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<p>O'BRIEN'S DIVISION V — WILLS AND TRUSTS Ambie Edgar-Chana Release No. 2023-2, November 2023</p>

What’s New in this Update:

This release includes updates to the commentary, checklists and forms in Chapter 1 (Introduction), Chapter 9 (Residences) and new Chapter 40B (Substantial Compliance).

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Highlights

- Chapter 9—Commentary on the First Dealing Exemption, 9:49, has been completely updated with an explanation of the background of the first dealing exemption, how it arises, and how to draft to effectively utilize the exemption. New discussion on specific administration issues arising in administering estates where the first dealing exemption is being relied upon has been added. New clauses have also been added to this part of the chapter to provide precedents to utilize the first dealing exemption. New discussion on specific administration issues arising in administering estates where the first dealing exemption is being relied upon, has also been added.
- The opening commentary to Chapter 9 has also been updated to include a summary and discussion regarding the recent decision of the Ontario Court of Appeal in *Grady v. Grady*, 2023 ONCA 481, dealing with whether a joint tenancy can be severed by way of a testamentary disposition.
- An entirely new chapter (Chapter 40B) has been added on the topic of the Substantial Compliance rules now operative in Ontario. The focus of this chapter is the substantial compliance legislation and the development of case law in this area mainly in Ontario, but also discusses other substantial compliance regimes and decisions in British Columbia and Manitoba, among other jurisdictions having substantial compliance regimes.

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