

Information Sheet

Application by Surviving Joint Tenant

An application to remove a joint tenant on a property that has passed away is regulated under the *Land Titles Act*. On the death of one joint tenant, their interest in the land passes to the other joint tenant(s) by the right of survivorship eliminating the need for an Executor or Administrator to deal with the transfer of their interest.

The Statutory Declaration Re: Surviving Joint Tenant form can be found here:

http://www.servicealberta.ca/pdf/ltmanual/statutory_declaration_re_surviving_joint_tenant.pdf

What information you need

- The full *legal land description of the property (not the civic address)
- The full name and address of the person completing the application.
- The full name of the deceased
- The municipality, province/state and date of death (usually contained on the certificate)
- The Death Certificate issued by Vital Statistics or the Funeral Directors Certificate
- A commissioner for Oaths

Other information

- A Statutory Declaration Re Proof of Death may be completed by the surviving joint tenant or anyone who has knowledge of the facts.
- We require the original Certificate of Death; however we will make a copy and return the original to you.
- You may also submit a notarized copy of the Certificate of Death in place of the original. If the death was registered in Alberta you may provide a photocopy in lieu of an original or notarized copy.
- Fee is \$15 per title
- See additional information sheets:
 - Commissioning Information Sheet

Additional Information

Detailed information regarding land titles filing requirements and forms can be found on our website:

- **Main webpage**
<http://www.servicealberta.ca/housing-property-utilities.cfm>
- **Deceased joint Tenant policy**
<http://www.servicealberta.ca/pdf/ltmanual/TEN-1.pdf>
- **Land Titles forms**
<http://www.servicealberta.ca/land-titles-procedures-manual.cfm> (in the Appendices)
- **Land Titles Act**
- http://www.qp.alberta.ca/1266.cfm?page=L04.cfm&leg_type=Acts&isbncln=9780779789702&display=html
- **Fees**
http://www.servicealberta.ca/pdf/ltmanual/Land_Titles_Common_Documents_Fee_Schedule.pdf

***Legal Descriptions**

Ways to find your legal description;

- from a previous copy of title
- most tax assessment notices have it
- some taxation municipalities may be able to provide it
- using the Land Titles SPIN 2 system search

Some legal descriptions are complicated and reference only portions of land. In these cases, you must be able to provide the full legal description as the Land Titles staff will not be able to determine the correct property. It is the registrant's responsibility to ensure they have the full and accurate legal description.



Land Titles and Surveys

FORM A
Statutory Declaration Re: Proof of Death

I, _____
of _____

DO SOLEMNLY DECLARE THAT:

1. I am one of the registered owners of:

LINC number: _____).

being the land described in Certificate of Title number _____
registered in the names of _____

as Joint Tenants.

2. Attached to this declaration is an official record, to be retained by Land Titles, of the death of

_____ who died at _____

in the _____ on _____

and was the same person as the joint tenant named above.

(Attach a Death Certificate issued by Vital Statistics or by a comparable authority if the death occurred outside the Province of Alberta).

3. I request that the Certificate of Title be amended to delete the name of the deceased joint tenant.

**AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND
KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH, AND BY VIRTUE OF
THE CANADA EVIDENCE ACT.**

DECLARED before me at _____

In the _____

this ____ day of _____ , _____

(Signature of Declarant)

(Print or Stamp Name of Commissioner)

(Expiry Date of Commission or Office)