

Ministry of Consumer and Commercial Relations

Registration Division

Real Property Registration BULLETIN NO.

90003

DATE: December 14, 1990 Cautions Designation of Matrimonial Home

TO:

All Land Registrars

Land Titles Act Family Law Act, 1986

A spouse's right to possession of a matrimonial home under section 19 of the Family Law Act, 1986, is not an interest in land and can therefore not be protected by registration of a caution. Land registrars should not accept for registration a caution that is based on this right.

However, it should be noted that pursuant to section 20 of the Family Law Act, 1986, one spouse may unilaterally register a designation of a property owned by the other spouse or both of them as a matrimonial home. This single designation is discussed at paragraph 2 of Bulletin 86001. The last sentence of this paragraph states that the single designation will continue to be shown on the parcel register until it is removed by the spouse who registered it. This sentence is revoked and the following substituted therefore:

"The single designation, however, will continue to be shown on the parcel register until the registration of,

- (a) a cancellation, executed by the person who made the original designation, in the form prescribed by the regulations made under the Family Law Act, 1986; or
- (b) an application to amend the parcel register to delete the designation with the following evidence in support:
  - a decree absolute of divorce or judgment of nullity; or
- a court order under s. 23 (e) of the Family Law Act, 1986, cancelling the designation or
  - proof of death of one of the spouses.

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Form 1, Designation of Matrimonial Home and Form 2, Cancellation of Designation of Matrimonial Home, of Ontario Regulation 95/86 made under the Family Law Act, 1986, are attached for your information.

Director of Land Registration

Carol D. Kirsh

Director of Titles Katherine M. Murray

## Form 1 Family Law Act, 1986

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O. Reg. 95/86, Form 2.