

# Elevating Tenant in Common Interests under the LRA

Danielle MacLean

DCL Law

# Introduction

- A tenant in common interest is migratable on its own
- First in line that meets mandatory triggers does the electronic registration or “traditional” AFR
- Only one electronic registration per parcel is possible, other interests if not migrated on the electronic registration must be migrated via “paper” AFR
- Unmigrated interests remain under *Registry Act*

# Process

- Completed via a form 24
- Form 24s contain a CLE, full search /title review should be completed
- No fee is associated with the Form 24 in this case
- No documents are attached

# Contents of the Form 24

- Must check the POA statement
- Instrument type is your client's title document- deed, etc.
- Interest Holder and type- owners/fee simple, Mailing address
- TQ explaining your client's interest
- Manner of tenure is either tenants in common or a mixture of joint tenants and tenants in common.
  - This is for the entire parcel not just for your client's interest
- Description of mixture of tenure- this is for your client's interest
  - example: joint tenants of a 1/20 interest held as tenants in common with others

# Contents of the Form 24 *(page 2)*

- Percentage of share- your client's % ownership
  - example: 1/20 of an interest
- Non-Resident box must be completed
- Reference to related instruments- your Registry reference for your title instrument (book/page etc.)
- If your clients are listed as “tenants in common not registered pursuant to the LRA” on the parcel you must remove them on the Form 24.
- If they do not show on the parcel, leave this blank and don't select the box
- Are there any encumbrances to add? Complete as necessary

# Corrections to Parcel

- Admin Regs. state need consent of registered owners
- Ask yourself whose interest is being corrected?
  - Just your client's % interest (example- incorrect title reference for your share)
  - All Registered owners (example- parcel access)

# Tips

- Form 50 is used to show the transfer of a non-registered TIC interest (like a family transfer not for value)
- The PDCA is for the whole lot The specific breakdown of who owns what percentage of interest is displayed in the parcel register itself not in the description
- If you are transferring a lot plus a fractional TIC interest (like a cottage plus a fractional interest in the private road), you cannot normally use a single Form 24 as you would end up with an incorrect manner of tenure on one of the two parcels conveyed
- When recording your Form 24, review the TQ on the parcel re: your clients as it would most likely require updating re: new owners/interest

# Questions?

**Danielle MacLean**

**DCL Law**

94 Garland Avenue. Suite 203. Dartmouth .NS

office: 902.404.3150

[www.dcllaw.org](http://www.dcllaw.org) | [dmaclean@dcllaw.org](mailto:dmaclean@dcllaw.org)

