



Ontario

Ministry of
Consumer and
Commercial
Relations

Registration
Division

Real
Property
Registration
Branch

BULLETIN NO. **95003**

DATE: April 18, 1995

TO: All Land Registrars

*Courts of Justice Act. Regulations 484/94 and 740/94
Rules 74 and 75 of the Rules of Civil Procedure*

***Certificate of appointment of
Estate Trustee***

The Rules of Civil Procedure have been amended and effective January 1, 1995, Letters Probate and Letters of Administration will not be issued by the Courts. Instead, the Ontario Court (General Division) will be issuing any of the following certificates which are acceptable for registration under:

- (i) the Registry Act,
as a general registration; and
- (ii) the Land Titles Act,
as evidence of authority when attached to a transmission application or a survivorship application where applicable.

The Certificates are:

- 1) a Certificate of Appointment of Estate Trustee With a Will (Form 74.13);
- 2) a Certificate of Appointment of Estate Trustee Without a Will (Form 74.20);
- 3) a Certificate of Appointment of Succeeding Estate Trustee With a Will (Form 74.23);
- 4) a Certificate of Appointment of Succeeding Estate Trustee Without a Will (Form 74.26);
- 5) a Confirmation By Resealing of Appointment of Estate Trustee (Form 74.28) - this may be with or without a Will where the original appointment of Estate Trustee was granted by a Court of competent jurisdiction in the United Kingdom, in a province or territory of Canada, or any British possession;
- 6) a Certificate of Ancillary Appointment of Estate Trustee With a Will (Form 74.29) - this is granted by a Court having jurisdiction outside Ontario excluding the jurisdictions listed in number 5 above;
- 7) a Certificate of Appointment of an Estate Trustee During Litigation (Form 74.31).

All of the above forms of Certificate are attached to this bulletin for your reference.



Land Registry Office staff are to accept the certificates of appointment of Estate Trustee as evidence of authority and are not required to ask for a statement or an affidavit from the registrant or the solicitor for the estate of the deceased registered owner in support of the appointment.

The procedure under Devolution of Estates on Pages 5531 to 5553 in the Land Titles Procedural Guide will continue to apply with the appropriate amendments to reflect the issuance of the new Certificates.

The execution name search rules in respect of the Estate Trustee and the deceased registered owner are the same as in the case of the Executor/Administrator and the deceased registered owner.

These new Rules apply to all applications made after January 1, 1995 even if the death occurred prior to that date.

Letters Probate or Letters of Administration issued prior to December 31, 1994, will continue to be acceptable for registration under:

- (i) the Registry Act,
as a general registration and
- (ii) the Land Titles Act,
as evidence of authority when attached to a transmission application or a survivorship application.

Abstracting Standards:

- (i) Land Titles - Manual System

Only two different entries will be made; one where the deceased died with a will and one where the deceased died without a will. As the majority of estates are with a will, no reference to the will is required in the entry in this situation. Where there is no will, the entry will specify this. Therefore, examples of the entries are:

- a) JONES, Robert Frederick
Estate Trustee of JONES, John Robert
- b) JOHNSTON, James Gregory
Estate Trustee without a will of SMITH, Mary Beth

(ii) Land Titles - Automated System

As the entries are generated by the system, they will specifically indicate that the will is or is not attached. Therefore, examples of the entries are:

OWNER'S NAMES	CAP	SHARE
a) RYAN, Marilyn RYAN, Jonathan	Estate Trustee Estate Trustee	with a will with a will
b) RYAN, Marilyn RYAN, Jonathan	Estate Trustee Estate Trustee	without a will without a will


(iii) Registry - Manual and Automated Systems

There are no changes to the abstracting procedures however, page GR-3 of the abstracting standards will be issued to reflect the change in the heading of the alphabetical index.

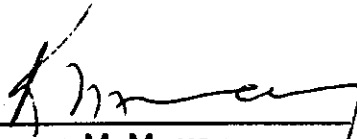
(iv) Pre-December 31, 1994

In those cases where letters probate and letters of administration have been issued under the former process, the 1988 abstracting standards will govern.

Replacement pages for the abstracting standards for Land Titles, Registry and the automated system will be issued to the land registry offices under separate cover.



Ian Veitch
Director of Land Registration



Katherine M. Murray
Director of Titles

Attach.

FORM 74.13

CERTIFICATE OF APPOINTMENT
OF ESTATE TRUSTEE WITH A WILL

Court file no.

ONTARIO COURT
(GENERAL DIVISION)

IN THE ESTATE OF _____, deceased.

late of
occupation
who died on

CERTIFICATE OF APPOINTMENT
OF ESTATE TRUSTEE WITH A WILL

Applicant	Address	Occupation
-----------	---------	------------

By order of the Ontario Court (General Division), this CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE WITH A WILL is hereby issued under the seal of the court to the applicant named above. A copy of the deceased's last will (and codicil(s), if any) is attached.

DATE

Registrar
Address of court office

FORM 74.20

CERTIFICATE OF APPOINTMENT
OF ESTATE TRUSTEE WITHOUT A WILL

Court file no.

ONTARIO COURT
(GENERAL DIVISION)

IN THE ESTATE OF _____, deceased,

late of
occupation
who died on

CERTIFICATE OF APPOINTMENT
OF ESTATE TRUSTEE WITHOUT A WILL

Applicant	Address	Occupation
-----------	---------	------------

By order of the Ontario Court (General Division), this CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE WITHOUT A WILL is hereby issued under the seal of the court to the applicant named above.

DATE

Registrar
Address of court office

FORM 74.23

CERTIFICATE OF APPOINTMENT
OF SUCCEEDING ESTATE TRUSTEE WITH A WILL

Court file no.

ONTARIO COURT
(GENERAL DIVISION)

IN THE ESTATE OF _____, deceased,

late of
occupation
who died on

CERTIFICATE OF APPOINTMENT
OF SUCCEEDING ESTATE TRUSTEE WITH A WILL

Applicant	Address	Occupation
-----------	---------	------------

By order of the Ontario Court (General Division), this CERTIFICATE OF APPOINTMENT OF SUCCEEDING ESTATE TRUSTEE WITH A WILL is hereby issued under the seal of the court to the applicant named above. A copy of the deceased's last will (and codicil(s), if any) is attached.

DATE

Registrar

Address of court office

T

FORM 74.26

CERTIFICATE OF APPOINTMENT
OF SUCCEEDING ESTATE TRUSTEE WITHOUT A WILL

Court file no.

ONTARIO COURT
(GENERAL DIVISION)

IN THE ESTATE OF

deceased,

late of
occupation
who died on

CERTIFICATE OF APPOINTMENT
OF SUCCEEDING ESTATE TRUSTEE WITHOUT A WILL

Applicant

Address

Occupation

By order of the Ontario Court (General Division), this CERTIFICATE OF APPOINTMENT OF SUCCEEDING ESTATE TRUSTEE WITHOUT A WILL is hereby issued under the seal of the court to the applicant named above.

DATE

Registrar

Address of court office

FORM 74.29

CERTIFICATE OF ANCILLARY APPOINTMENT
OF ESTATE TRUSTEE WITH A WILL

Court file no.

ONTARIO COURT
(GENERAL DIVISION)

IN THE ESTATE OF _____, deceased,

late of
occupation
who died on

CERTIFICATE OF ANCILLARY APPOINTMENT
OF ESTATE TRUSTEE WITH A WILL

Applicant	Address	Occupation
-----------	---------	------------

Court of foreign grant

Date of foreign grant

By order of the Ontario Court (General Division), this CERTIFICATE OF
ANCILLARY APPOINTMENT OF ESTATE TRUSTEE WITH A WILL is hereby issued under the
seal of the court to the applicant named above. A certified copy of the
foreign grant, to which this certificate is ancillary, is attached.

DATE

Registrar

Address of court office

FORM 74.31

CERTIFICATE OF APPOINTMENT
OF ESTATE TRUSTEE DURING LITIGATION

Court file no.

ONTARIO COURT
(GENERAL DIVISION)

IN THE ESTATE OF _____, deceased,
late of _____
occupation _____
who died on _____

CERTIFICATE OF APPOINTMENT
OF ESTATE TRUSTEE DURING LITIGATION

Applicant _____ Address _____ Occupation _____

By order of the Ontario Court (General Division), this CERTIFICATE
OF APPOINTMENT OF ESTATE TRUSTEE DURING LITIGATION to determine the
validity of a testamentary document of the deceased is hereby issued under
the seal of the court to the applicant named above.

DATE

Registrar
Address of court office