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**Revised Statutes of Nova Scotia**  
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<b>Chapter</b>	<b>Page</b>
Q-1    Quality-improvement Information Protection Act.....	7261
Q-2    Quieting Titles Act .....	7266

CHAPTER Q-1

**An Act to Protect Healthcare Information  
to Promote Quality Improvement**

**Table of Contents**

(The table of contents is not part of the statute)

	Section
Short title.....	1
Interpretation.....	2
Act and regulations prevail .....	3
Quality-improvement committees.....	4
Provision of quality-improvement information .....	5
Disclosure of quality-improvement information.....	6
Disclosure of aggregated de-identified information and recommendations .....	7
Disclosure for purpose of improving quality of health services .....	8
No dismissal for permitted disclosure.....	9
Quality-improvement information not admissible.....	10
Offence and penalty .....	11
No action lies .....	12
Regulations.....	13

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**Short title**

**1** This Act may be cited as the *Quality-improvement Information Protection Act*. 2015, c. 8, s. 1.

**Interpretation**

**2** In this Act,

“de-identified information” means quality-improvement information from which is removed all information that

- (a) may identify
  - (i) an individual,
  - (ii) a health authority,
  - (iii) a specific site in a health authority where health services are provided, or
  - (iv) an entity referred to in clause 4(1)(c); or

(b) where it is reasonably foreseeable in the circumstances, could be utilized either alone or with other information, to identify an individual, a health authority, a site or an entity described in clause (a);

“health authority” means a health authority as defined in the *Health Authorities Act*;

“health services” means health services as defined in the *Health Authorities Act*;

“legal proceeding” means any civil proceeding, inquiry, proceeding before any tribunal, board, commission, disciplinary committee of a health authority or a regulated health-profession body or arbitration, in which evidence is or may be given, and includes an action or proceeding for the imposition of punishment by fine, penalty or imprisonment for the violation of an enactment;

“Minister” means the Minister of Health and Wellness;

“personal health information” means personal health information as defined in the *Personal Health Information Act*;

“personal information” means personal information as defined in the *Freedom of Information and Protection of Privacy Act*, and includes any information related to an individual’s role within the Department of Health and Wellness, a health authority or an entity referred to in clause 4(1)(c);

“quality-improvement activity” means an activity of a quality-improvement committee or any other activity that is part of a program or plan

(a) approved by a health authority, the Minister or an entity referred to in clause 4(1)(c); and

(b) implemented for the purpose of assessing, investigating, evaluating or making recommendations respecting the provision of health services by a health authority, the Minister or an entity referred to in clause 4(1)(c),

with a view to maintaining or improving the quality of health services;

“quality-improvement committee” means a committee established or designated under Section 4 to carry out quality-improvement activities;

“quality-improvement information” means information in any form that is communicated for the purpose of, or created in the course of, carrying out a quality-improvement activity, but does not include

(a) information contained in a record, including a health record, that is maintained for the purpose of providing and documenting health services to an individual;

(b) the fact that a quality-improvement committee met or conducted a quality-improvement activity;

(c) information disclosed to a person, or in the event of the person’s incapacity, to the person’s substitute decision-maker, regarding any quality-related event in which the person is directly affected;

(d) the terms of reference of a quality-improvement committee; or

(e) an accreditation report issued by Accreditation Canada;

“witness” includes every person who, in the course of a legal proceeding, is examined for discovery, is cross-examined upon an affidavit made by that person, answers any interrogatories, makes an affidavit as to documents or is called upon to answer any question or produce any document, whether under oath or not. 2015, c. 8, s. 2.

**Act and regulations prevail**

**3** Where there is a conflict between this Act and the regulations and any other enactment, this Act and the regulations prevail. 2022, c. 28, s. 1.

**Quality-improvement committees**

**4 (1)** A quality-improvement committee may be established or designated by

- (a) a health authority;
- (b) the Minister; or
- (c) an entity prescribed by the regulations,

with terms of reference and membership as mandated by the person or entity creating the committee to carry out quality-improvement activities.

**(2)** The Minister may delegate to any person the Minister's authority to establish or designate a quality-improvement committee.

**(3)** A health authority or an entity referred to in clause (1)(c) may delegate to any officer, employee or member of the medical staff of the health authority or of the entity, as the case may be, the authority to establish or designate a quality-improvement committee. 2015, c. 8, s. 3.

**Provision of quality-improvement information**

**5** The Minister may direct a quality-improvement committee to provide to the Minister such quality-improvement information that does not include personal health information or personal information and recommendations that do not include personal health information or personal information, as the Minister directs, in any form the Minister directs, for the purposes only of planning and managing the health system or conducting Province-wide quality-improvement activities. 2015, c. 8, s. 4.

**Disclosure of quality-improvement information**

**6 (1)** The *Freedom of Information and Protection of Privacy Act* does not apply to quality-improvement information.

**(2)** Notwithstanding any enactment, including the *Personal Health Information Act*, a person may disclose any information, including personal information and personal health information, to a quality-improvement committee for the purpose of a quality-improvement activity.

**(3)** Notwithstanding the *Personal Health Information Act*, no person may disclose or access quality-improvement information except as permitted under this Act, regardless of whether it includes the personal health information of the individual. 2015, c. 8, s. 5.

**Disclosure of aggregated de-identified information and recommendations**

**7** The Minister, a health authority or an entity referred to in clause 4(1)(c) may disclose aggregated de-identified information and any resulting health-services system recommendations that do not include personal health information or personal information. 2015, c. 8, s. 6.

**Disclosure for purpose of improving quality of health services**

- 8** Nothing in this Act prohibits or prevents the disclosure of
- (a) quality-improvement information that does not include personal health information or personal information; or
  - (b) recommendations, that do not include personal health information or personal information, that result from the quality-improvement activities of a health authority, the Minister or an entity referred to in clause 4(1)(c),

within a quality and patient-safety oversight structure if such disclosure is made for the purpose of improving the quality of health services and patient safety or implementing such recommendations or both. 2015, c. 8, s. 7.

**No dismissal for permitted disclosure**

**9** No person may dismiss, suspend, demote, discipline, harass or otherwise disadvantage another person for disclosing information pursuant to subsection 6(2). 2015, c. 8, s. 8.

**Quality-improvement information not admissible**

**10 (1)** No person may ask a witness and no court or other body holding a legal proceeding may permit or require a witness in the proceeding to disclose quality-improvement information.

**(2)** Quality-improvement information is not admissible in evidence in a legal proceeding. 2015, c. 8, s. 9.

**Offence and penalty**

**11 (1)** A person who contravenes subsection 6(3) or Section 9 is guilty of an offence and liable on summary conviction

(a) to a fine of not more than \$10,000 or to imprisonment for six months, or to both a fine and imprisonment, if the person is an individual; or

(b) to a fine of not more than \$50,000 if the person is a corporation.

**(2)** Where a corporation contravenes this Act or the regulations, a director, officer or agent of the corporation who authorized, permitted or acquiesced in the contravention is also guilty of an offence and liable on summary conviction to the penalties set out in clause (1)(a), whether or not the corporation has been prosecuted or convicted. 2015, c. 8, s. 10.

**No action lies**

**12** No action or other proceeding lies, and an action or other proceeding must not be instituted, against a person who in good faith discloses information to a quality-improvement committee at the request of the committee or for the purpose of assisting the committee to carry out its function. 2015, c. 8, s. 11.

**Regulations**

- 13** (1) The Governor in Council may make regulations
- (a) prescribing an entity that may establish or designate a quality-improvement committee for the purpose of clause 4(1)(c);
  - (b) defining any word or expression used but not defined in this Act;
  - (c) further defining any word or expression defined in this Act;
  - (d) respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*, 2015, c. 8, s. 12.

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CHAPTER Q-2

**An Act to Provide for the Judicial Ascertainment  
of Rights in Real Property**

**Table of Contents**

(The table of contents is not part of the statute)

	Section
Short title.....	1
Interpretation.....	2
Action for certificate of title.....	3
Attorney General as defendant.....	4
Statement of claim and plan.....	5
Abstract of title.....	6
Service of documents and application for directions.....	7
Admission of facts.....	8
Powers and duties of judge.....	9
Interested person.....	10
Default by plaintiff or defendant and issue of certificate of title.....	11
Certificate of title after trial.....	12
Burden of proof.....	13
Certificate of title.....	14
Effect of registered certificate of title.....	15
Fraud.....	16
Appeal.....	17
Costs.....	18
Forms.....	19
Regulations.....	20

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**Short title**

**1** This Act may be cited as the *Quieting Titles Act*. R.S., c. 382, s. 1.

**Interpretation**

**2** In this Act,

“Attorney General” means the Attorney General of the Province representing the Crown in right of the Province;

“property right” means any estate, interest, power or other right in or with respect to land. R.S., c. 382, s. 2.

**Action for certificate of title**

**3 (1)** Any person who claims a property right in land may commence an action in the Supreme Court of Nova Scotia for a certificate of title under this Act.

**(2)** The claim may be the sole claim in the action or may be joined with a claim in trespass to land, in ejectment, for the recovery of land, for mesne profits, for partition, for foreclosure of a mortgage, equity of redemption or agreement of sale or for specific performance of an agreement to convey land, with

any other claim in which the title to or right to possession of land is in issue or with any combination of such claims.

(3) Except where it is expressly otherwise provided, the *Judicature Act* and the *Civil Procedure Rules* apply to such actions.

(4) The Attorney General shall bring such an action only where the claim for a certificate of title is joined with some other claim. R.S., c. 382, s. 3.

#### **Attorney General as defendant**

4 (1) Except where the Attorney General is the plaintiff, the Attorney General is a defendant in every such action.

(2) Where the only claim is for a certificate of title, a plaintiff need not include any defendant other than the Attorney General in the first instance.

(3) It is not necessary to give notice of action to the Attorney General before commencing the action. R.S., c. 382, s. 4.

#### **Statement of claim and plan**

5 (1) The statement of claim must contain a concise statement of the facts on which the plaintiff bases the claim and of the nature of that claim, and in particular must set out

(a) a description of the land in question sufficient to identify it and to distinguish it from all other land;

(b) the names of the owners and occupiers of the adjoining lands, if they can be ascertained, whether the plaintiff or some other person is or claims to be in actual or constructive possession of the land, and in whose name it is assessed for city, town, municipal or other local rates or taxes; and

(c) all the property rights that the plaintiff admits to exist other than the right that the plaintiff claims and all such claims to property rights that the plaintiff knows of but does not admit,

and a plan of the land conforming to the requirements of the *Registry of Deeds Act* for registration must be attached to the statement of claim.

(2) The statement of claim must be verified in every material particular by one or more affidavits, which must be filed with the originating notice.

(3) A person who deposes to facts not within the time of living memory or to claims of rights that are not admitted by the plaintiff may do so as to the deponent's belief, stating the grounds thereof, and in all other particulars the deponent shall swear only to matters of which the deponent has personal knowledge.

(4) The court or judge may reject any affidavit as lacking probative force. R.S., c. 382, s. 5.

**Abstract of title**

**6 (1)** The plaintiff shall file with the originating notice an abstract of the title to the land certified by the registrar of deeds for the registration district in which the land lies, or by a solicitor of the Supreme Court of Nova Scotia, to be a complete abstract of all the records in the registry that affect or may affect the title to the land.

**(2)** Where the land is registered pursuant to the *Land Registration Act*, the plaintiff shall file with the originating notice a certified copy of the parcel register. R.S., c. 382, s. 6; 2001, c. 6, s. 122.

**Service of documents and application for directions**

**7 (1)** The affidavits of verification and a copy of the abstract of title must be served with the originating notice.

**(2)** After service of the originating notice and expiration of the time limited for filing a defence, the plaintiff shall apply for directions to a judge in chambers and shall give two clear days notice of the application to the Attorney General and to all other parties.

**(3)** It is not necessary for the Attorney General or any other defendant to file or deliver a defence unless the court or judge directs the defendant to do so. R.S., c. 382, s. 7.

**Admission of facts**

**8** Any person, whether a party or not, may file an admission of facts in the action, which the court or judge may act on in determining the claim for a certificate. R.S., c. 382, s. 8.

**Powers and duties of judge**

**9 (1)** Upon the application for directions, if the judge is not satisfied that the statement of claim and the supporting materials disclose all the persons and interests likely to be affected by the certificate of title, the judge may refer the questions on which the judge is not satisfied to the Attorney General, or a barrister nominated by the Attorney General, to investigate in the interest of all adverse claimants.

**(2)** Where the judge refers any such question, the judge shall require the plaintiff to deposit the probable costs of the reference in court or to pay them to the referee before the judge takes any further step in the action but this does not apply to any costs incurred by the Attorney General with respect to any question that is genuinely at issue between the plaintiff and the Crown in the action.

**(3)** The judge shall fix a day for the referee to report but any party may apply upon notice to have the day so fixed antedated or postponed.

**(4)** The referee shall investigate the question referred to the referee with respect to the title to the land or its occupants, abutters, boundaries, appurtenances, servitudes and the like and shall report all interests and circumstances that appear to be reasonably possible, especially those that are adverse to the plaintiff's claim.

(5) Upon the application for directions, and after receipt of the referee's report, if any, the judge

(a) shall determine what persons shall be added as defendants and what other persons shall be advised that they may intervene and shall direct how and on what terms the statement of claim and the originating notice or notice of right to intervene shall be served on them;

(b) may permit the claim or statement of claim to be amended and may require that any such amendment be verified by affidavit;

(c) shall direct what pleadings are to be delivered and what interlocutory proceedings may be taken in the action;

(d) may determine how any issue of fact is to be tried, and whether any question of law shall be determined before, at or after the trial or by reference to the Nova Scotia Court of Appeal;

(e) may make any order as to costs that the judge considers proper in the circumstances; and

(f) may give any other direction that the judge considers proper to effect the purpose of this Act in the circumstances.

(6) The judge may direct the plaintiff to publish an advertisement of the plaintiff's claim for a certificate of title in the Royal Gazette or in some other newspaper circulated in the county where the land lies, once a week for four consecutive weeks preceding the date of application, and the advertisement must be in the form prescribed by the regulations with such changes as the judge may permit, including a short form of description of the land.

(7) Ordinarily, and unless there is good reason to do otherwise, the judge shall order to be added as defendants only those persons who appear to be asserting an active claim with respect to the land and shall direct that other persons who appear to have an interest be given notice of their right to intervene. R.S., c. 382, s. 9.

#### **Interested person**

**10 (1)** Any person, who thinks that the person may be affected by the claim for the certificate, may be heard on the application for directions and may be permitted to intervene as a defendant at any time, by the court or a judge, but shall not be permitted to contest the claim unless the person is added as a defendant.

(2) The person shall apply to a judge in chambers to be made a defendant after giving two clear days notice of application to the plaintiff, and the judge shall permit the person to intervene as a defendant unless it is clear that the person has no interest that may be affected by the proceedings.

(3) Every defendant who wishes to contest the claim shall, subject to this Act and the directions of the judge, plead to the claim under the ordinary rules of the court.

(4) A counterclaimant for a certificate of title shall file all affidavits and other documents required of a plaintiff and shall apply for directions with respect to the counterclaim. R.S., c. 382, s. 10.

#### **Default by plaintiff or defendant and issue of certificate of title**

11 (1) Where the plaintiff fails to deliver a pleading or take any action within the time limited therefor, any defendant affected thereby may move to stay proceedings on the plaintiff's claim or to dismiss the claim for want of prosecution.

(2) Where any defendant fails to deliver a pleading or to do any action within the time limited therefor, the plaintiff may enter an interlocutory judgment against that defendant and the defendant shall not be permitted to contest the claim further unless the court or a judge, on such terms as it considers proper, sets aside the interlocutory judgment.

(3) After the close of the pleadings, the plaintiff may give notice of trial, either in the regular course or as ordered by the judge on the application for directions and, if the plaintiff fails to do so within two weeks after the close of the pleadings, any other party may give notice of trial.

(4) Where it appears upon the pleadings that a party claiming a certificate of title is entitled to some property right in the land, whether it is the property right claimed or not, a judge may order on the application of the claimant, after two clear days notice to all other parties interested, that a certificate of title be issued to the claimant for the property right to which the claimant has been found entitled. R.S., c. 382, s. 11.

#### **Certificate of title after trial**

12 (1) Where, after the trial or determination of all issues of law and fact between the parties, it appears that a party claiming a certificate of title is entitled to some property right in the land, whether it is the property right claimed or not, the court or a judge may order that a certificate of title be issued to the claimant for the property right to which the claimant has been found entitled.

(2) Where it appears that the plaintiff or the plaintiff's predecessors in title have been in possession as owners or part-owners for 20 years prior to the commencement of the action and during that time a person, whether or not the person's whereabouts are known, has or may have an interest in the lands forming the subject-matter of the action and such person has not received any benefit, paid any expenses or exercised any proprietary rights in respect to said lands, the judge may order subject to subsection (3) that the interest of such person vest in the plaintiff.

(3) Where the judge finds that a person, other than the plaintiff, has an interest in the lands, the judge shall determine the value of that interest and shall direct that the plaintiff pay into court such amount, for such period and on such conditions as will secure the interest of such person.

(4) Where as a result of the action the land is sold by order of the court and a certificate of title is claimed in the action, the court may order that a cer-

tificate of title be issued to the purchaser for the property right to be conveyed by the sale. R.S., c. 382, s. 12.

### **Burden of proof**

**13** Nothing in this Act changes the burden of proof upon the parties in actions of trespass to land, of ejectment or for the recovery of land, or in the other actions in which a claim for a certificate of title may be joined under this Act, nor is it required that any lesser or greater title or possession be shown than was required March 24, 1961, in such cases, but the claimant may establish under this Act whatever title the claimant has against the Crown and against persons generally. R.S., c. 382, s. 13.

### **Certificate of title**

**14 (1)** The court or judge may order that one certificate of title, comprising all the land mentioned in the claim, be issued or may order that separate certificates be issued for separate parts of the land and that such certificates be issued to different parties claiming certificates of title.

**(2)** Where the court or a judge orders a certificate of title to be issued, the prothonotary or clerk of the court shall issue under the prothonotary's or clerk's hand and the seal of the court a certificate of title in the form prescribed by the regulations for the property right determined by the order.

**(3)** A registrar of deeds shall register a certificate of title or a true copy thereof certified to be such by the prothonotary or clerk of the court without requiring further proof thereof.

**(4)** Where land is situate in a county to which the *Land Registration Act* applies, a certificate of title must be registered pursuant to that Act without further proof and subsection (3) does not apply. R.S., c. 382, s. 15; 2001, c. 6, s. 122.

### **Effect of registered certificate of title**

**15 (1)** A certificate of title, when it has been issued and registered pursuant to the *Land Registration Act* or the *Registry of Deeds Act* in the registration district in which the land lies, is binding and conclusive upon all persons, including the Crown, and whether named in the action or not, and, except as is herein otherwise provided, the same is not liable to be attacked or impeached at law by any person whomsoever.

**(2)** The title mentioned in the certificate is deemed absolute and indefeasible on and from the date of the certificate as regards the Crown and all persons whomsoever, subject only to any charges, encumbrances, reservations, exceptions or qualifications mentioned in the certificate, and is conclusive evidence that every application, notice, publication, proceeding, consent and act that ought to have been made, given and done before the granting of the certificate has been made, given and done by the proper person.

**(3)** Every certificate of title issued under this Act is subject to the following exceptions and qualifications unless the certificate expressly states otherwise:

- (a) any municipal charges, rates or assessments;

(b) any lease or agreement for a lease or other holding for a period yet to run not exceeding three years where there is actual occupation under the lease; and

(c) any right of expropriation that is by statute vested in any person or body corporate,

and a certificate does not deprive the spouse of the person to whom the certificate is issued of any right the spouse may have pursuant to the *Matrimonial Property Act*. R.S., c. 382, s. 16; 2001, c. 6, s. 122.

### Fraud

**16 (1)** Any person, who claims to have been deprived of any property right by the certificate of title, may apply to the court or a judge, within one year after the registration of the certificate in the registry of the district in which the land lies, to have the certificate set aside on the ground that it was obtained by fraud.

**(2)** The court or judge, if satisfied that the certificate was obtained by means of a false representation known to be false by the plaintiff or the plaintiff's agent or by a wilful withholding of material facts or evidence by the plaintiff or the plaintiff's agent, may set aside the certificate of title.

**(3)** A certificate of title that has been set aside for fraud is void and of no effect from the date of issue, but this does not affect the rights of any person who has purchased the land or any interest therein for valuable consideration and without notice of the fraud before the certificate was set aside.

**(4)** A judgment creditor, whether or not the judgment creditor has registered the judgment, is not a purchaser within the meaning of subsection (3). R.S., c. 382, s. 17.

### Appeal

**17** An appeal lies to the Nova Scotia Court of Appeal from any decision of a judge under this Act, subject to the *Judicature Act* and the *Civil Procedure Rules*. R.S., c. 382, s. 18.

### Costs

**18** The costs of the action and of any proceeding thereunder are in the discretion of the court or judge, but the Attorney General is entitled to costs of the Attorney General's participation in the proceedings as between solicitor and client except with respect to the costs of issues in which there is some substantial dispute between the Crown and a party, in which case the costs are in the discretion of the court or a judge. R.S., c. 382, s. 19.

### Forms

**19 (1)** The forms prescribed by the regulations or forms to the like effect with such changes as are suited to best carry out the purpose of this Act must be used.

**(2)** Deviations from the prescribed form even in matters of substance do not affect the validity of the form but the court or judge in every case shall order them to be corrected if necessary upon such terms and conditions as will relieve any prejudice that may arise from the deviation.

(3) Words and figures in the forms printed in bold-face type are printed by way of example only. R.S., c. 382, s. 21.

**Regulations**

**20** (1) The Governor in Council may make regulations prescribing forms for the purpose of this Act.

(2) The forms contained in the Schedule to Chapter 382 of the Revised Statutes, 1989, are deemed to be prescribed pursuant to subsection (1) and to have been published in accordance with the *Regulations Act* and may be amended or repealed pursuant to this Act.

(3) The exercise by the Governor in Council of the authority contained in this Section is a regulation within the meaning of the *Regulations Act*.

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