

# Statutory Declaration Surviving Joint Tenant

## Information Sheet

### Application by Surviving Joint Tenant

An application to remove a joint tenant on a property who 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.

### 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
- 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

### Additional Information

Detailed information regarding Land Titles filing requirements and forms can be found on our website:

- **Main webpage**
  - <https://www.alberta.ca/land-titles-overview.aspx>
- **Deceased joint Tenant policy**
  - <http://www.servicealberta.ca/pdf/ltmanual/TEN-1.pdf>
- **Statutory Declaration forms**
  - <https://www.alberta.ca/land-titles-overview.aspx>
- **Land Titles Act**
  - [http://www.qp.alberta.ca/1266.cfm?page=L04.cfm&leg\\_type=Acts&isbncln=9780779789702&display=html](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](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
- visiting the Land Titles survey department

Some legal descriptions are complicated and reference only portions of land. In these cases, you must be able to provide the full legal description, or 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.

**Registration Fees:**

Affidavit of Surviving Joint Tenant (for an instrument)	\$10.00 (extra title \$5.00)
Affidavit of Surviving Joint Tenant (title)	\$15.00 each

Please enclose a cheque or money order payable to the **Government of Alberta**. The completed affidavit, certificate(s) and appropriate fees can be mailed to either address:

Land Titles Office Box 7575 Calgary AB T2P 2R4	or	Land Titles Office Box 2380 Edmonton AB T5J 2T3
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If you have any further questions, please call:

Alberta Government Services Bldg. 2 <sup>nd</sup> Floor, 710-4 <sup>th</sup> Avenue SW Calgary AB T2P 0K3 403-297-6511 <a href="mailto:lto@gov.ab.ca">lto@gov.ab.ca</a>	or	John E. Brownlee Building 10365-97 <sup>th</sup> Street Edmonton AB T5J 3W7 780-427-2742 <a href="mailto:lto@gov.ab.ca">lto@gov.ab.ca</a>
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\* The information provided in this document is only a guideline and is not intended as an exhaustive listing.