



Ontario

Ministry of
Consumer and
Commercial
Relations

Property
Rights
Division

BULLETIN NO. 74092

DATE: December 30, 1974

TO:
ALL LAND REGISTRARS

THE REGISTRY ACT R.S.O. 1970
C.409 SECTION 50

FOREIGN WILLS, ETC.

As a matter of good conveyancing practice, it is our view that:

- (1) An unprobated will from outside Ontario should not be registered unless it complies with the formal requirements in section 11 of The Wills Act (R.S.O. 1970 C.449).
- (2) Where a probate of a will has been granted by a court outside Ontario,
 - (a) if the probate was granted by one of Her Majesty's courts it should be resealed by an Ontario Surrogate Court; and
 - (b) if the probate (or letters testamentary, etc.) was granted by a court in any other country, ancillary letters probate should be obtained from an Ontario Surrogate Court; and
 - (c) if the probate is not resealed or if an ancillary probate is not obtained, (as suggested in a and b above) the probate should be based on a will complying with section 11 of The Wills Act.

The items mentioned in paragraphs 1 and 2 above cannot be enforced by the Land Registrar, be he can refuse to register any will, probate, etc. from outside Ontario that does not bear the consent of the Minister of Revenue under subsection 2 of section 50 of The Registry Act. That consent is required in addition to the consent under subsection 4 or the certificate under section 5 of section 50.

Richard E. Priddle
Director of Land Registration

ALB/l.s.