

## But for the Plan

### **Check Property Ownership Documentation NOW! Don't Leave a Mess for Your Estate Trustee**

Mr. and Mrs. K bought a house together over 48 years ago, when they were engaged. They lived a long and happy life together in the property.

When they retired, in the early 1990's, and had their Wills drafted in our Oakville office, they told our Staff Lawyer that the property was owned in "joint tenancy", with right of survivorship (not as "tenants in common"). At that time, in Ontario, the online property registration system was barely up and running, so they assured our lawyer that they would review their deed, which they still kept at home, and let him know if the property was not in joint tenancy.

Sadly, Mrs. K passed away, and when Mr. K visited our Oakville office, he brought in the documents that they had kept at home. Together with the original property registration documents was a note from their original lawyer, stating that the couple were to return to that lawyer's office following their wedding so that Mrs. K would re-register in her new married name and the ownership would be changed to joint tenancy.

That that never happened! We found that the property was registered as "tenants in common", which meant that Mrs. K's share did not automatically become Mr. K's, and he would need to "probate" Mrs. K's estate in order to make it so. In addition, Mrs. K's maiden name was on the deed.

Mr. K was into his 90's, and was very distraught about having to deal with these matters in person during COVID-19, and that it may take months to resolve everything, due in part to his own health conditions.

However, thanks to the excellent staff at our Oakville office, and their very good relationship with estate clerks at the County Court House, the matter was dealt with quickly and without issues. We used technology to limit Mr. K's office attendances to those occasions when he felt comfortable enough to sign original documents, and to personally thank the Oakville staff.

But for the Plan's estate coverage and access to our Staff Office, Mr. K may have had to wait significantly longer, and pay significantly more, to sort out all of the estate issues.



*... Submitted by Peter Kazman,  
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