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**Item No. 15.1.1**  
**Halifax Regional Council**  
**December 10, 2024**

**TO:** Mayor Fillmore and Members of Halifax Regional Council

**FROM:** Cathie O'Toole, Chief Administrative Officer

**DATE:** November 4, 2024

**SUBJECT:** **Expansion of Land Titles Clarification Area Boundaries**

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### **ORIGIN**

Staff initiated report to request Council approval to expand the Land Titles Clarification Area boundaries for the communities of North Preston, East Preston and Cherry Brook/Lake Loon.

### **EXECUTIVE SUMMARY**

For over 200 years, many African Nova Scotians have lived on land passed down without clear legal title. The African Nova Scotian Affairs (ANSA), through its Land Titles Initiative (LTI), has supported communities within certain boundaries to have access to legal counsel to provide clear title to lands they have been using, and for Halifax Regional Municipality to provide tax relief to applicants who are successful in obtaining clear title.

ANSA seeks the approval of Halifax Regional Council to expand the Land Titles Clarification Area (LTCA) boundaries for North Preston, East Preston, and Cherry Brook/Lake Loon. This expansion aligns the LTCA boundaries with current municipal community boundaries and addresses long-standing discrepancies that have excluded residents from critical land title services.

The expansion aims to include 26 additional parcels in these communities, making their residents eligible for LTI services. Currently, some African Nova Scotians are excluded due to outdated boundaries established between 1964-1980, which did not reflect the actual extent of these communities.

Expanding the boundaries will help more residents in these communities gain access to LTI services, reducing legal barriers to land ownership.

### **RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Approve the proposed LTCA boundary expansion for the North Preston, East Preston, and Cherry Brook/Lake Loon area in accordance with the boundary maps attached as Attachment 2.
2. Direct the Chief Administrative Officer to take all other steps necessary to expand the LTCA boundaries, in accordance with the terms and conditions contained in this report.

## **BACKGROUND**

There are currently five designated Land Titles Clarification areas in HRM:

- Cherry Brook/Lake Loon
- East Preston
- New Road Settlement (North Preston)
- Oldham
- Terrance Bay and Lower Prospect

At the January 13, 2015 Halifax Regional Council meeting, Regional Council approved a staff mandate to assess the role of HRM in a land title clarification program through collaboration and discussion with external stakeholders.

At the September 6, 2016 Halifax Regional Council meeting, the Council authorized and directed staff to participate in the “Land Titles Clarification Project” sponsored by the Province of Nova Scotia. Council approved an amendment to Administrative Order 10, the Partial Tax Exemption Administrative Order (“Administrative Order 10”).

On August 15, 2017, the U.N. Working Group of Experts on People of African Descent released a report regarding its mission to Canada. The report criticizes the current application process as ineffective and placing significant financial burdens on applicants. The Working Group urged governments in Nova Scotia to do more to help African Nova Scotians obtain legal title through the Land Titles Clarification Act.

On September 27, 2017, the Province of Nova Scotia committed \$2.7 million over two years to assist residents in obtaining legal title to land in five communities historically settled by African Nova Scotians. Three of these communities: North Preston, East Preston, and Cherry Brook are within the Halifax Regional Municipality. The Provincial funding is meant to provide on-going support and to alleviate some of the financial hurdles associated with the land titles clarification process by providing funding for surveys and legal fees.

On March 5, 2021, the Province of Nova Scotia announced a \$3 million compensation fund to accelerate efforts and help speed up efforts under the Land Titles Initiative.

## **DISCUSSION**

The LTCA tax forgiveness initiative in the Halifax Regional Municipality seeks to address longstanding issues of unclear land titles. This program aims to provide tax relief and assistance to landowners burdened by unresolved title issues, fostering equitable property ownership and promoting community development.

1. Residents within the current LTCA designated areas face significant challenges due to unclear land titles. These title issues stem from historical injustices, informal land transactions and administrative oversights. As a result, affected landowners often accumulate substantial property tax debts, limiting their ability to use or improve their land, access financing, or sell their property, and can lead to the potential loss of property.

The primary objectives of the *Land Titles Clarification Act* are:

- To provide tax forgiveness for accrued property taxes on land with unresolved title issues.
- To assist in the resolution and formalization of land titles for affected landowners.
- To enhance economic stability and property rights.
- To alleviate the administrative and financial burden on both landowners and local government.

The expansion represents a significant step toward ensuring broader access to land title services for African Nova Scotians.

### **FINANCIAL IMPLICATIONS**

Each year the provision for losses on accounts is budgeted in the operating fund as mandated by the Charter. Section 93 of the Charter requires that:

- 93 (1) The Council shall make estimates of the sums that are required by the Municipality for the fiscal year.  
(2) The estimates shall include the probable revenue from all sources other than taxes for the fiscal year and make due allowance for  
(a) the abatement and losses that might occur in the collection of the taxes; and  
(b) taxes for the current fiscal year that might not be collected.

The exact impact on HRM is unknown at this time as it is dependent on which clients decide to apply for tax forgiveness. Tax accounts in land titles areas have been allowed for in the valuation allowance. Funding for property tax relief for successful land claims will be funded from General Ledger Account # 2521 – Allowance Uncollectible Taxes.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations in this Report.

### **COMMUNITY ENGAGEMENT**

The African Nova Scotian Integration Office (ANSAIO) continue to work closely with Finance & Asset Management on the Land Titles Clarification – Property Tax Relief Project.

In October 2022, the LTI conducted extensive community engagement within and outside the current LTCA boundaries. The purpose was to gather feedback on the proposed boundary expansions to ensure broader access to LTI services. Engagement efforts by the LTI group included targeted promotions on social media, the OEA's engagement website, flyers in community spaces, and direct outreach via email and phone. In-person sessions were held in all five LTI communities. The feedback was supportive of the boundary expansions. This will allow residents who live in these communities to be eligible for LTI services.

### **ENVIRONMENTAL IMPLICATIONS**

No environmental implications were identified.

### **ALTERNATIVES**

Council may choose to not adopt the proposed LTCA boundary expansion.

### **LEGISLATIVE AUTHORITY**

*Land Titles Clarification Act*, RSNS 1989, c. 250 s. 3(2) states that:

No area of a municipality shall be designated as a land titles clarification area unless the

council of the municipality approves.

**ATTACHMENTS**

Attachment 1: Letter from ANSA Requesting Municipal Approval

Attachment 2: Proposed New LTCA Boundary Maps

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A copy of this report can be obtained online at or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Kaitlyn Gilbert, Collections Supervisor, Finance & Asset Management, 902.220.3610

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September 5, 2024

Vicki Robertson  
Director, Revenue  
Treasurer  
Finance & Asset Management  
Halifax Regional Municipality  
PO Box 1749  
Halifax, NS B3J 3A5

Dear Ms. Robertson,

**Subject: Request for Approval to Expand Land Titles Clarification Area Boundaries**

The Land Titles Initiative (LTI), a division of African Nova Scotian Affairs (ANSA), is seeking Halifax Regional Council's approval to expand the land titles clarification area (LTC area) boundaries for the communities of North Preston, East Preston, and Cherry Brook/Lake Loon. These expansions aim to align the LTC area boundaries with the current community boundaries as defined by the Municipality.

Currently, only African Nova Scotians residing within the existing LTC area boundaries are eligible for LTI services. However, the existing boundaries do not accurately reflect the present-day extent of these communities, resulting in some residents being excluded from access to these essential services. The boundaries were designated between 1964-1972 with only East Preston and North Preston being redrawn in 1977 and 1980, respectively. Even at this time, the boundaries did not accurately reflect the actual community boundaries. By expanding the LTC area boundaries, we can ensure that more African Nova Scotians within these communities are able to benefit from the LTI. Twenty-six parcels that were previously ineligible would become eligible under the expansion. At this time, we cannot predict how many may have valid claims.

**Legislative Authority**

The expansion of these boundaries will be carried out under Section 3 of the *Land Titles Clarification Act* (LTCA), contingent upon approvals from Halifax Regional Council and the Governor in Council via an Order in Council (OIC). As of May 23, 2023, the Minister of African Nova Scotian Affairs holds responsibility for all matters related to the LTI under Part I of the LTCA.



## Background

For over 200 years, many African Nova Scotians have lived on land passed down through generations without clear title. Without clear title, residents are unable to mortgage, sell, bequeath their land, or access housing grants. The LTI was established to assist African Nova Scotian residents in obtaining clear title to their land in the communities of North Preston, East Preston, Cherry Brook/Lake Loon, Lincolnville, and Sunnyville. The LTI covers legal fees and other costs related to land title clarification through three streams:

1. Land parcel migration under the *Land Registration Act*
2. Estate administration under the *Probate Act* and *Intestate Succession Act*
3. Land claims based on use and occupation under the *Land Titles Clarification Act*

The *Land Titles Initiative Acceleration Act*, passed on April 19, 2021, enshrined the LTI as a permanent government program.

## Community Engagement

In October 2022, the LTI conducted extensive community engagement within and outside the current LTC area boundaries. The purpose was to gather feedback on the proposed boundary expansions to ensure broader access to LTI services. Engagement efforts included targeted promotions on social media, the OEA's engagement website, flyers in community spaces, and direct outreach via email and phone. In-person sessions were held in all five LTI communities. The feedback was overwhelmingly supportive of the boundary expansions. What was concluded was that all five communities supported the community boundaries being a composition of the current LTCA boundary and the municipally defined community boundary. This will now allow residents who live in these communities to be included under the LTCA and eligible for LTI services, who have been on the wrong side of an arbitrarily drawn LTCA boundary line.

## Next Steps

Upon receiving approval from Halifax Regional Council and the Municipality of the District of Guysborough, ANSA will submit a Report and Recommendation to the Executive Council Office to seek Governor in Council approval under Section 3(1) of the LTCA. Following this, plans depicting the revised LTC area boundaries will be filed with the registry of deeds, officially changing the boundaries for North Preston, East Preston, and Cherry Brook/Lake Loon.

We look forward to your support in enabling more African Nova Scotians to achieve clear title to their land.



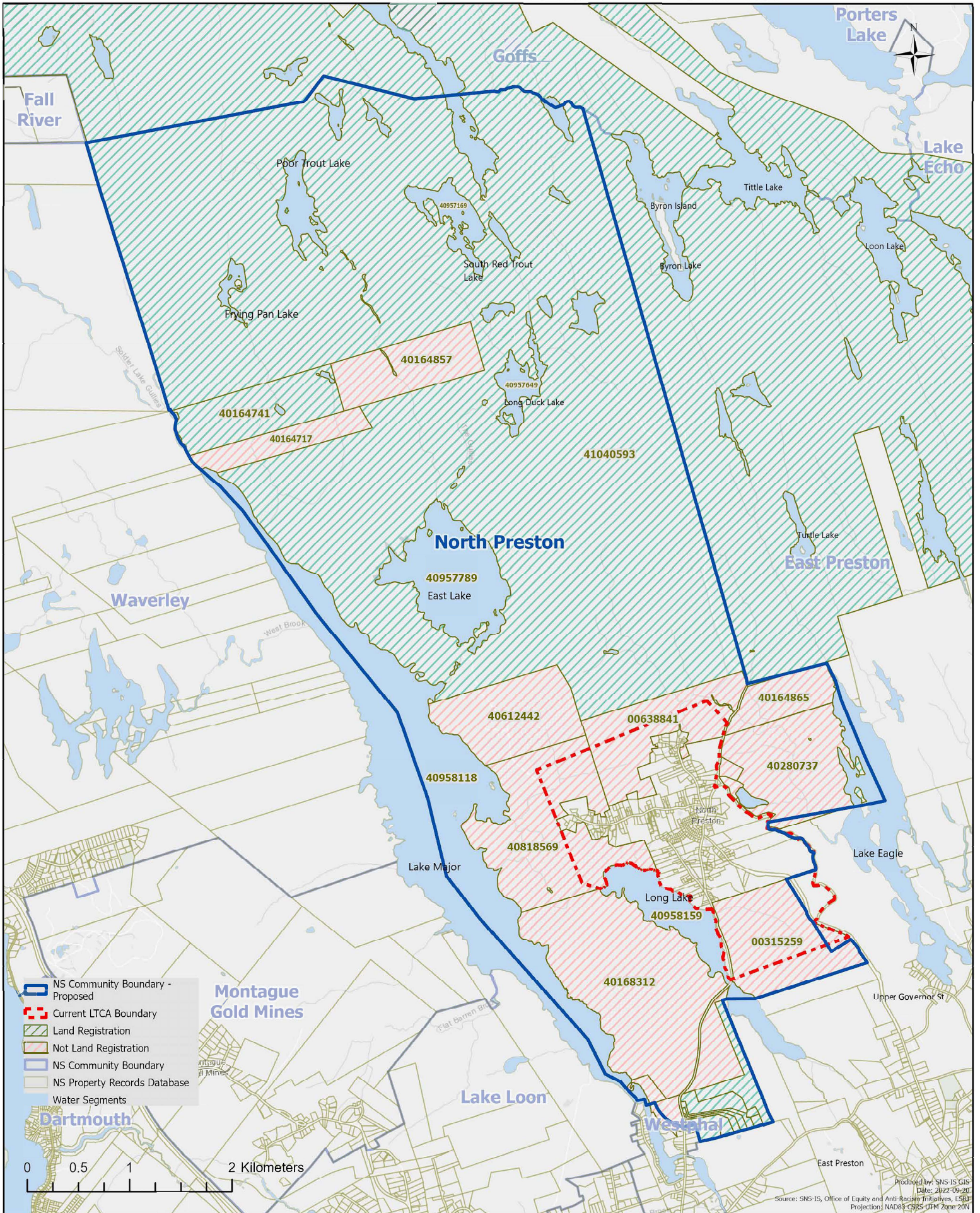
Sincerely,

Lauren Grant  
Executive Director, Strategic Initiatives  
African Nova Scotian Affairs  
Department of Communities, Culture, Tourism and Heritage

Attachments:  
Proposed new LTCA boundary maps  
Schedule B Crown Land Index Sheet 66





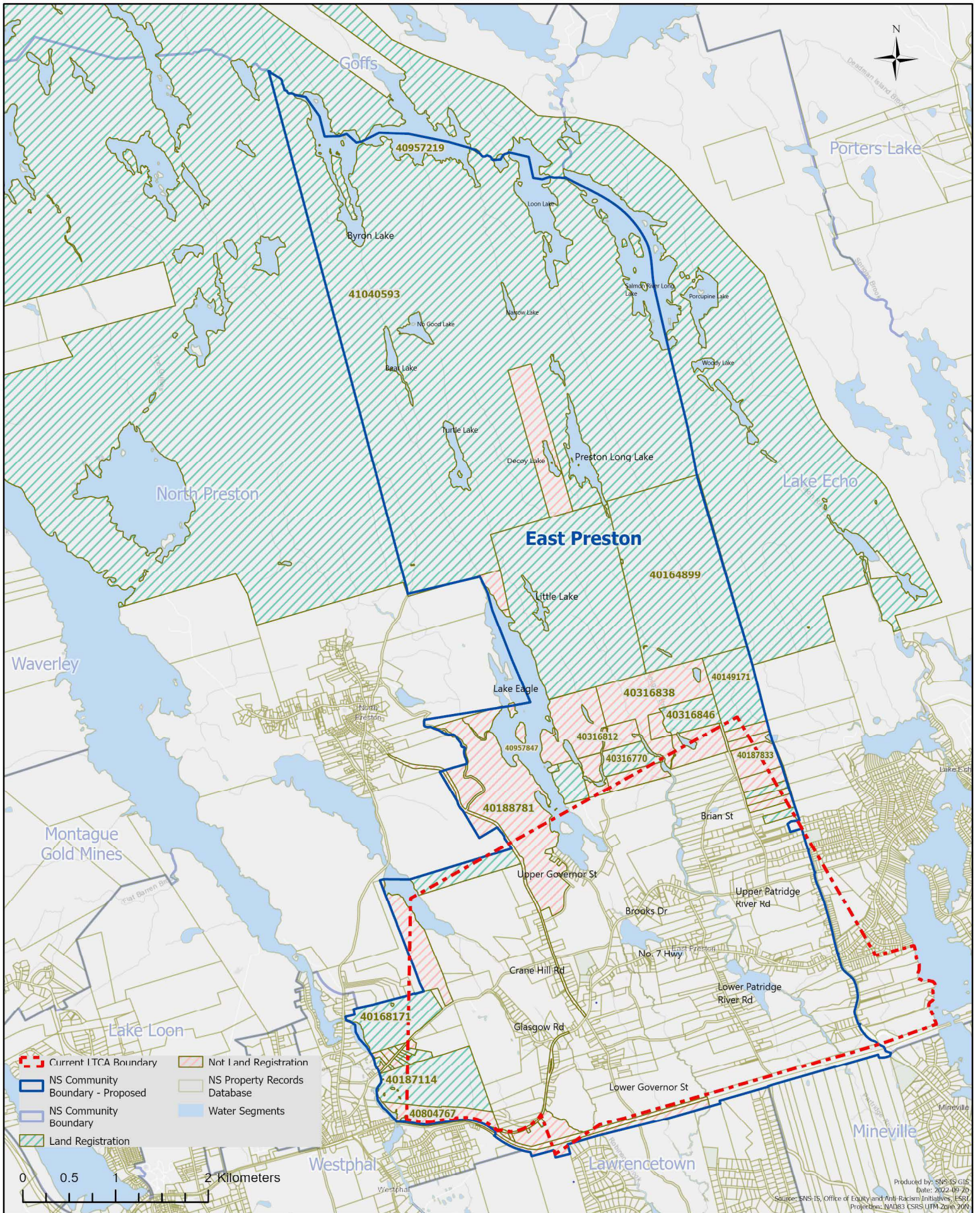


- NS Community Boundary - Proposed
- Current LTCA Boundary
- Land Registration
- Not Land Registration
- NS Community Boundary
- NS Property Records Database
- Water Segments

0 0.5 1 2 Kilometers



# Proposed Boundary Expansion LTCA East Preston



- - - Current ITCA Boundary
- NS Community Boundary - Proposed
- NS Community Boundary
- Land Registration
- Not Land Registration
- NS Property Records Database
- Water Segments

0 0.5 1 2 Kilometers



# Proposed Boundary Expansion LTCA - Lake Loon / Cherry Brook

