



Ontario

Ministry of
Consumer and
Commercial
Relations

Registration
Division

Real
Property
Registration
Branch

BULLETIN NO. 96005

DATE: December 20, 1996

TO: All Land Registrars

Land Titles Act

Joint Tenancy

The question has been raised as to the status of a joint tenancy upon registration of a charge on title to property executed by some, but not all, of the joint tenants.


In the land titles system, the registration of a charge by fewer than all the joint tenants, does not automatically sever the joint tenancy. The registration of the charge is not, in itself, unequivocal evidence of an intention to sever the joint tenancy. The existence of an intention is a question of fact that should be decided by the Courts. However, the joint tenancy will be severed by the chargee exercising the power of sale in the charge or by foreclosure, when fewer than all the joint tenants have charged their interests and have defaulted on the terms of the charge.

Where a joint tenant has charged his or her interest, apart from the other joint tenant(s) and later predeceases the other joint tenants(s), the survivors will, upon a survivorship application being made, be entered as owners subject to the charge. It should not be deleted except upon the registration of a cessation or a court order discharging it.

This bulletin supersedes all previous directives on this subject.



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