phase I of the LRA project focused on migrating NSPI's lands related to the hydro facilities.
10 Part of the project also involved registering statutory declarations against properties to secure
11 NSPI's flowage rights. At this point Phase I is almost complete, with 21 properties
12 remaining, including 14 parcels where it may be impossible to resolve all issues.

13
14 The proposal for Phase II of the LRA project involves four tasks:

- 15
16 • Address the issues from the Phase I properties that were unable to be migrated. There
17 are approximately 20 properties that were unable to be migrated. NSPI is working to
18 address the concerns regarding these properties.
19
20 • Unused Rights of Ways - Generate a list of parcels that do not reflect NSPI's interests
21 and register statutory declarations against the properties. This task is similar to the
22 statutory declaration project undertaken to secure NSPI's flowage rights near the
23 hydro properties. Each of the right of ways will have to be mapped so that a list of
24 affected parcels is generated and then checked to confirm whether NSPI's rights are
25 recognized.
26
27 • Migrate unoccupied NSPI lands into the Land Registration System since unoccupied
28 lands are at a higher risk for individuals claiming adverse possession. There are
29 approximately 65 properties that have been identified as vacant land.

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Response IR-GP21: (cont'd)

- Migrate the remaining NSPI lands into the Land Registration System. It is estimated that there are approximately 150 parcels associated with the generation facilities, 125 parcels associated with the substations, 52 parcels associated with depot properties, as well as approximately 200 properties that have been classified as unknown which are believed to be vacant or inactive. The fourth part of Phase II of the LRA project involves approximately 527 parcels of land.

An inventory of the properties will be undertaken as the Project moves forward, therefore the number of Property/ Parcel Identifiers (PIDS) may increase. Prior to the property migrations taking place the lands the mapping is reviewed and all information such as deeds and plans must be compiled in a format that can be forwarded to the law firm conducting the migrations.

c) Yes, there are external services required for the legal work associated with the migrations. The services were sole sourced after discussions and review of resources and capabilities of a number of legal firms conducted by NSPI's assistant general counsel.

d) The expected timeline for this project is five years.

e) Table 1- Breakdown of FAC Land Registration Act Cost Estimate

Account	Estimate (\$)
Labour	180,000
Consulting	1,050,000
Royalties and Easements	309,720
Travel	12,000
Interest	322,500
Other	18,111
Total	1,892,331