

Ontario

Ministry of  
Consumer and  
Commercial  
Relations

Registration  
Division

Real  
Property  
Registration  
Branch

BULLETIN NO. 93002

DATE: April 1, 1993

TO: All Land Registrars

Waiver of Letters Probate

The Land Titles Act

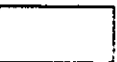
A Transmission Application under section 120, 122 or 127 of the Land Titles Act (Form 41 of Reg. 690) is normally required to be supported by letters probate or a notarial or certified copy of the letters probate. Bulletin No. 78008 authorized Land Registrars to accept an application without letters probate if accompanied by affidavit evidence that the value of the estate does not exceed \$15,000 and a covenant from the beneficiaries to indemnify the Land Titles Assurance Fund. (See also paragraph 33 120 of the Land Titles Procedural Guide). This amount was subsequently raised to \$25,000.

Effective immediately, Land Registrars may accept a transmission application without letters probate if the following are included in the application:

1. The will or a notarial or certified copy of the will.
2. Certificate of death or a notarial or certified copy or a statement of death.
3. An affidavit or declaration that
  - (a) the value of the estate does not exceed \$50,000; and
  - (b) the testator was of the age of majority at the time of execution of the will and that the will is the last will of testator and has not been revoked by marriage or otherwise.
4. A covenant to indemnify the Land Titles Assurance Fund from those beneficially entitled under the will.

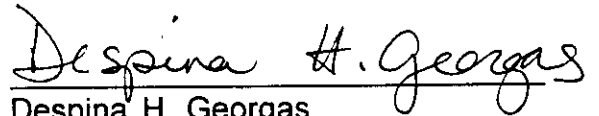
The above applies as well to wills probated in other jurisdictions. The Land Registrar can therefore accept a foreign probate without requiring resealing if the above evidence is submitted. However, an application from an administrator appointed in another jurisdiction is **not** acceptable unless the administrator has been granted letters of administration by an Ontario court.

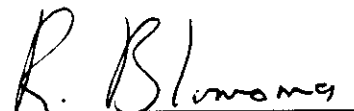
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Except as set out above, Land Registrars are not to accept transmission applications not supported by letters probate, unless the exemption is first approved by the Director of Titles. All enquiries are to be addressed to Mr. Arvind Damley (Senior Technical Advisor) together with a written justification for waiving probate and accepting a covenant.

Bulletin 78008 is hereby revoked and paragraph 33 120 of the Land Titles Procedural Guide is amended to the extent outlined above.

  
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Despina H. Georgas  
Director of Land Registration

  
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Robert Blomsma  
Director of Titles (Acting)