

Ontario

Ministry of
Consumer and
Commercial
Relations

Property
Rights
Division

Legal
and
Survey
Standards
Branch

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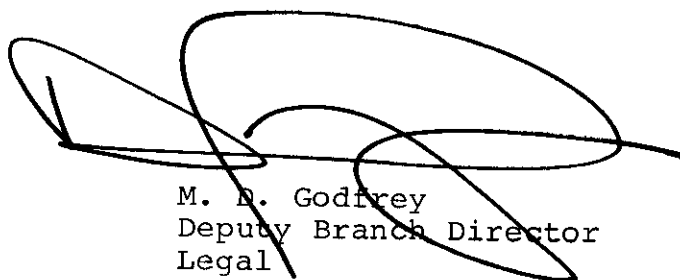
TO:
ALL LAND REGISTRARS
(Land Titles System)

EXECUTORS AND ADMINISTRATORS
AS PURCHASERS OR CHARGEES

PROCEDURES TO BE FOLLOWED UNDER
THE LAND TITLES ACT

Land Registrars are advised of the following procedures to be followed when an executor or administrator of an estate acquires an interest in land either as a purchaser or as a chargee.

1. Where a first charge is presented for registration in favour of an executor or administrator of an estate, Land Registrars need not be provided with proof of the appointment of the executor or administrator (i.e. letters probate or letters of administration), nor proof as to his authority for holding such an interest. If the charge is to be subsequently discharged the Land Registrar should accept the cessation executed by the executor or administrator without any other additional evidence. However, if the charge is to be transferred, the transfer of charge must be accompanied by proof of the executor's or administrator's appointment, and the Land Registrar must be satisfied that this dealing is consistent with the terms of the will or that it is permitted by legislation.
2. Where any other dealing is presented for registration in favour of an executor or administrator (e.g. a transfer, or a second charge), the Land Registrar should demand that proof of the appointment of the executor or administrator be attached and must be satisfied that such dealing is authorized by the terms of the will or by legislation.



M. D. Godfrey
Deputy Branch Director
Legal

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