

## What happens to a jointly owned property when one owner passes away?

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Owning real estate such as a family home is an important part of many people's lives. When a property is owned jointly, the owners are called "joint tenants". Joint tenants have equal rights and responsibilities to the property, and they own the entire property equally rather than each owning their own share of the property. Most spouses and common-law partners own their family home as joint tenants.

A legal right that comes with holding a title as joint tenants is the "Right of Survivorship". This means that when one owner (joint tenant) passes away, the surviving joint tenant automatically becomes the sole owner of the property. This is also the case where there are more than two joint tenants, and one joint tenant passes away. The surviving joint tenants would become the owners of the property.

Holding property as joint tenants can be an effective estate planning tool. It can eliminate the need to obtain a Grant of Probate to transfer the land after the death of a title holder. In addition, it can reduce costly and time-consuming paperwork required to transfer the property to the surviving spouse's name. This makes the process of transferring ownership simple and straightforward. Rather than having to deal with a transfer and land transfer tax, the surviving owner would only need to file a Request for Survivorship with the appropriate land titles office to transfer the title into the name(s) of the surviving owner(s).

Furthermore, where individuals hold property as joint tenants and then one passes away, the property would not be included in the deceased's owner's estate because the ownership automatically transfers to the surviving owner.

Holding property jointly can be beneficial depending on the circumstances, but likewise can come with risks in other circumstances. If you have any questions regarding owning a property jointly, please feel free to contact our office.

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