

TABLE OF CONTENTS

ABSENTEES ACT

1	Definition	1
2	Declaration by court	1
3	Order declaring person no longer absentee	1
4	Administration of estate	1
5	Who may be appointed committee	1
6	Powers and duties of court and committee	1
7	Powers of committee to expend money out of estate	2
8	Lands in Ontario of foreign absentee	2

ACCUMULATIONS ACT

1	Maximum accumulation periods	3
2	Saving as to debts or portions for children	3
3	Rules as to accumulations not applicable to employee benefit trusts	4
4	Rules as to accumulations not applicable to charitable purpose trusts	4
5	Rules not applicable to certain trust funds	4

293/92 — SUPERIOR COURT OF JUSTICE AND COURT OF APPEAL — FEES

1		5
1.1		7
1.2		7
2		8
3		8
4		8
5		9
6		9
7		10

43/05 — MEDIATORS' FEES (RULE 75.1, RULES OF CIVIL PROCEDURE)

1	Definition	11
2	Number of parties	11
3	Mandatory mediation session	11

Table of Contents

4	Fees for mandatory mediation session and for any additional time	12
5	Cancellation fees	12
6	Effect of party's failure to pay	12

AGE OF MAJORITY AND ACCOUNTABILITY ACT

1	Age of Majority	13
2	Application of s. 1	13
3	References to "minor" and similar expressions	13
4	References in Federal Acts proclaimed by reference	13
5	Age	13
6	Existing Wills	13
7	Enactments incorporated in existing deeds, etc.	13
8	Accumulations	14
9	Perpetuities	14
10	Persons under 18 described as minors	14
11		14

ALIENS' REAL PROPERTY ACT

1	Aliens' powers as to real estate	15
2	Descent of real estate of aliens	15

APPORTIONMENT ACT

1	Definitions	17
2	Dividends, how deemed to accrue	17
3	Rents, etc., how to accrue and be apportionable	17
4	When apportioned, part of rent, etc., to be payable	17
5	Recovering apportioned parts	17
6	Policies of assurance, stipulation against apportionment	18

CANADA PENSION PLAN

INTERPRETATION

2	Definitions	19
---	-----------------------	----

PART II — PENSIONS AND SUPPLEMENTARY BENEFITS (SS. 42–90.2)

Interpretation

42	Definitions	21
----	-----------------------	----

DIVISION A — BENEFITS PAYABLE

44	Benefits payable	22
44.1	Survivor's pension, death benefit or orphan's benefit not payable	26

DIVISION C — PAYMENT OF BENEFITS: GENERAL PROVISIONS

60	Application for benefit	28
63	Where spouse remarried before survivor's pension payable	30

Table of Contents

63.1	Subsections do not apply	31
66	Return of benefit where recipient not entitled	32
DIVISION D — PAYMENT OF BENEFITS: SPECIAL RULES APPLICABLE		
<i>Disability Pension and Post-retirement Disability Benefit</i>		
69	Commencement of pension	34
70	When pension ceases to be payable	34
70.1	Reinstatement of disability pension or post-retirement disability benefit	35
<i>Death Benefit</i>		
71	Payable to estate	36
<i>Survivor's Pension</i>		
72	Commencement of pension	37
73	Duration of payment	37
<i>Disabled Contributor's Child's Benefit and Orphan's Benefit</i>		
74	Persons by whom application may be made	37
75	Payment of benefit	38
76	When disabled contributor's child's benefit ceases to be payable . . .	38
<i>Post-retirement Benefit</i>		
76.1	Commencement of benefit	39
76.2	Duration of payment	39
DIVISION G — GENERAL		
87	Census information	39
88	Presumption as to death	40

385 — CANADA PENSION PLAN REGULATIONS

PART II — INFORMATION RETURNS

Legal Representatives and Others

12		41
----	-----------	----

PART V — PENSIONS AND SUPPLEMENTARY BENEFITS

Interpretation

37		42
----	-----------	----

Recovery by Deductions of Amounts to Which Recipient not Entitled

42		42
----	-----------	----

Evidence of Age and Identity

47		42
48	[Revoked SOR/86-1133, s. 8.]	43
49		43
50		43
51		43

Information and Evidence Required to be Furnished by an Applicant or Beneficiary

52		44
----	-----------	----

Payment of Benefits to Persons on Behalf of Beneficiaries

55		45
----	-----------	----

Table of Contents

57	<i>Payment of Benefits Unpaid at Death</i>	46
64	<i>Payment of Death Benefit to Other than Estates</i>	46
65	<i>Whole or Substantial Maintenance</i>	46
65.1	<i>Maintenance of Child</i>	47

CHARITIES ACCOUNTING ACT

1	Notice of donation to be given to Public Guardian and Trustee	49
1.1	[Repealed 2009, c. 33, Sched. 2, s. 11(1).]	49
2	Executor or trustee to provide information	49
3	Auditing accounts as to charitable legacies or grants	50
4	Application to court where executor or trustee in default	50
4.1	Information, documents respecting entities	51
5	Regulations	52
5.1	Regulations	53
6	Collection of funds from the public, right of complaint	53
7	Definitions	54
8	Limitation on use of property	54
9	Authority for certain public bodies to receive property for charitable purposes	54
10	Application for order re carrying out trust	55
10.1	Application of <i>Trustee Act</i>	55
10.2	Social investments	55
10.3	Power to make social investments	56
10.4	Trustee duties re social investments	56
11	Application of Act	56
12	Other rights and remedies not affected	57
13	Consent orders and judgments in charitable matters	57
14	Charitable Gifts Act	57

4/01 — APPROVED ACTS OF EXECUTORS AND TRUSTEES

1	Approval of Specified Acts	59
2	Authorization to Indemnify	59
	AUTHORIZATION TO PAY	
2.1		60
3	Combining Property Held for Restricted or Special Purposes	62

CHILDREN’S LAW REFORM ACT

PART I — PARENTAGE (SS. 1, 2)

Interpretation and Application

1	Definitions and interpretation, Part I	65
---	--	----

Table of Contents

2	Rules of construction	66
	PART II — (SS. 3–17.6)	
3	Application	67
	Rules of Parentage	
4	Person is child of parents	67
5	Provision of reproductive material, embryo not determinative	67
6	Birth parent	67
6.1	[Repealed 2016, c. 23, s. 1(1).]	67
7	Other biological parent, if sexual intercourse	67
8	Birth parent’s spouse, if assisted reproduction or insemination by sperm donor	68
9	Parents under pre-conception parentage agreements	68
10	Surrogacy, up to four intended parents	69
11	Surrogacy, more than four intended parents	70
12	Posthumous conception	71
13	Declaration of parentage, general	71
14	Reopening on new evidence	72
15	Effect of declaration	72
	Extra-Provincial Declaratory Orders	
16	Extra-provincial declaratory orders	72
	Other Matters	
17	Corresponding change of surname	73
17.1	Admissibility in evidence of acknowledgment against interest	73
17.2	Blood, DNA tests	73
17.3	Confidentiality	73
17.4	Court statement	73
17.5	Certified copies of documents filed with the Registrar General	74
17.6	Duties of Registrar General	74
	PART III — DECISION-MAKING RESPONSIBILITY, PARENTING TIME, CONTACT AND GUARDIANSHIP (SS. 18–76)	
	Interpretation and Purposes	
18	Definitions and interpretation, Part III	74
19	Purposes, Part III	76
	Guardianship	
47	Appointment of guardian	76
48	Parents as guardians	76
49	Criteria	77
50	Effect of appointment	77
51	Payment of debt due to child if no guardian	77
52	Accounts	78
53	Transfer of property to child	78
54	Management fees and expenses	78
55	Bond by guardian	78
56	Where child has support obligation	78
57	Removal of guardian	78
58	Notice to Estate Registrar for Ontario	78

Table of Contents

	<i>Disposition of Property</i>	
59	Court order re property of child	78
60	Order for maintenance where power of appointment in favour of children	79
	<i>Testamentary Decision-Making Responsibility and Guardianship</i>	
61	Appointments by will	79
	<i>Procedure</i>	
62	Procedure, general	80
63	Application or response by minor	81
64	Child entitled to be heard	81
65	Where child is sixteen or more years old	81
66	All proceedings in one court	81
67	Consent and domestic contracts	81
68	Part subject to contracts	82
69	Jurisdiction of Superior Court of Justice	82
70	Confidentiality	82
71	Where to apply for interim orders and variations	82
72	Interim order	82
73	Appeal	83
74	Order effective pending appeal	83
75	Rule of construction	83
	CONVEYANCING AND LAW OF PROPERTY ACT	
1	Definitions	85
2	Conveyance of corporeal tenements	85
3	Form and operation of feoffments	85
4	Estate tail to be construed as fee simple	86
5	Limitation	86
6	Statement of consideration	86
7	Statement as evidence for subsequent purchaser	86
8	Rights of purchaser as to execution	86
9	Requirement of deed for certain interests	86
10	Disposal of certain interests in land by deed	86
11	Exchange or partition, “give” or “grant”	86
12	Application of ss. 9–11	87
13	Effect of grants, devises, etc., to two or more	87
14	Land acquired by possession by two or more	87
15	What included in conveyance	87
16	Meaning of “mining rights”	87
17	Meaning of “surface rights”	88
18	Application	88
19	Operation of ss. 16–18	88
20	How corporations may convey	88
21	Provision for sales free from encumbrances	88
22	Covenants to restrict use of land because of race, creed, etc.	89
23	Covenants to be implied	89
24	Operation of covenants, inheritance	90
25	Mode of executing powers	90

Table of Contents

26	Disclaimer of power by donee	91
27	Validity of sale under power although mistaken payment to tenant for life	91
28	Illusory appointments	91
29	Waste by dowress, etc.	92
30	Waste by tenant for life without impeachment of waste	92
31	Waste between joint tenants and tenants in common	92
32	Waste by lessees	92
33	Release of part of land from rent-charge	92
34	Abrogation of doctrine of scintilla juris	92
35	Contingent remainders	92
36	No merger of estate by operation of law	92
37	Lien on lands for improvements under mistake of title	93
38	Rule as to purchase of reversions	93
39	Onus of proof	93
40	Assignment of property to self and others	93
41	Conveyance of property to self	93
42	Two or more persons may convey to any one or more of themselves	93
43	Joint tenancy of corporation and an individual	94
44	Effect of reservation of right of way or other easement	94
45	Capacity of posthumous children to take in remainder	94
46	Life estates when death of presumed	94
47	Right of tenant when life tenant proved to be living	94
48	Order for production of person at instance of reversioner, etc.	95
49	Where person required to be produced is out of Ontario	95
50	When it appears that person required to be produced was alive	95
51	When it appears that guardian, etc., cannot produce person who is alive	96
52	Guardians, trustees, etc., holding over without consent of remainderman, etc., deemed trespassers	96
53	Assignments of debts and choses in action	96
54	Bonds and debentures of corporations	96
55	Auctions of estates when sale deemed without reserve	97
56	Prohibition against seller bidding	97
57	When seller may bid	97
58	Seller not authorized to purchase	97
59	Liability of vendor or mortgagor for fraudulent concealment of deeds, etc., or falsifying pedigree	97
60	Orders of court, effect	97
61	Restrictive covenants, modification or discharge of	97
CROWN ADMINISTRATION OF ESTATES ACT		
1	PGT may administer certain estates	99
2	Power to safeguard estate, etc.	99
2.1	Access to and use of information	99
2.2	Conflict	100
3	Notice to Public Guardian and Trustee	101
4	Security dispensed with	101

Table of Contents

5	Transfer, assignment or discharge of interest in real property	101
5.1	Compensation agreements	101
6	PGT's right to act until grant revoked	104
7	Inquiry as to the rights of Her Majesty	104
8	Recovery by Crown of real estate of persons dying intestate and without heirs	105
9	Application by Public Guardian and Trustee to compel an account by administrator in certain cases	105
10	Disposition of money	105
11	Unclaimed money	105
12	Remedy of persons having claims upon the estate	105
13	PGT's fees and expenses	105
14	Distribution of assets by Public Guardian and Trustee	106
15	Legal claim	106

DECLARATIONS OF DEATH ACT, 2002

1	Definition	107
2	Order re declaration of death	107
3	Order under <i>Absentees Act</i>	108
4	Motion to amend, confirm or revoke order	108
5	Duty of personal representative	109
6	Effect of distribution if individual in fact alive	109
7	Payment, distribution under order discharges duty	110
8	Appeals	110
9	<i>Courts of Justice Act</i> amended	110
10	<i>Insurance Act</i> amended	110
11	<i>Marriage Act</i> amended	110
12	<i>Registry Act</i> amended	111
13	Commencement	111
14	Short title	111

ESCHEATS ACT, 2015

1	Interpretation and application	113
2	Possession, proceedings re property	114
3	Grant, waiver or release	114
4	Return of property	115
5	Moral claim, property of deceased individual	116
6	Legal claim, property of deceased individual	116
7	Charitable property	116
8	Transfer, assignment or discharge of land	117
9	No merger, Crown's interests	117
10	Obligations and immunities	118
11	Public Guardian and Trustee's decisions final	119
12	No entitlement to notice	119
13	Interests purported to be created	119
14	Application, clearing title etc.	120
15	Administration of property by Public Guardian and Trustee	120

Table of Contents

16	Amounts due to the Crown	121
17	Order against former officers and directors	122
18	Annual report to Minister	122
19	Information regarding grants, etc.	122
20	Personal information	123
21	Notice requiring provision of information	123
22	Records	124
23	Use and disclosure of information	124
24	Legislation Act, 2006	125
25	Regulations	125
	COMPLEMENTARY AMENDMENTS AND REPEAL	
26	Civil Remedies Act, 2001	125
27	Crown Administration of Estates Act	125
28	Crown Attorneys Act	126
29	Prohibiting Profiting from Recounting Crimes Act, 2002	126
30	Succession Law Reform Act	126
31	Repeal of <i>Escheats Act</i>	126
	COMMENCEMENT AND SHORT TITLE	
32	Commencement	126
33	Short title	126
	 ESTATE ADMINISTRATION TAX ACT, 1998	
1	Definitions	127
2	Tax on estate	128
3	Deposit on account of tax	128
4	Restriction on issuance of estate certificate	129
4.1	Duty to give information	129
4.2	Assessments	130
4.3	Notice of assessment, etc.	130
4.4	Reassessments	130
4.5	Time limit for assessment, reassessment	130
4.5.1	Refunds	130
4.6	Objections and appeals	131
4.7	Audit and inspection	131
4.8	Confidentiality	131
4.9	Records	131
5	Recovery of tax	131
5.1	Offences	132
6	Regulations	132
6.1	Regulations, Minister	133
7	Transition	133
8	Commencement	133
9	Short title	133

310/14 — INFORMATION REQUIRED UNDER SECTION 4.1 OF THE ACT

1	Application of s. 4.1(1) of the Act	135
2	Deemed day of giving return or revised return	135

Table of Contents

3	Return under s. 4.1(2) of the Act	135
4	Requirement to update information, amended return	137
5	Requirement to update information, notify Minister	137
6	Additional information, refund received	137
7	Additional information, additional tax or deposit	137
8	Additional information, undertaking under s. 4(3) of the Act	138
9	Commencement	138

ESTATES ACT

1	Definitions	139
2	Depository for the wills of living persons	139
3	Preservation of testamentary instruments, etc.	139
4	[Repealed 2020, c. 11, Sched. 8, s. 3.]	139
5	Administration not to be granted to non-resident	139
6	Probate or letters ancillary to persons not residing in Commonwealth	140
7	Grant of probate or administration, jurisdiction	140
8	Trial of questions of fact by a jury	140
9	Production of instruments purporting to be testamentary	140
10	Right of appeal	140
11	Where deceased resided in Ontario	141
12	Where deceased had no fixed place of abode in Ontario	141
13	Proof, etc., requisite for obtaining grant to party not next-of-kin to intestate	141
14	Temporary administration in certain cases	142
15	Quebec notarial wills	142
16	Where probate or administration shall not be granted	142
17	Stay, if multiple applications	142
18	[Repealed 2020, c. 11, Sched. 8, s. 5.]	142
19	[Repealed 2020, c. 11, Sched. 8, s. 5.]	142
20	[Repealed 2020, c. 11, Sched. 8, s. 5.]	142
21	[Repealed 2020, c. 11, Sched. 8, s. 5.]	142
22	[Repealed 2020, c. 11, Sched. 8, s. 5.]	142
23	Citation of persons interested	142
24	Citation to prove or renounce	143
25	Consequences of failure to appear	143
26	Where a minor sole executor	143
27	Official copies	143
28	Administration pending action	143
29	To what persons administration shall be granted	143
30	After grant of administration no person to act as executor	144
31	Administration limited to personal estate	144
32	Evaluation	144
33	[Repealed 1998, c. 34, s. 63.]	145
34	Consequences upon executor renouncing	145
35	Bonds	145
36	When security not required	145
37	Amount of security	146
38	Power of courts as to assignment of bonds	146

Table of Contents

39	Accounts to be rendered	146
40	New or additional security in certain cases	146
41	Substitution of security	146
42	Cancellation of security	146
43	Cancellation of bond of administrator in distribution of estate	146
44	Contestation of claims against estate	147
45	Notice of contestation of unliquidated claims	148
46	Summary determination of disputes as to ownership	149
47	<i>Trustee Act</i> not to apply in certain cases	149
48	Accounting by executor trustee	149
49	Passing accounts by guardians	149
50	At whose instance executors or administrators compellable to account	150
51	[Repealed 1998, c. 34, s. 63.]	150
52	Manner of giving effect to grants of probate of Commonwealth and Canadian courts, etc.	151
53	[Repealed 1998, c. 34, s. 63.]	151

ESTATES ADMINISTRATION ACT

1	Definitions	153
2	Devolution to personal representative of deceased	153
3	Application of enactments as to probate, etc.	153
4	Real and personal property assimilated in matters of administration	154
5	Payment of debts out of residuary estate	154
6	How far personal representatives to be deemed “heirs”	154
7	Trust estates and interests of mortgagees	154
8	Who to be defendants in action for foreclosure where no personal representative of mortgagor	154
9	Vesting of real estate not disposed of within 3 years	155
10	Ordinary rights of executors, etc., preserved	155
11	Registration of caution after three years from death of testator . . .	155
12	Effect of repealing enactment	156
13	Vacating caution	156
14	Land in two or more persons	157
15	Sales where minors interested	157
16	Powers of personal representative over real property	157
17	Powers of executors and administrators as to selling and conveying real estate	157
18	Effect of accepting share of purchase money	159
19	Protection of purchasers from personal representatives	159
20	[Repealed 2009, c. 33, Sched. 2, s. 31(10).]	159
21	Protection of purchasers from beneficiary	159
22	Powers of personal representative as to leasing and mortgaging	159
23	Rights of purchaser in good faith against claims of creditors	160
24	Search for children born outside marriage	160
25	Cases of children advanced by settlement, etc	160
26	Distribution not to be made for one year	161

Table of Contents

27	Appointment of temporary deputy Children’s Lawyer	161
28	Affidavits	161
Form 1	[Repealed 2017, c. 20, Sched. 11, s. 9.]	161
Form 2	[Repealed 2017, c. 20, Sched. 11, s. 9.]	161
Form 3	[Repealed 2017, c. 20, Sched. 11, s. 9.]	161

EVIDENCE ACT

13	Actions by or against heirs, etc.	163
49	Effect of probate, etc., as evidence of will, etc.	163
50	Proof in the case of will of real estate filed in courts outside Ontario	163

FAMILY LAW ACT

1	Definitions	165
2	Staying application	166
3	Mediation	167

PART I — FAMILY PROPERTY (SS. 4–16)

4	Definitions	167
5	Equalization of net family properties	169
6	Election: spouse’s will	170
7	Application to court	172
8	Statement of property	173
9	Powers of court	173
10	Determination of questions of title between spouses	174
10.1	Interest in a pension plan	174
11	Operating business or farm	175
12	Orders for preservation	175
13	Variation and realization of security	176
13.1	Order regarding conduct	176
14	Presumptions	176
15	Conflict of laws	176
16	Application of Part	176

PART II — MATRIMONIAL HOME (SS. 17–28)

17	Definitions	176
18	Matrimonial home	176
19	Possession of matrimonial home	177
20	Designation of matrimonial home	177
21	Alienation of matrimonial home	177
22	Right of redemption and to notice	178
23	Powers of court respecting alienation	179
24	Order for possession of matrimonial home	179
25	Variation of possessory order	181
25.1	Order regarding conduct	181
26	Joint tenancy in matrimonial home	181
27	Registration of order	181
28	Application of Part	181

Table of Contents

	PART III — SUPPORT OBLIGATIONS (SS. 29–50)	
29	Definitions	181
30	Obligation of spouses for support	182
31	Obligation of parent to support child	182
32	Obligation of child to support parent	182
33	Order for support	182
34	Powers of court	185
35	Domestic contract, etc., may be filed with court	186
36	Effect of divorce proceeding	187
37	Application for variation	187
38	Non-application to orders for child support	188
38.1	Priority to child support	189
39	Administrative calculation of child support	189
39.1	Administrative recalculation of child support	191
40	Restraining orders	193
41	Financial statement	193
42	Order for return by employer	193
43	Arrest of absconding debtor	193
44	Provisional orders	194
45	Pledging credit for necessities	195
46	Restraining order	195
47	Application under <i>Children’s Law Reform Act</i>	195
47.1	Order regarding conduct	196
47.2	Duties of parties	196
47.3	Duties of legal advisers	196
47.4	Duties of court	197
48	Appeal	197
49	Contempt of orders of Ontario Court of Justice	197
50	[Repealed 2002, c. 24, Sched. B, s. 25, item 9.]	198
	PART IV — DOMESTIC CONTRACTS (SS. 51–60)	
51	Definitions	198
52	Marriage contracts	198
53	Cohabitation agreements	199
54	Separation agreements	199
55	Form of contract	199
56	Contracts subject to best interests of child	199
56.1	Provisions re pension plan	200
57	Rights of donors of gifts	201
58	Contracts made outside Ontario	201
59	Paternity agreements	202
59.1	Family arbitrations, agreements and awards	202
59.2	Other third-party decision-making processes in family matters	202
59.3	Contracting out	203
59.4	No agreement in advance of dispute	203
59.4.1	Award re pension plan	203
59.5	[Repealed 2009, c. 33, Sched. 2, s. 34(5).]	204
59.6	Conditions for enforceability	204
59.7	Secondary arbitration	204
59.8	Enforcement	204
60	Application of Act to existing contracts	205

Table of Contents

	PART V — DEPENDANTS' CLAIM FOR DAMAGES (SS. 61–63)	
61	Right of dependants to sue in tort	206
62	Offer to settle for global sum	206
63	Assessment of damages, insurance	206
	PART VI — AMENDMENTS TO THE COMMON LAW (SS. 64–70)	
64	Unity of legal personality abolished	207
65	Actions between parent and child	207
66	Recovery for pre-natal injuries	207
67	Domicile of minor	207
68	[Repealed 2000, c. 4, s. 12.]	207
	General	
69	Regulations	207
70	Application of ss. 5–8	210
	 391/97 — CHILD SUPPORT GUIDELINES	
	OBJECTIVES	
1	Objectives	213
	INTERPRETATION	
2	Definitions	213
	AMOUNT OF CHILD SUPPORT	
3	Presumptive rule	215
4	Incomes over \$150,000	215
5	Spouse in place of a parent	215
6	Medical and dental insurance	215
7	Special or extraordinary expenses	215
8	Split parenting time	217
9	Shared parenting time	217
10	Undue hardship	217
	ELEMENTS OF AN ORDER FOR THE SUPPORT OF A CHILD	
11	Form of payments	218
12	Security	218
13	Information to be specified in order	218
	VARIATION OF ORDERS FOR THE SUPPORT OF A CHILD	
14	Circumstances for variation	219
	INCOME	
15	Determination of annual income	219
16	Calculation of annual income	219
17	Pattern of income	219
18	Shareholder, director or officer	220
19	Imputing income	220
20	Non-resident	221
	INCOME INFORMATION	
21	Obligation of applicant	221
22	Failure to comply	222
23	Adverse inference	222
24	Failure to comply with court order	223

Table of Contents

24.1	Annual obligation to provide income information	223
25	Continuing obligation to provide income information	224
PROVIDING INCOME INFORMATION FOR DOMESTIC CONTRACTS AND OTHER AGREEMENTS		
25.1	Annual obligation to provide income information	225
COMING INTO FORCE		
26	Coming into Force	226
SCHEDULE I		
CHILD SUPPORT TABLE FOR ONTARIO		
Notes:		
SCHEDULE II		
COMPARISON OF HOUSEHOLD STANDARDS OF LIVING TEST		
SCHEDULE III		
ADJUSTMENTS TO INCOME		
 367 — DESIGNATION OF MATRIMONIAL HOME — FORMS		
1		261
2		261
SCHEDULE — FORMS		
Form 1	Designation of Matrimonial Home	262
Form 2	Cancellation of Designation of Matrimonial Home	263
 368 — ELECTION OF SURVIVING SPOUSE		
1		265
SCHEDULE — [FORM 1]		
Form 1	Election of Surviving Spouse	265
 FRAUDULENT CONVEYANCES ACT		
1	Definitions	267
2	Where conveyances void as against creditors	267
3	Where s. 2 does not apply	267
4	Where s. 2 applies	267
5	When fraudulent conveyances declared void as against purchasers	267
6	Where s. 5 does not apply	267
7	Conveyances made revocable	268
8	Validity of voluntary conveyance, etc., executed in good faith and duly registered	268

Table of Contents

FUNERAL, BURIAL AND CREMATION SERVICES ACT, 2002

	PART IV — LICENSING (SS. 14–26)	
14	Requirements for licences	269
17	Refusal to issue	270
18	Notice and hearing	270
19	Immediate suspension	271
24	Further application	271
	PART V — CONSUMER PROTECTION (SS. 27–50)	
	<i>General</i>	
27	False advertising	271
28	Order of registrar	271
29	Prohibitions against soliciting	271
33	Price list	272
34	Prohibition: exceeding listed price	272
37	[Repealed 2006, c. 34, Sched. D, s. 22.]	272
38	Contract price	272
38.1	Tied selling	272
40	Contract requirements	272
41	Cancellation, unenforceable contract	273
42	30-day cooling-off period	273
43	Delivery within 30 days	274
44	Further cancellation rights	274
45	Other persons to cancel contract	275
	PART VI — TRUST ACCOUNTS (SS. 51–60)	
51	Trust accounts, funds	275
52	Money held in trust	275
	PART VII — COMPENSATION FUNDS (S. 61)	
61	Compensation fund scheme	276
	PART IX — COMPLAINTS, INSPECTIONS AND INVESTIGATIONS (SS. 66–71)	
66	Complaints	276
67	Inspection	277
70	Search warrant	278
70.1	Seizure of things not specified	279
	PART X — ENFORCEMENT (SS. 72–82)	
72	Freeze order, licensee	279
73	Freeze order, non-licensee	280
76	[Repealed 2006, c. 34, Sched. D, s. 51.]	280
79	Offence	280
82	Liens and charges	281
	PART XIII — REGULATIONS (SS. 112, 113)	
113	Lieutenant Governor in Council regulations	281

Table of Contents

184/12 — CARE AND MAINTENANCE EXEMPTIONS AND MISCELLANEOUS CHARGES

	EXEMPTIONS FROM CARE AND MAINTENANCE REQUIREMENTS	
1	Exemptions	283
	MISCELLANEOUS CHARGES	
2	Unclaimed cremated human remains	286
3	Assisted burials	286
4	Assisted cremation	286
	COMMENCEMENT	
5	Commencement	286

216/18 — CODE OF ETHICS

1	Purpose	289
2	Definition	289
3	Professional misconduct	289
4	Incompetence	289
5	Revocation	289
6	Commencement	289

30/11 — GENERAL

PART I — OPERATION OF BUSINESS

DIVISION A — DEFINITIONS

1	Definitions	291
---	-----------------------	-----

DIVISION B — ADDITIONAL PROHIBITED ACTIVITIES

2	Scattering of cremated remains	293
3	Sales, etc., of insurance products	293

DIVISION C — LICENSING

Requirement for Licences

4	Embalming services	293
5	Sales representative	293
6	Funeral director or preplanner	294
7	Exemptions from licences	294

General

8	Prescribed requirements for licence	295
9	Application for licence	295
10	Expiry of licences	296
11	Application for renewal of licence	296
12	Separate licences	296
13	Application after expiry	296
14	Content of licence form	296
15	Name on operator licence	296
16	Time for reapplication	297
17	Continuation of operator's duties	297

Table of Contents

	DIVISION F — TRUST ACCOUNTS AND TRUST FUNDS	
	<i>General Trust Rules</i>	
76	Trust money	297
	<i>Prepaid Trust Money</i>	
77	Application of sections	297
78	Deposit into trust account or fund	297
79	Individual trust account	298
80	Pooled trust fund	299
81	Payout of prepaid trust money	299
	<i>Unclaimed Trust Money</i>	
82	Payment of unclaimed trust money	300
	DIVISION G — CARE AND MAINTENANCE FUNDS AND ACCOUNTS	
83	Establishment of fund	301
84	Establishment of account	301
85	Municipality as trustee of fund or account	302
86	Payment before establishment of cemetery	302
87	Payment in relation to interment or scattering rights, etc.	302
88	Payment upon installation of marker	303
89	Services requested by delivery agent	303
90	Payment upon installation of private structure	303
91	Deduction from contribution on resale of rights	303
92	Payment in lieu of property tax	304
93	Use of income from fund or account	304
94	Payment out to increase the capacity of a cemetery	305
95	Prohibition against charging maintenance costs	306
	PART II — CONSUMER PROTECTION	
	DIVISION A — DISCLOSURE REQUIREMENTS	
	<i>Definitions</i>	
112	Definitions	307
	<i>Disclosure to Prospective Purchasers</i>	
112.1	Disclosure to public by registrar	307
112.2	Disclosure to public by operator	307
113	Disclosure by operator before contract made	308
	<i>Disclosure to Purchasers</i>	
114	Disclosure if circumstances change	309
	<i>Disclosure on Resale or Transfer of Interment or Scattering Rights</i>	
115	Disclosure on resale of rights	309
116	Disclosure on transfer of rights other than by resale	310
	<i>General</i>	
117	Proof of licence	310
118	Disclosure of cemetery and crematorium by-laws	311
119	Promotional material, etc.	311
	DIVISION B — CONTRACT REQUIREMENTS	
	<i>General</i>	
120	Definitions	312
121	General requirements	312

Table of Contents

	<i>Specific Contracts</i>	
122	Exemption	314
123	If payment precedes provision and is held in trust	315
124	Contract for future provision funded by insurance or annuity	315
125	Contract for cremation or related services	317
126	Contract for interment or scattering rights	317
127	Delivery of contract	318
128	Additional requirements for enforceability of contracts	318
	<i>Prohibited Practices</i>	
129	On default	319
130	Content of contract	319
131	Operator's policies	319
	<i>Insurance or Annuity Contracts Relating to the Sale of Licensed Supplies or Services</i>	
132	Prohibited practices	319
133	Excess insurance or annuity proceeds	320
	DIVISION C — MISCELLANEOUS CONSUMER PROTECTION MATTERS	
134	Interpretation	320
135	Prohibitions against soliciting	321
136	Storage of supplies in advance of use	321
137	Cancellation of unenforceable contract, operator's obligations . . .	322
138	Cancellation of unenforceable contract, purchaser's obligations . .	322
139	Delivery within 30 days	323
140	Cancellation after cooling-off period	324
141	Deemed cancellation under s. 44 of the Act	324
142	Cancellation where cemetery prohibits resale	325
143	Reimbursement order after resale of abandoned rights	325
144	Transfer of rights to cancel and receive refund	325
	PART IV — COMPENSATION FUND	
	<i>Definitions</i>	
192	Definitions	326
	<i>Compensation Fund</i>	
193	Compensation fund	326
	<i>Committee</i>	
194	Management of Fund	326
195	Disqualification of Committee members	327
196	Employees and contractors	327
	<i>Fund</i>	
197	Location of Fund	327
198	Capital of Fund	327
199	Administration of Fund	327
200	Financial statements	328
201	Reporting	328
	<i>Claims against Fund</i>	
202	Claims against Fund	329
203	Hearing by Tribunal and decision	330

Table of Contents

	<i>Termination of Participation in the Fund</i>	
204	Voluntary cancellation of licence	331
205	Default of participant	331
206	Documents to file	331
	<i>Trustee</i>	
207	Appointment	331
208	General powers	332
209	Investments	332
210	Fees and expenses	332
211	Reports to Committee	333
	PART VI — TRANSITIONAL MATTERS	
	<i>Enforcement</i>	
225	Inspections	333
226	Investigators	333
227	Receivers, managers and trustees	333
	 HEALTH CARE CONSENT ACT, 1996	
	PART I — GENERAL (SS. 1–7)	
1	Purposes	335
2	Definitions	336
3	Meaning of “excluded act”	339
4	Capacity	339
5	Wishes	340
6	Research, sterilization, transplants	340
7	Restraint, confinement	340
	PART II — TREATMENT (SS. 8–37.1)	
	<i>General</i>	
8	Application of Part	340
9	Meaning of “substitute decision-maker”	340
	<i>Consent to Treatment</i>	
10	No treatment without consent	341
11	Elements of consent	341
12	Included consent	341
13	Plan of treatment	342
14	Withdrawal of consent	342
	<i>Capacity</i>	
15	Capacity depends on treatment	342
16	Return of capacity	342
17	Information	342
18	Treatment must not begin	342
19	Order authorizing treatment pending appeal	343
	<i>Consent on Incapable Person’s Behalf</i>	
20	List of persons who may give or refuse consent	344
21	Principles for giving or refusing consent	345
22	Information	346

Table of Contents

23	Ancillary treatment	346
24	Admission to hospital, etc.	346
	<i>Emergency Treatment</i>	
25	Meaning of “emergency”	346
26	No treatment contrary to wishes	348
27	Emergency treatment despite refusal	348
28	Admission to hospital, etc.	348
	<i>Protection from Liability</i>	
29	Apparently valid consent to treatment	348
30	Person making decision on another’s behalf	349
31	Admission to hospital, etc.	349
	<i>Applications to Board</i>	
32	Application for review of finding of incapacity	349
33	Application for appointment of representative	350
34	Application with respect to place of treatment	351
35	Application for directions	352
36	Application to depart from wishes	352
37	Application to determine compliance with s. 21	353
37.1	Deemed application concerning capacity	354
	PART III — ADMISSION TO CARE FACILITIES (SS. 38–54.1)	
	<i>General</i>	
38	Application of Part	354
39	Definitions	354
	<i>Consent on Incapable Person’s Behalf</i>	
40	Consent on incapable person’s behalf	354
41	Determining who may give or refuse consent	355
42	Principles for giving or refusing consent	355
43	Information	356
44	Ancillary decisions	356
45	Withdrawal of consent	356
46	Admission must not be authorized	356
	<i>Crisis Admission</i>	
47	Authorization of admission without consent	357
	<i>Incapacity</i>	
47.1	Information	358
	<i>Protection from Liability</i>	
48	Apparently valid consent to admission	358
49	Person making decision on another’s behalf	358
	<i>Applications to Board</i>	
50	Application for review of finding of incapacity	359
51	Application for appointment of representative	359
52	Application for directions	360
53	Application to depart from wishes	360
54	Application to determine compliance with s. 42	361
54.1	Deemed application concerning capacity	362

Table of Contents

PART III.1 — [PROPOSED] CONFINING IN A CARE FACILITY (SS. 54.3–54.21)	
	<i>[Proposed] General</i>
54.3	[Proposed] Application of Part 362
54.4	[Proposed] Definitions 362
PART IV — PERSONAL ASSISTANCE SERVICES (SS. 55–69.1)	
	<i>General</i>
55	Application of Part 371
56	Meaning of “substitute decision-maker” 371
	<i>Decision on Incapable Recipient’s Behalf</i>
57	Decision on incapable recipient’s behalf 371
58	Determining who may make decision 371
59	Principles for making decision 372
60	Information 372
61	Change of decision 373
62	Included consent 373
62.1	Information 373
	<i>Protection from Liability</i>
63	Personal assistance service provided 373
64	Person making decision on recipient’s behalf 373
	<i>Applications to Board</i>
65	Application for review of finding of incapacity 374
66	Application for appointment of representative 374
67	Application for directions 375
68	Application to depart from wishes 375
69	Application to determine compliance with s. 59 376
69.1	Deemed application concerning capacity 377
PART V — CONSENT AND CAPACITY BOARD (SS. 70–81)	
70	Consent and Capacity Board 377
70.1	Limit on jurisdiction 377
71	Chair and vice-chairs 377
71.1	Immunity 378
72	Staff 378
73	Assignment of Board members to deal with applications 378
74	Disqualification 379
75	Board to fix time and place of hearing 379
76	Examination of documents 380
77	Communication re subject-matter of hearing 380
78	Only members at hearing to participate in decision 380
79	Release of evidence 380
80	Appeal 380
81	Counsel for incapable person 381
PART VI — MISCELLANEOUS (SS. 82–95)	
82	Offence: false assertion 382
83	Offence: misrepresentation of wishes 383
84	Offence: decision contrary to wishes 383
84.1	[Proposed] Protection of information 383
85	Regulations 384

Table of Contents

86	Transition, treatment	385
87	Transition, admission	385
88	Transition, section 19	386
89	Transition, section 32	386
90	Transition, section 33	386
91	Transition, section 34	386
92	Transition, section 35	387
93	Transition, section 36	387
94	Short title	387
95	Form A Application to the Board to Review a Finding of Incapacity under Subsection 32(1), 50(1) or 65(1) of the Act	387
	Form B Application to the Board to Appoint a Representative under Subsection 33(1), 51(1) or 66(1) of the Act	389
	Form C Application to the Board to Appoint a Representative under Subsection 33(2), 51(2) or 66(2) of the <i>Health Care Consent Act</i>	392
	Form D Application to the Board for Directions under Subsection 35(1), 52(1) or 67(1) of the Act	397
	Form E Application to the Board for Permission to Depart from Wishes under Subsection 36(1), 53(1) or 68(1) of the Act	400
	Form F Application to the Board with Respect to Place of Treatment under Subsection 34(1) of the Act	402
	Form G Application to the Board to Determine Compliance under Subsection 37(1), 54(1) or 69(1) of the Act	404
	Form H Application to the Board to Amend the Conditions of or Terminate the Appointment of a Representative under Subsection 33(7) and (8), 51(6) or 66(6) of the Act	406

104/96 — EVALUATORS

1		409
2		409

INCOME TAX ACT

PART I — (SS. 2–180) INCOME TAX

DIVISION B — (SS. 3–108) COMPUTATION OF INCOME

Subdivision F — (ss. 67–80.5) Rules Relating to Computation of Income

70	Death of a taxpayer	411
71	[Repealed under former Act]	431
72	Reserves, etc., for year of death	432

Subdivision H — (ss. 82–89.1) Corporations Resident in Canada and Their Shareholders

85	Transfer of property to corporation by shareholders [rollover]	433
----	--	-----

Subdivision K — (ss. 104–108) Trusts and Their Beneficiaries

104	Reference to trust or estate	443
105	Benefits under trust	462
106	Income interest in trust	462

Table of Contents

107	Disposition by taxpayer of capital interest	463
107.1	Distribution by certain employment-related trusts	472
107.2	Distribution by a retirement compensation arrangement	472
108	Definitions	473
DIVISION E — (SS. 117–127.41) COMPUTATION OF TAX		
Subdivision A — Rules Applicable to Individuals		
118.1	Definitions	483
120.4	Tax on split income [TOSI]	498
DIVISION G — (SS. 144–148.1) DEFERRED AND OTHER SPECIAL INCOME ARRANGEMENTS		
Life Insurance Policies		
148	Amounts included in computing policyholder’s income	505
DIVISION I — (SS. 150–168) RETURNS, ASSESSMENTS, PAYMENT AND APPEALS		
Returns		
150	Filing returns of income — general rule	520
Payment of Tax		
159	Person acting for another	524
PART XVII — (SS. 248–262) INTERPRETATION		
248	Definitions	526
252	Extended meaning of “child”	529
252.1	Union [as] employer	530

INCOME TAX REGULATIONS

PART II — [200–238] INFORMATION RETURNS		
204	Estates and trusts	531
206	Legal representatives and others	531

INSURANCE ACT

PART II — GENERAL PROVISIONS APPLICABLE TO INSURERS (SS. 39–121.2)		
General		
115	Trafficking in life insurance policies prohibited	534
Fees and Regulations		
121	Regulations	534
PART V — LIFE INSURANCE (SS. 171–223)		
Definitions		
171	Definitions	543
Designation of Beneficiaries		
190	Designation of beneficiary	544
191	Designation of beneficiary irrevocably	545
192	Designation in will, etc.	546
193	Trustee for beneficiary	546
194	Beneficiary’s share of insurance money	546

Table of Contents

195	Right to sue	546
196	Insurance money free from other claims, etc.	547
	<i>Dealings with Contract During Lifetime of Insured</i>	
197	Insured dealing with contract	547
198	Insured entitled to dividends	547
199	Transfer of ownership	547
200	Effect of assignment	548
201	Group life insured, enforcing rights	548
	<i>Minors</i>	
202	Capacity of minors	549
	<i>Proceedings Under Contract</i>	
203	Proof of claim	549
207	Documents affecting right to insurance money	549
208	Declaration as to sufficiency of proof	549
209	Declaration as to presumption of death	550
210	Court orders, application under s. 208 or 209	550
211	Stay of proceedings	550
212	Appeal, ss. 208 to 210	550
213	Court orders, insufficient evidence, etc.	550
220	Minors	550
221	Beneficiary under legal incapacity	551

LAND TITLES ACT

PART VII — SUBSEQUENT REGISTRATIONS (SS. 66–139)

Death of Registered Owner

120	Transmission on death of owner of freehold land	553
121	Transmission on death of owner	553
122	Entry of representatives of deceased tenant in common	553
123	Removal of name of deceased joint tenant	554
124	Evidence of transmission of registered ownership	554
125	Entry of name of person beneficially entitled as owner without reference to debts	554
126	[Repealed 2009, c. 34, Sched. T, s. 2(2).]	554
127	Registration of devisees, etc.	554

Caution, etc.

128	Registration of caution	555
129	Caution prevents dealing	555
130	Second caution	556
131	Caution to be supported by affidavit	556
132	Liability where caution improperly registered	556
133	Limit of effect of caution	556

430/11 — FORMS

DEFINITIONS

1	Definitions	559
---	-----------------------	-----

Table of Contents

	FIRST REGISTRATION	
2	Application for first registration	559
3	Objections to first registration	560
4	Decision on application for first registration	560
	DEALINGS AFTER FIRST REGISTRATION	
5	Application to amend the register	561
6	Notice of agreement	561
7	Registration of judgments and orders	561
8	Charges	561
9	Transfer under power of sale	561
10	Notice of lease	562
11	Conditions, restrictions and covenants	562
12	Death of registered owner	562
13	Caution	562
14	Inhibiting order	562
15	Withdrawal of registered land	563
16	Notice of change of address for service	563
	LAND TITLES ASSURANCE FUND	
17	Application for compensation	563
18	Financial assistance for surveys	563
19	Revocation	563
20	Commencement	563
	LIMITATIONS ACT, 2002	
	DEFINITIONS AND APPLICATION	
1	Definitions	565
2	Application	565
3	Crown	566
	BASIC LIMITATION PERIOD	
4	Basic limitation period	566
5	Discovery	566
6	Minors	566
7	Incapable persons	566
8	Litigation guardians	567
9	Appointment of litigation guardian on application or motion by potential defendant	567
10	[Repealed 2016, c. 2, Sched. 2, s. 2.]	568
11	Attempted resolution	568
12	Successors	568
13	Acknowledgments	568
14	Notice of possible claim	569
	ULTIMATE LIMITATION PERIODS	
15	Ultimate limitation periods	570
	NO LIMITATION PERIOD	
16	No limitation period	571
17	Undiscovered environmental claims	572

Table of Contents

	GENERAL RULES	
18	Contribution and indemnity	573
19	Other Acts, etc.	573
20	Statutory variation of time limits	573
21	Adding party	573
22	Limitation periods apply despite agreements	573
23	Conflict of laws	574
24	Transition	574
	LOAN AND TRUST CORPORATIONS ACT	
175	PART X — BUSINESS AND INVESTMENTS (SS. 153–176.10)	577
	MARRIAGE ACT	
9	Order under <i>Declarations of Death Act, 2002</i>	579
	MENTAL HEALTH ACT	
1	Definitions	581
	PART III — ESTATES (SS. 54–76)	
54	Examination on admission to determine capacity	583
55	Financial statement	583
56	Cancellation of certificate	583
57	Examination before discharge to determine capacity	583
58	Notice of discharge	584
59	Advice to patient, notice to rights adviser	584
60	Application to Board for review	584
	741 — GENERAL	
1		585
	STANDARDS	
2		585
3	[Revoked O. Reg. 616/00, s. 2.]	585
4		585
5		585
	RETURNS	
6		586
	APPLICATION OF PARTS II AND III OF ACT	
7		586
	BRINGING INFORMATION BEFORE JUSTICE UNDER SECTION 16	
7.1		586
	TAKING INTO CUSTODY BY FACILITY	
7.2		586

Table of Contents

	COMMUNITY TREATMENT ORDERS	
7.3	.....	586
7.4	.....	587
	ABSENCE WITHOUT AUTHORIZATION	
8	.....	587
	BOARD	
9	.....	587
10	.....	587
11	[Revoked O. Reg. 15/95, s. 4.]	587
12	[Revoked O. Reg. 616/00, s. 9.]	587
	FORMS	
13	.....	587
13.1	.....	588
	RIGHTS ADVICE	
14	.....	588
14.1	.....	589
14.2	.....	589
14.3	.....	589
	RIGHTS ADVICE FOR PATIENTS FOUND INCAPABLE WITH RESPECT TO TREATMENT OF A MENTAL DISORDER	
15	.....	590
	RIGHTS ADVICE FOR PATIENTS DETERMINED INCAPABLE OF CONSENTING TO THE COLLECTION, USE OR DISCLOSURE OF PERSONAL HEALTH INFORMATION UNDER THE PERSONAL HEALTH INFORMATION PROTECTION ACT, 2004	
15.1	.....	591
	EXPLANATION BY RIGHTS ADVISERS	
16	.....	592
	SCHEDULE 1 — [REVOKED O. REG. 616/00, S. 13.]	
	SCHEDULE 2 — [REVOKED O. REG. 616/00, S. 13.]	
	SCHEDULE 3 — [REVOKED O. REG. 616/00, S. 13.]	
	SCHEDULE 4 — [REVOKED O. REG. 616/00, S. 13.]	
	SCHEDULE 5 — [REVOKED O. REG. 616/00, S. 13.]	
Form 1	Application by Physician for Psychiatric Assessment	592
Form 2	Order for Examination under Section 16	595
Form 3	Certificate of Involuntary Admission	597
Form 4	Certificate of Renewal	599
Form 4A	Certificate of Continuation	600
Form 5	.....	602
Form 6	Order for Attendance for Examination Subsection 21(1) of the Act . . .	603
Form 7	.....	603
Form 8	Order for Admission Subsection 22(1) of the Act	604
Form 9	.....	604
Form 10	.....	605
Form 11	.....	605

Table of Contents

Form 12	605
Form 13	605
Form 14	606
Form 15	606
Form 16	606
Form 17	606
Form 18	606
Form 19	606
Form 20	606
Form 21	606
Form 22	606
Form 23	606
Form 24	606
Form 25	607
Form 26	607
Form 27	607
Form 28	607
Form 29	607
Form 30	607
Form 31	607
Form 32	607
Form 33	607
Form 34	607
Form 35	607
Form 36	608
Form 37	608
Form 38	608
Form 39	608
Form 40	608
Form 41	608
Form 42	608
Form 43	608
Form 44	608
Form 45	608
Form 47	611

OLD AGE SECURITY ACT

PART IV — GENERAL (SS. 26.1–47)

Reconsiderations and Appeals

28	615
----	-----

Incapacity

28.1	616
------	-----

Death

29	617
30	617
31	617

Table of Contents

	PENSION BENEFITS ACT	
1	Definitions	620
	BENEFITS	
44	Joint and survivor pension benefits	622
45	Information for payment	624
46	Waiver of joint and survivor pension benefit	624
47	Remarriage, etc.	624
48	Pre-retirement death benefit	624
49	Variation of payment to disabled person	627
	FAMILY LAW MATTERS	
67.1	Interpretation	628
67.2	Valuation for family law purposes	628
67.3	Transfer of a lump sum for certain family law purposes	629
67.4	Division of a pension for certain family law purposes	631
67.5	Restriction on other ways of dividing pension benefits, etc.	632
67.6	Other transitional matters	633
	909 — GENERAL	
	PART I — INTERPRETATION	
	<i>Funding of Pension Plans</i>	
	Death/Survivor Benefits Statement	
43		635
	Offsets from Pre-Retirement Death Benefits	
63		636
	Survivor Benefits	
64		637
	PERPETUITIES ACT	
1	Definitions	639
2	Rule against perpetuities to continue; saving	639
3	Possibility of vesting beyond period	639
4	Presumption of validity and “Wait and See”	639
5	Applications to determine validity	639
6	Measurement of perpetuity period	640
7	Presumptions and evidence as to future parenthood	640
8	Reduction of age	641
9	Spouses	641
10	Saving	642
11	Powers of appointment	642
12	Administrative powers of trustees	642
13	Options to acquire reversionary interests	642
14	Easements, <i>profits à prendre</i> , etc.	643
15	Determinable interests	643
16	Specific non-charitable trusts	644
17	Rule in <i>Whitby vs. Mitchell</i> abolished	644

Table of Contents

18	Rules as to perpetuities not applicable to employee-benefit trusts	644
19	Application of Act	644

POWERS OF ATTORNEY ACT

1	Definition	647
2	Form of general power of attorney	647
3	Exercise of power after termination	647

PUBLIC GUARDIAN AND TRUSTEE ACT

1	Public Guardian and Trustee, staff	649
2	Powers and duties of deputy	649
3	When Attorney General to act	650
4	Salaries	650
5	Duties	650
5.1	Immunity	650
6	Application of <i>Public Inquiries Act, 2009</i>	651
7	Estates and trusts	651
8	Fees	651
8.1	Lien re fees and expenses, advances, etc.	652
8.2	Costs of passing accounts	652
9	Administration fund	652
10	Delivery up of property	652
10.1	Admissibility of material from records of the Public Guardian and Trustee	653
10.2	Storage and transfer of information	653
10.3	Access to personal information	654
11	Losses, how to be made good	654
12	Charitable and public trusts	655
13	Investment of property	655
13.1	Interest	655
13.2	Not-for-Profit Corporations Act, 2010	655
14	Regulations	655
15	Advisory committees	656
16	Security by Public Guardian and Trustee not necessary	656
17	Audit	657
18	Matters confidential	657
19	Report	657

191/95 — GENERAL

1		659
2		659
3		660
3.1		660
4		661
5		661

Table of Contents

6	.....	661
REAL PROPERTY LIMITATIONS ACT		
1	Definitions	663
[PART] [I] — (SS. 2–41)		
2	Refusing relief because of acquiescence or otherwise	663
3	Limitation where the Crown interested	663
4	Limitation where the subject interested	663
5	When right accrues on dispossession	664
6	Limitation in case of future estates when person entitled to the particular estate out of possession, etc.	666
7	When right of action devolves to administrator	666
8	Effect of mere entry	666
9	Continual claim	666
10	Descent cast, discontinuance warranty, etc.	666
11	Possession of one coparcener, etc.	667
12	Possession of relations	667
13	Effect of acknowledgment in writing	667
14	Effect of receipt of rent	667
15	Extinguishment of right at the end of the period of limitation . . .	667
16	Waste or vacant land of Crown excepted	667
17	Maximum of arrears of rent or interest recoverable	667
18	Exception in favour of subsequent mortgagee when a prior mortgagee has been in possession	668
19	Limitation where a mortgagee in possession	668
20	Acknowledgment to one of several mortgagors	668
21	Acknowledgment to one of several mortgagees	668
22	Limitation where mortgage in arrear	669
23	Limitation where money charged upon land and legacies	669
24	Time for recovering charges and arrears of interest not to be enlarged by express trusts for raising same	669
25	Limitation of action of dower	669
26	Time from which right to bring action of dower to be computed	669
27	Maximum of arrears of dower recoverable	669
28	Cases where fraud remains concealed	669
29	Case of purchaser in good faith for value without notice	670
30	Limitation in case of profits	670
31	Right of way easement, etc.	670
32	How period to be calculated, and what acts deemed an interruption . . .	670
33	Right to access and use of light by prescription abolished	670
34	Necessity for strict proof	670
35	Easements not acquired for carrying wires and cables	671
36	Persons under disability at the time when the right of action accrues	671
37	Utmost allowance for disabilities	671
38	Succession of disabilities	671

Table of Contents

39	Persons under disability when right accrues	671
40	Exclusion of terms of years, etc., from computation in certain cases	671
41	Exception as to lands of the Crown not duly surveyed and laid out	672
	[PART] [II] — (SS. 42–44)	
42	Express trust: when right of beneficiary accrues	672
43	Mortgage covenant	672

REGISTRY ACT

PART I — ORGANIZATION AND ADMINISTRATION (SS. 3–104)

Records of Office

18	General registrations	673
----	---------------------------------	-----

RESIDENTIAL TENANCIES ACT, 2006

PART V — SECURITY OF TENURE AND TERMINATION OF TENANCIES (SS. 37–94)

Death of Tenant

91	Death of tenant	675
92	Landlord may dispose of property	676

PART X — MOBILE HOME PARKS AND LAND LEASE COMMUNITIES (SS. 152–167)

Termination of Tenancies

163	Death of mobile home owner	676
-----	--------------------------------------	-----

SETTLED ESTATES ACT

1	Definitions	677
2	Power to authorize leases of settled estates	677
3	Special covenants	678
4	Leases of parts of settled estates	678
5	Surrender and renewal	678
6	Preliminary contracts	678
7	Mode in which leases may be authorized	678
8	What evidence to be produced on an application to authorize leases	678
9	Direction as to who shall be lessor	679
10	When powers of leasing may be vested in trustees	679
11	Conditions that leases be settled by the court	679
12	Striking out such conditions	679
13	Powers of court	679
14	Rental as consideration for land sold for building	680
15	What may be reserved	680
16	Dedications for streets, etc.	680
17	Directions as to execution of deeds	681
18	Who may apply for exercise of powers	681

Table of Contents

19	Consent to application	681
20	Notice to trustees, etc.	682
21	When notice of application to be given in the newspapers	682
22	Where a similar application has been rejected by the Legislature	682
23	Application of money arising from sales, etc.	682
24	Application of money in certain cases without application to court	683
25	Payment of interest	683
26	Application of money in respect of leases or reversions	683
27	Court may exercise powers repeatedly	683
28	Extent of powers	683
29	Validity of acts	683
30	Orders of court conclusive	683
31	Costs	683
32	Power to make leases for 21 years	684
33	Against whom leases valid	685
34	Provisions as to persons under disability	685
35	No obligation to make or consent to application	685
36	Tenants for life, etc., to be deemed entitled despite encumbrances	685
37	Powers conferred by other Acts	685

SUBSTITUTE DECISIONS ACT, 1992

GENERAL

1	Definitions	687
2	Presumption of capacity	688
3	Counsel for person whose capacity is in issue	689
3.1	Remote witnessing of powers of attorney	689

PART I — PROPERTY (SS. 4–42)

General

4	Application of Part	690
5	Age	690
6	Incapacity to manage property	690

Continuing Powers of Attorney for Property

7	Continuing power of attorney for property	690
8	Capacity to give continuing power of attorney	691
9	Validity despite incapacity	691
10	Execution	691
11	Resignation of attorney	692
12	Termination	693
13	Exercise after termination or invalidity	693
14	Certain existing powers of attorney preserved	693

Statutory Guardians of Property

15	P.G.T. as statutory guardian	693
16	Assessment of capacity for statutory guardianship	694
16.1	Termination by attorney	695

Table of Contents

17	Application to replace P.G.T.	695
18	Refusal to issue certificate	696
19	Death, etc., of statutory guardian	697
20	Termination of statutory guardianship	697
20.1	Assessment	699
20.2	Application for review of finding of incapacity	699
20.3	Termination by court	699
21	Notices	700
	<i>Court-Appointed Guardians of Property</i>	
22	Application for appointment	700
23	Procedure	700
24	Who may not be appointed guardian	700
25	Finding of incapacity	701
26	Variation or substitution	701
27	Serious adverse effects	702
28	Termination	703
29	Suspension	703
30	Procedure	703
	<i>Property Management</i>	
31	Powers of guardian	703
31.1	Access to personal information	704
32	Duties of guardian	704
33	Liability of guardian	705
33.1	Will	705
33.2	Property in another person's control	705
33.3	Existing corporate debts and liabilities	706
34	Completion of transactions	706
35	P.G.T., powers of executor	706
35.1	Disposition of property given by will	706
36	Proceeds of disposition	706
36.1	Recitals	707
37	Required expenditures	707
38	Attorney under continuing power of attorney	708
39	Directions from court	708
40	Compensation	709
41	[Repealed 1996, c. 2, s. 28.]	709
42	Passing of accounts	709
	PART II — THE PERSON (SS. 43–68)	
	<i>General</i>	
43	Application of Part	710
44	Age	710
45	Incapacity for personal care	710
	<i>Powers of Attorney for Personal Care</i>	
46	Power of attorney for personal care	710
47	Capacity to give power of attorney for personal care	711
48	Execution	711
49	When power of attorney effective	712
50	Special provisions	712
51	Assessment	714

Table of Contents

52	Resignation of attorney	714
53	Termination	715
54	[Repealed 1996, c. 2, s. 35.]	715
	<i>Court-Appointed Guardians of the Person</i>	
55	Application for appointment	715
56	Procedure	715
57	Who may not be appointed guardian	715
58	Finding of incapacity	716
59	Full guardianship	716
59.1	Access to personal information	717
60	Partial guardianship	717
61	Variation or substitution	718
62	Serious adverse effects	718
63	Termination	719
64	Suspension	720
65	Procedure	720
	<i>Duties of Guardians of the Person and Attorneys for Personal Care</i>	
66	Duties of guardian	720
67	Duties of attorney	722
68	Directions from court	722
	PART III — PROCEDURE IN GUARDIANSHIP APPLICATIONS (SS. 69–77)	
69	Service of notices	722
70	Required documents, application to appoint guardian of property	724
71	Optional documents	725
72	Required documents, summary disposition, application to appoint guardian of property	725
73	Required documents, summary disposition, motion to terminate guardianship of property	726
74	Required documents, summary disposition, application to appoint guardian of the person	726
75	Required documents, summary disposition, motion to terminate guardianship of the person	726
76	[Repealed 1996, c. 2, s. 52.]	727
77	Summary disposition	727
	PART IV — MISCELLANEOUS (SS. 79–93)	
78	Right to refuse assessment	728
79	Order for assessment	728
80	Restraining order	728
81	Order for enforcement of assessment order	729
82	P.G.T.’s powers of entry	729
83	P.G.T.’s access to records	730
84	Statements as evidence	732
85	Conflict of laws, formalities	732
86	Foreign orders	733
87	Volunteers	733
88	Mediation	734
89	Offence: obstruction	734

Table of Contents

90	Regulations	734
91	Transition	736
92	Commencement	736
93	Short title	736

SCHEDULE [1]

100/96 — ACCOUNTS AND RECORDS OF ATTORNEYS AND GUARDIANS

APPLICATION

1		739
---	-------	-----

FORM OF ACCOUNTS AND RECORDS

2	.....	739
3	.....	740

CONFIDENTIALITY AND DISCLOSURE OF ACCOUNTS AND RECORDS

4	.....	740
5	.....	740

RETENTION OF ACCOUNTS AND RECORDS

6	.....	741
7	.....	741

460/05 — CAPACITY ASSESSMENT

1	Definition	743
2	Persons qualified to do assessments of capacity	743
3	Guidelines	744
4	Qualifying course	744
5	Continuing education courses	744
6	Minimum annual number of assessments	744
7	Forms	745
8	Revocation	745
9	Commencement	745

26/95 — GENERAL

1	.....	747
2	.....	747
3	.....	747
4	.....	747
5	.....	748
Table of Forms [1]	.....	748
Form 1	Application to Replace the Public Guardian and Trustee as Statutory Guardian of Property under Section 17	748
Form 2	Management Plan	752
Form 3	Guardianship Plan	760
Form 4	Request for Assessment of Capacity under Section 16	767
Form 5	Statement of Grantor under Subsection 50(1)	769

Table of Contents

Form 6	Optional Statement to Appoint a Guardian of the Person under Subsection 71(1)	770
Form 7	Optional Statement to Terminate Guardianship of the Person under Subsection 71(2)	772
Form 8	Statement to Appoint a Guardian of Property by Summary Disposition under Section 72	773
Form 9	Statement to Terminate Guardianship of Property by Summary Disposition under Section 73	775

99/96 — REGISTER

1		777
2		777
3		777
4		777
5		777
6		778
7		778
8		778

SUCCESSION LAW REFORM ACT

1	Definitions	779
1.1	Posthumous conception, conditions	780

PART I — TESTATE SUCCESSION (SS. 2–43)

General

2	Power to dispose of property by will	780
3	Will to be in writing	780
4	Execution	780
5	Will of member of forces on active service	781
6	Holograph wills	782
7	Position of signature	782
8	Wills by minors	782
9	Exercise of appointments by will	783
10	Publication unnecessary	783
11	Effect of incompetency of witness	783
12	Bequests to witness void	783
13	Creditor as witness	784
14	Executor as witness	784
15	Revocation	784
16	[Repealed 2021, c. 4, Sched. 9, s. 3.]	784
17	Change in circumstances	784
18	Alterations in will	785
19	Revival	785
20	Operation of will as to interest left in testator	786
21	When revived will deemed made	786
21.1	Court-ordered validity	786
22	Will to speak from death	787

Table of Contents

23	Disposition of property in void devise	787
24	Leasehold estates under devise of real property	787
25	Disposition of real property over which testator has power of appointment under devise	787
26	Real property passing under devise without words of limitation	788
27	Meaning of “heir” in devise of property	788
28	Import of words “die without issue”, etc.	788
29	Devise to trustee or executor	788
30	When devise to trustee to pass whole estate beyond what is requisite for trust	788
31	Substitutional gifts	789
32	Primary liability of real property to satisfy mortgage	789
33	Undisposed of residue	789
	<i>Conflict of Laws</i>	
34	Interpretation	790
35	Wills made in or out of Ontario	790
36	Formalities, re interests in land	790
37	Formalities re interests in movables or in land	790
38	Change of domicile	791
39	Construction of will	791
40	Movables used in relation to land	791
41	Where law outside Ontario to be applied to will	791
	<i>International Wills</i>	
42	Convention on form of international will	791
43	Application of Part	797
	PART II — INTESTATE SUCCESSION (SS. 43.1–49)	
43.1	Non-application of intestacy rules to separated spouses	797
44	Intestacy where spouse and no issue	798
45	Preferential share of spouse	798
46	Residue: spouse and one child	798
47	Issue	799
48	Abolition of curtesy	800
49	Application	800
	PART III — DESIGNATION OF BENEFICIARIES OF INTEREST IN FUNDS OR PLANS (SS. 50–54.1)	
50	Definitions	800
51	Designation of beneficiaries	800
52	Revocation of designation	801
53	Payment and enforcement	801
53.1	Regulations	801
54	Application of Part to plan	801
54.1	Application to retirement income funds	801
	PART IV — SURVIVORSHIP (SS. 55, 56)	
55	Survivorship as to succession	802
56	Application of Part	802

Table of Contents

	PART V — SUPPORT OF DEPENDANTS (SS. 57–79)	
57	Definitions	802
58	Order for support	803
59	Suspensory order	804
60	Application	804
61	Limitation period	804
62	Determination of amount	804
63	Conditions and restrictions	806
64	Interim order	807
65	Inquiries and further orders	807
66	Further powers of court	807
67	Distribution stayed	807
68	Incidence of provision ordered	808
69	Further directions	808
70	Certified copy of order filed with the local registrar of the court	808
71	Property devised	808
72	Value of certain transactions deemed part of estate	808
73	Validity of mortgage, etc.	809
74	Persons in institutions	809
75	Costs	810
76	Appeal	810
77	Enforcement	810
78	Crown bound	810
79	Application of Part	810
	 54/95 — GENERAL	
1	Preferential share	811
2	Prescribed plans	811
	 GIFT OF LIFE ACT	
1	Definitions	813
	PART I — INTER-VIVOS GIFTS FOR TRANSPLANTS (SS. 2, 3)	
2	Transplants under Act are lawful	814
3	Consent for transplant	814
	PART II — POST MORTEM GIFTS FOR TRANSPLANTS AND OTHER USES (SS. 4–8)	
4	Consent by person for use of his or her body after death	814
5	“spouse” and “same-sex partner” defined	815
6	Coroner’s direction	816
7	Determination of death	816
8	Where specified use fails	816
	PART II.1 — DESIGNATED FACILITIES — ROUTINE NOTIFICATION AND REQUIRED CONSENT (SS. 8.1–8.6)	
8.1	Notice of death, imminent death	817
8.2	Classes of facilities	817
8.3	Committees, designated facilities	818

Table of Contents

8.4	Policies and procedures	818
8.5	Compliance, requirements	818
8.6	Minister's directions	818
PART II.2 — (SS. 8.7–8.16)		
8.7	[Repealed 2019, c. 5, Sched. 3, s. 25(8).]	818
8.8	[Repealed 2019, c. 5, Sched. 3, s. 25(8).]	818
8.9	[Repealed 2019, c. 5, Sched. 3, s. 25(8).]	818
8.10	[Repealed 2019, c. 5, Sched. 3, s. 25(8).]	818
8.11	[Repealed 2019, c. 5, Sched. 3, s. 25(8).]	819
8.12	[Repealed 2019, c. 5, Sched. 3, s. 25(8).]	819
8.13	[Repealed 2019, c. 5, Sched. 3, s. 25(8).]	819
8.14	[Repealed 2019, c. 5, Sched. 3, s. 25(8).]	819
8.15	[Repealed 2019, c. 5, Sched. 3, s. 25(8).]	819
8.15.1	[Repealed 2019, c. 5, Sched. 3, s. 25(8).]	819
8.16	[Repealed 2019, c. 5, Sched. 3, s. 25(8).]	819
PART II.3 — ADMINISTRATION (SS. 8.17–8.21)		
8.17	Reports	819
8.18	Inspectors	819
8.19	Personal information	820
8.20	Agreements	822
8.21	Deletion of names, etc.	822
PART III — GENERAL (SS. 9–15)		
9	Immunity	822
10	Sale, etc., of tissue prohibited	822
11	Disclosure of information	823
12	Offence	823
13	<i>Coroners Act</i> not affected	823
14	Regulations, Lieutenant Governor in Council	823
15	Regulations, Minister	823
179/05 — GENERAL		
1	Classes of facility	825
2	Designations as members of a class	825
3	Exemption	825
4	Commencement	825
TRUST BENEFICIARIES' LIABILITY ACT, 2004		
1	Limit on beneficiaries' liability	827
2	Liability in other circumstances	827
3	Commencement	827
4	Short title	827
TRUSTEE ACT		
1	Definitions	829

Table of Contents

	RETIREMENT OF TRUSTEES	
2	Retirement of trustees	830
	APPOINTMENT OF NEW TRUSTEES	
3	Power of appointing new trustees	831
4	Authority of surviving trustee to appoint successor by will	831
5	Power of court to appoint new trustees	831
6	What may be done:	831
7	Powers of new trustee	832
8	Application of Act	832
	VESTING INSTRUMENTS	
9	Vesting of trust property in new or continuing trustees without conveyance	832
	VESTING ORDERS, ORDERS RELEASING CONTINGENT RIGHTS, ETC.	
10	Vesting Orders	832
11	Orders as to contingent rights of unborn persons	833
12	Vesting order in place of conveyance by minor mortgagee	833
13	Vesting orders as to stock and choses in action	833
	TRUSTEES FOR CHARITIES	
14	Exercise of powers in favour of charities, etc.	834
15	Power to order a sale in proper cases	835
	WHO MAY APPLY	
16	Who may apply for appointment of new trustee, or vesting order, etc.	835
	CERTAIN POWERS AND RIGHTS OF TRUSTEES	
17	Power and discretion of trustee for sale	835
18	Sales by trustees not impeachable on certain grounds	835
19	Dedication or sale of land by trustee for municipal highway	836
20	Power to authorize receipt of money by solicitor	836
21	Power to insure buildings	836
22	Power of trustees of renewable leaseholds to renew	836
23	When trustee may file accounts	837
23.1	Expenses of trustees	837
24	Receipts of trustees to be effectual discharges	837
25	Powers of two or more trustees	837
	INVESTMENTS	
26	Other Acts	837
27	Standard of care	838
27.1	Trustee may delegate functions to agent	839
27.2	Duty of agent	839
28	Protection from liability	840
29	Assessment of damages	840
30	Regulations	840
31	Application	840
32	[Repealed 1998, c. 18, Sched. B, s. 16(1).]	840
	PROTECTION AND INDEMNITY	
33	[Repealed 1998, c. 18, Sched. B, s. 16(1).]	840
34	[Repealed 1998, c. 18, Sched. B, s. 16(1).]	840

Table of Contents

	TECHNICAL BREACHES OF TRUST	
35	Relief of trustees committing technical breach of trust	840
	PAYMENT INTO COURT	
36	Payment into court by trustees of trust funds or securities by order of court	841
	PERSONAL REPRESENTATIVES AND DEVISEES IN TRUST	
37	Power of court to remove	843
	RIGHTS AND LIABILITIES OF PERSONAL REPRESENTATIVES	
38	Actions by executors and administrators for torts	843
39	Action of account	844
40	Powers of executor to whom probate granted	844
41	Power of executor to convey land	844
42	Power of administrator with will annexed to convey land	844
43	Conveyance by personal representative in pursuance of a contract by deceased	844
44	Power to raise money by sale or mortgage to satisfy charges	844
45	Duties and liabilities of an executor and administrator acting under the powers in this Act	845
46	Survivorship	845
	EFFECT OF REVOCATION OF AN ERRONEOUS GRANT	
47	Validity of acts done prior to revocation of erroneous grant	845
	ADMINISTRATION OF ESTATES	
48	Power, to pay debts	846
49	Application of income of estate of deceased person	846
50	In case of deficiency of assets, debts to rank proportionately	846
51	As to liability of executor or administrator in respect of covenants, etc., in leases	847
52	As to liability of personal representative in respect of rents, etc., in conveyances on rent-charge, etc.	847
53	Distribution of assets under trust deeds for benefit of creditors, or of the assets of intestate	848
54	Exercise of general power by will, effect of	848
55	Rights and liabilities of executors of executors	848
56	Liability of personal representative of one who commits waste . . .	848
57	Deficiency of assets	848
58	When creditor holding security fails to value same	849
59	Calling meeting of creditors where there is a deficiency of assets	849
	APPLICATIONS TO COURT FOR ADVICE	
60	Trustee, etc., may apply for advice in management of trust property	850
	ALLOWANCE TO TRUSTEES AND PERSONAL REPRESENTATIVES	
61	Allowance to trustees, etc.	850
	MISCELLANEOUS	
62	Trustees buying or selling	850
63	Indemnity	851
64	Costs may be ordered to be paid out of estate	851
65	Application of <i>Perpetuities Act</i>	851

Table of Contents

66	Application of Act	851
67	Additional powers	851
68	Express terms of trust instrument to prevail	851

VARIATION OF TRUSTS ACT

1	Jurisdiction of courts to vary trusts	853
---	---	-----

VITAL STATISTICS ACT

DEFINITIONS

1	Definitions	855
---	-----------------------	-----

ADMINISTRATION

2	Uniform system of registration	856
3	Examination of registrations	857
4	Registrations to be recorded	857
5	Archives	858
5.1	Delegation by Registrar General	858
5.2	Deputy Registrar General	858
6	Other administrators	858
6.1	Designation re ss. 48.1 to 48.5	859
7	Seal of office	859
7.1	Health insurance information	859

REGISTRATION OF BIRTHS

8	Notice of birth	859
9	Certification of birth	859
9.1	Still-births	860
10	Child's name	860
11	Continuing obligation and offence	862
12	[Repealed O. Reg. 214/07, s. 23.]	862
13	[Repealed 2016, c. 23, s. 19.]	862
14	[Repealed 2016, c. 23, s. 20.]	862
14.1	[Repealed 2016, c. 23, s. 21(2).]	862
15	Adding forename to birth registration	862
16		862
17	[Repealed 2016, c. 23, s. 23.]	863

REGISTRATION OF STILL-BIRTHS

18	[Repealed 1994, c. 27, s. 102(15). [Amended 2002, c. 18, Sched. E, s. 10(5)]	863
----	--	-----

REGISTRATION OF MARRIAGES

19	Marriages	863
20	Registration of marriage by Registrar General	863

REGISTRATION OF DEATHS

21	Registration of death	863
22	Registration before disposition of body	864
23	[Repealed 1994, c. 27, s. 102(17).]	864
24	[Repealed 1994, c. 27, s. 102(17).]	864
25	[Repealed 1994, c. 27, s. 102(17).]	864

Table of Contents

26	Removal of bodies	864
27	[Repealed 1994, c. 27, s. 102(19).]	865
	ADOPTION ORDERS	
28	Registration of adoption orders	865
29	[Repealed 2005, c. 25, s. 4.]	866
30	Child born in another province or state	866
	CHANGES OF NAME	
30.1		866
31	Person born in Ontario, name changed outside of Ontario	866
31.1	Person born outside of Ontario, name changed outside of Ontario	868
31.2	Certificate after change of name	870
31.3	Sealing original marriage registration	870
	DIVORCE DECREES	
32	No certificates of divorce	871
	REGISTRATION OF BIRTHS AND DEATHS OCCURRING ON BOARD SHIP	
33	Births and deaths on board ship	871
	CORRECTION OF ERRORS IN REGISTRATIONS	
34	Correction by Registrar General	871
35	Substitute registrations	872
	CHANGES RESULTING FROM TRANSSEXUAL SURGERY	
36	Changing sex designation appearing on registration of birth	872
	REGISTRATION DIVISIONS	
37	Registration divisions	873
	APPOINTMENT AND DUTIES OF DIVISION REGISTRARS	
38	Division registrars	873
39	Division registrars, powers and duties	874
40	Report of contraventions to Registrar General	874
41	[Repealed 1998, c. 18, Sched. E, s. 297.]	874
	FORMS	
42	Forms	874
	CERTIFICATES AND SEARCHES	
43	Contents, of birth certificate	874
44	Who may obtain, birth certificate	875
45	Who may obtain copy of registration of birth, death or still-birth	876
45.1	Guarantee required	876
45.2	Limit on birth documents	876
46	Admissibility of certificates, etc.	876
47	[Repealed 2001, c. 21, s. 8.]	877
48	Searches	877
	DISCLOSURE RE ADOPTED PERSONS	
48.1	Disclosure to an adopted person	877
48.2	Disclosure to a birth parent	879
48.3	Notice, preferred manner of contact	880
48.4	Notice, wish not to be contacted	880
48.5	Disclosure veto	881

Table of Contents

48.6	Unsealing of files	882
48.7	Review re: disclosure of adoption information	882
48.8	[Repealed 2008, c. 5, s. 7.]	883
48.9	[Repealed 2008, c. 5, s. 7.]	883
48.10	[Repealed 2008, c. 5, s. 7.]	883
48.11	[Repealed 2008, c. 5, s. 7.]	883
48.12	[Repealed 2008, c. 5, s. 7.]	883
	DISCLOSURE OF DEATH INFORMATION	
48.13	Disclosure of death information	883
	GENERAL PROVISIONS	
49	Ontario registrations only	885
50	Application of Act	885
51	Certificates not to be issued	885
51.1	Duty to report lost documents	885
51.2	Duty to cancel documents	885
52	Registration unlawfully obtained	885
53	Secrecy	886
53.1	Duty to collect information	886
54	Registration by Registrar General	887
	OFFENCES	
55	Failure to give notice or to furnish particulars	887
56	False information	887
56.1	Offences re contacting adopted person or birth parent despite notice	888
57	Breach of secrecy provision	888
58	General offence	888
59	Limitation one year	888
59.1	Powers of Registrar General	888
	REGULATIONS	
60	Regulations	889
61		895

1094 — GENERAL

	REGISTRATION OF MARRIAGE	
30		899
31		899
32		899
33		900
34		900
	REGISTRATION OF DEATHS	
35		900
36		902
37		902
38		902
39		903
40		903
44		904

Table of Contents

45	.....	904
46	.....	904
47	.....	904
	CERTIFICATES	
62	.....	905
	SUB-REGISTRARS	
71	.....	905

WORKPLACE SAFETY AND INSURANCE ACT, 1997

PART VI — INSURED PAYMENTS (SS. 43–66)

Compensation

48	Death benefits	907
----	----------------------	-----

Administration

61	Payments owing to deceased workers	911
----	--	-----

194 — RULES OF CIVIL PROCEDURE

GENERAL MATTERS

Rule 1	Citation, Application and Interpretation	
1.02	Application of Rules	913

PARTIES AND JOINDER

Rule 7	Parties Under Disability	
7.01	Representation By Litigation Guardian	914
7.02	Litigation Guardian for Plaintiff or Applicant	914
7.03	Litigation Guardian for Defendant or Respondent	915
7.04	Representation of Persons Under Disability	917
7.05	Powers and Duties of Litigation Guardian	917
7.06	Removal or Substitution of Litigation Guardian	918
7.07	Noting Party Under Disability in Default	918
7.07.1	Discontinuance By or Against Party Under Disability	918
7.08	Approval of Settlement	918
7.09	Money to Be Paid into Court	919
Rule 9	Estates and Trusts	
9.01	Proceedings By or Against Executor, Administrator or Trustee . . .	920
9.02	Proceeding Against Estate that has no Executor or Administrator . . .	920
9.03	Remedial Provisions	920
Rule 10	Representation Order	
10.01	Representation of an Interested Person who Cannot be Ascertained . . .	921
10.02	Representation of a Deceased Person	922
10.03	Relief from Binding Effect of Order	922

COMMENCEMENT OF PROCEEDINGS

Rule 14	Originating Process	
14.01	How Proceedings Commenced	923
14.01.1	[Revoked O. Reg. 457/01, s. 2.]	923

Table of Contents

14.02	Proceedings By Action as General Rule	923
14.03	Actions — By Statement of Claim or Notice of Action	923
14.03.1	Ordinary and Simplified Procedure	924
14.04	[Repealed O. Reg. 584/17, s. 6.]	924
14.05	Applications — By Notice of Application or Application for Certificate	924
14.06	Title of Proceeding	925
14.07	How Originating Process Issued	925
14.08		925
14.09	Striking Out or Amending	926
14.10	Dismissal of Action Where Defendant Pays Claim	926
	SERVICE	
Rule 17	Service Outside Ontario	
17.01	Definition	926
17.02	Service Outside Ontario Without Leave	926
17.03	Service Outside Ontario With Leave	927
17.04	Additional Requirements for Service Outside Ontario	927
17.05	Manner of Service Outside Ontario	927
17.06	Motion to Set Aside Service Outside Ontario	928
Rule 18	Time for Delivery of Statement of Defence	
18.01	Time for Delivery of Statement of Defence	929
18.02	Notice of Intent to Defend	929
18.03	[Revoked O. Reg. 457/01, s. 4.]	929
	REFERENCES	
Rule 54	Directing a Reference	
54.01	Application of Rules 54 And 55	929
54.02	Where Reference May Be Directed	929
54.03	To Whom Reference May Be Directed	930
54.04	Order Directing a Reference	930
54.05	Motions on a Reference	930
54.06	Report on Reference	931
54.07	Report Must Be Confirmed	931
54.08	Confirmation on Motion Where Report Back Required	931
54.09	Confirmation By Passage of Time Where Report Back Not Required	931
54.10	Referee Unable to Continue or Complete Reference	932
Rule 55	Procedure on a Reference	
55.01	General Provisions for Conduct of Reference	932
55.02	Procedure on a Reference Generally	932
55.03	Procedure to Ascertain Interested Persons and Verify Claims	935
55.04	Procedure on Taking of Accounts	935
55.05	Direction for Payment of Money	936
55.06	Reference for Conduct of Sale	936
55.07	Reference to Appoint Guardian or Receiver	938
	COSTS	
Rule 57	Costs of Proceedings	
57.01	General Principles	938
Rule 58	Assessment of Costs	
58.01	General	940

Table of Contents

58.08	Costs of Particular Proceedings	940
	PARTICULAR PROCEEDINGS	
Rule 65	Proceedings for Administration	
65.01	Where Available	941
65.02	Where a Reference is Directed	941
Rule 67	Proceedings Concerning the Estates of Minors	
67.01	How Commenced	941
67.02	Affidavit in Support	941
67.03	Where Consent Required	942
Rule 72	Payment into and Out of Court	
72.01	Definitions	942
72.02	Payment Into Court	942
72.03	Payment Out of Court	943
72.04	Discharge of a Mortgage	945
72.05	Stop Order	945
Rule 74	Estates — Non-Contentious Proceedings	
74.01	Definitions	945
74.02	Deposit of Wills and Codicils for Safekeeping	946
74.03	Request for Notice of Commencement of Proceeding	948
74.04	Certificate of Appointment of Estate Trustee	948
74.05	[Repealed O. Reg. 709/21, s. 5.]	950
74.05.1	Certificate of Appointment of Foreign Estate Trustee's Nominee as Estate Trustee without a Will	950
74.06	Certificate of Appointment of Succeeding Estate Trustee With a Will	950
74.07	Certificate of Appointment of Succeeding Estate Trustee Without a Will	951
74.08	Confirmation by Resealing of Appointment of Estate Trustee with or without a Will	951
74.09	Certificate of Ancillary Appointment of Estate Trustee with a Will	951
74.10	Certificate of Appointment of Estate Trustee during Litigation	952
74.11	Bonds	952
74.12	Procedure on Applications for Certificates of Appointment of Estate Trustees	953
74.13	Deposit Equal to Tax	954
74.14	Issuance of Certificate of Appointment of Estate Trustee	954
74.14.1	Authentication of Certificate of Appointment	955
74.14.2	Confirmation of Estate Trustees	955
74.15	Orders for Assistance	956
74.16	Passing of Estate Accounts	957
74.17	Form of Accounts	957
74.18	Application to Pass Accounts	958
Rule 74.1	Small Estates — Non-Contentious Proceedings	
74.1.01	Definition, Small Estate	963
74.1.02	Application of Rule	963
74.1.03	Application for Small Estate Certificate	964
74.1.04	Issuing a Small Estate Certificate	965
74.1.05	Amending a Small Estate Certificate	966
74.1.06	Estate Ceases to be Small Estate	967

Table of Contents

Rule 75	Estates — Contentious Proceedings	
75.01	Formal Proof of Testamentary Instrument	967
75.01.1	[Repealed O. Reg. 383/21, s. 10.]	967
75.02	Proof of Lost or Destroyed Will	967
75.03	Objection to Issuing Certificate of Appointment	967
75.04	Revocation of Certificate Of Appointment	968
75.05	Return of Certificate	968
75.06	Application or Motion for Directions	969
75.07	Procedure Where Statement of Claim Served	969
75.07.1	Submission of Rights to Court	970
75.08	Claims Against an Estate	970
75.09	Lawyer of Record	971
Rule 75.1	Mandatory Mediation — Estates, Trusts and Substitute Decisions	
75.1.01	[Revoked O. Reg. 132/04, s. 13.]	971
75.1.02	Scope	971
75.1.03	Definitions	971
75.1.04	Exemption from Mediation	972
75.1.05	Directions for Conduct of Mediation	972
75.1.06	Mediators	972
75.1.07	Choice of Mediator	973
75.1.08	Procedure Before Mediation Session	973
75.1.09	Attendance at Mediation Session	973
75.1.10	Remedy for Non-Compliance	974
75.1.11	Confidentiality	974
75.1.12	Outcome of Mediation	974
75.1.13	Consent Order for Additional Mediation Session	975
75.1.14	[Revoked O. Reg. 132/04, s. 17.]	975
Rule 75.2	Court-Ordered Estates Mediation	
75.2.01	Application	975
75.2.02	Definition	975
75.2.03	Directions for Conduct of Mediation	976
75.2.04	Mediator	976
75.2.05	Procedure Before Mediation Session	976
75.2.06	Attendance at Mediation Session	976
75.2.07	Remedy for Non-Compliance	977
75.2.08	Confidentiality	977
75.2.09	Outcome of Mediation	977
75.2.10	Consent Order for Additional Mediation Session	978
Rule 76	Simplified Procedure	
76.01		978
76.02	Availability of Simplified Procedure	979
76.02.1	Jury Trial Not Available	980
76.03	Affidavit of Documents	981
76.04	No Written Discovery, Cross-Examination on an Affidavit or Examination of a Witness	981
76.05	Motions	981
76.05.1	[Revoked O. Reg. 284/01, s. 25.]	982
76.06	[Repealed O. Reg. 438/08, s. 55.]	982
76.07	[Repealed O. Reg. 438/08, s. 55.]	982
76.08	Settlement Discussion and Documentary Disclosure	982

Table of Contents

76.09	How Defended Action is Set Down for Trial or Summary Trial	983
76.09.1	Expert Affidavits	983
76.10	Pre-Trial Conference	983
76.11	Trial	984
76.12	Summary Trial	985
76.12.1	Limits on Costs and Disbursements Awards	986
76.13	Costs Consequences	986
76.14	Transition — Jury Trials	987
Rule 77	Civil Case Management	
77.01	Purpose and General Principles	987
77.02	Application	988
77.03	Definitions	989
77.04	Case Management Powers	989
77.05	Assignment for Case Management	989
77.06	Assignment to Individual Management By a Judge	990
77.07	Motions	991
77.08	Case Conference	991
77.09	Transition	991
77.09.1	[Repealed O. Reg. 438/08, s. 64.]	992
77.10	[Repealed O. Reg. 438/08, s. 64.]	992
77.11	[Repealed O. Reg. 438/08, s. 64.]	992
77.12	[Repealed O. Reg. 438/08, s. 64.]	992
77.13	[Repealed O. Reg. 438/08, s. 64.]	992
77.14	[Repealed O. Reg. 438/08, s. 64.]	992
77.15	[Repealed O. Reg. 438/08, s. 64.]	992
77.16	[Repealed O. Reg. 438/08, s. 64.]	992
77.17	[Repealed O. Reg. 438/08, s. 64.]	992
Form 7B	Order to Continue (Minor Reaching Age of Majority)	992
Form 14A	Statement of Claim (General)	993
Form 14B	Statement of Claim (Mortgage Action — Foreclosure)	994
Form 14C	Notice of Action	998
Form 14D	Statement of Claim (Action Commenced By Notice of Action)	1000
Form 14E	Notice of Application	1000
Form 14E.1	Notice of Application Under Subsection 140(3) of the <i>Courts of Justice Act</i>	1001
Form 14F	Information for Court Use	1002
Form 17A	Request for Service Abroad of Judicial or Extrajudicial Documents	1004
Form 17B	Summary of the Document to Be Served	1006
Form 17C	Notice and Summary of Document	1007
Form 18A	Statement of Defence	1008
Form 18B	Notice of Intent to Defend	1009
Form 57A	Bill of Costs	1009
Form 57B	Costs Outline	1010
Form 72A	Notice of Payment into Court	1012
Form 72B	Affidavit (Motion for Payment Out of Court)	1012
Form 72C	Stop Order	1013

Table of Contents

Form 74.1A	Application for a Small Estate Certificate — (Estate valued at \$150,000 or less)	1014
Form 74.1B	Request to File an Application for a Small Estate Certificate or an Amended Small Estate Certificate	1025
Form 74.1C	Small Estate Certificate	1027
Form 74.1D	Registrar's Notice to Applicant in an Application for a Small Estate Certificate or Amended Small Estate Certificate	1029
Form 74.1E	Application to Amend Small Estate Certificate	1030
Form 74.1F	Amended Small Estate Certificate	1035
Form 74.43	Affidavit Verifying Estate Accounts	1036
Form 74.44	Notice of Application to Pass Accounts	1037
Form 74.45	Notice of Objection to Accounts	1040
Form 74.45.1	Request for Further Notice in Passing of Accounts	1041
Form 74.46	Notice of No Objection to Accounts	1041
Form 74.46.1	Notice of Non-Participation in Passing of Accounts	1042
Form 74.47	Affidavit in Support of Unopposed Judgment on Passing of Accounts	1043
Form 74.48	Notice of Withdrawal of Objection	1044
Form 74.49	Request for Costs (Person Other Than Children's Lawyer or Public Guardian and Trustee)	1045
Form 74.49.1	Request for Costs (Children's Lawyer or Public Guardian and Trustee)	1045
Form 74.49.2	Request for Increased Costs (Estate Trustee)	1046
Form 74.49.3	Request for Increased Costs (Person other than Estate Trustee)	1047
Form 74.49.4	Reply to Notice of Objection to Accounts	1049
Form 74.50	Judgment on Unopposed Passing of Accounts	1049
Form 74.51	Judgment on Contested Passing of Accounts	1050
Form 75.1	Notice of Objection	1052
Form 75.1A	Request for Assignment of Mediator	1053
Form 75.1B	Notice By Mediator	1053
Form 75.1C	Statement of Issues	1054
Form 75.1D	Certificate of Non-Compliance	1055
Form 75.2	Notice that Objection Has Been Filed	1056
Form 75.3	Notice to Objector	1057
Form 75.4	Notice of Appearance	1058
Form 75.5	Notice of Application for Directions	1058
Form 75.6	Notice of Motion for Directions	1060
Form 75.7	Statement of Claim Pursuant to Order Giving Directions	1061
Form 75.8	Order Giving Directions	1062
Form 75.9	[Repealed O. Reg. 709/21, s. 18(1).]	1064
Form 75.10	Statement of Submission of Rights to the Court	1064
Form 75.11	Notice of Settlement	1065
Form 75.12	Rejection of Settlement	1066
Form 75.13	Notice of Contestation	1067
Form 75.14	Claim Against Estate	1068
Form 76A	Notice Whether Action Under Rule 76	1069
Form 76B	Simplified Procedure Motion Form	1070
Form 76C	Notice of Readiness for Pre-Trial Conference	1073
Form 76D	Trial Management Checklist	1073

Table of Contents

Tariff A	Lawyers' Fees and Disbursements Allowable Under Rules 57.01 and 58.05	1074
Tariff C	Lawyers' Costs Allowed on Passing of Accounts Without a Hearing	1076