



A LOT FROM THE DOT

The First Dealings Exemption

November 26, 2021

The general requirement under the Land Titles Act is that, upon the death of an owner, the estate trustee must obtain a certificate of appointment of estate trustee with a will (hereinafter referred to as “Probate”) or, where there is no will, a certificate of appointment of estate trustee without a will. There has been a long-standing exemption for the requirement for Probate in respect of estates that are \$50,000 or less in total value (this is the value of the estate in total, not just the value of the land). However, since automation and administrative conversion of properties from the Registry Act to Land Titles Conversion Qualified (“LTCQ”), the Ministry has provided another exemption from the requirement for Probate for properties that are LTCQ: the so-called “First Dealings Exemption”.

The Estates Module of the Electronic Registration Procedures Guide already has a section entitled “First Dealings After Property Converted to Land Titles” which sets out the specific Teraview® statements that must be made when claiming a First Dealings Exemption, but there has never been any formal guidance on what exactly qualifies as a First Dealings Exemption. To ensure a consistent definition of the First Dealings Exemption, a supplement to the [Estates Module of the Electronic Registration Procedures Guide](#) has been issued in Teraview addressing the issue.

While this supplement is intended to be a comprehensive canvassing of known situations that are (and are not) proper First Dealings Exemptions, it may be updated in the future if other scenarios are brought to the attention of the Director of Titles that are considered appropriate candidates for a First Dealings Exemption.

Please review the supplement (and any further supplements, from time to time) on the First Dealings Exemption carefully before making any of the Teraview® statements relating to the First Dealings Exemption and/or before making any enquiries about the First Dealings Exemption in OnLand.