



Ontario

Ministry of
Consumer and
Commercial
Relations

Ministère de la
Consommation
et du
Commerce

Registration
Division

Division de
l'enregistrement

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July 25, 1996

EM199606

MEMORANDUM TO: All Automating Land Registry Offices

FROM: Kate Murray
Director of Titles
Real Property Registration Branch

RE: DEATH OF JOINT TENANTS

Clients have raised concerns with our procedures where lands have been converted to land titles and a joint tenant has died. When the lands were registered under the *Registry Act*, a declaration regarding the death would have been sufficient to deal with land. However, with the conversion of the land to land titles additional documentation has been required.

I have reviewed the matter and believe we can simplify it as follows. Upon conversion from registry to LTCQ, the following scenarios may be encountered.

- (i) "A" and "B" are registered as joint tenants under the *Registry Act*. "A" dies and "B" conveys the property to "X", having made an appropriate declaration as to the death of "A".

Upon conversion to LTCQ, only "X" would be shown as the owner. This is the present conversion rule that is followed by Teranet searchers.

- (ii) "A" and "B" are registered as joint tenants under the *Registry Act*. "A" dies and "B" does **not** convey the property, but does deposit a declaration as to the death of "A".

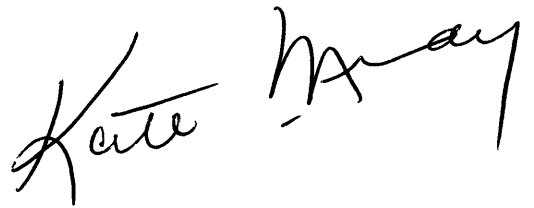
Upon conversion to LTCQ, only "B" would be shown as the owner if the deposit came to the attention of the Teranet searcher; the applicability of the *Family Law Act* and any executions would be given consideration.

If this documentation of the death does exist in the Registry System, but the joint tenancy was still carried forward upon conversion, a transfer by the survivor that refers to the deposit regarding the death should be accepted. As above, the applicability of the *Family Law Act* and any executions should be given consideration.

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In those cases where a declaration regarding the death has not been deposited or recorded in the Registry system, a survivorship application with appropriate proof of death will be required.

If you have any questions concerning the above, please do not hesitate to contact my office.

A handwritten signature in black ink, appearing to read "Kate May". The signature is written in a cursive style with a long, sweeping tail on the final letter.

cc: Ian Veitch
Regional Managers
Head Office Managers
Legal Section