



— RESIDENTIAL · GUIDE

Why clearing title after a death takes time, and what can hold it up

What to expect on timing when a home has to change hands after an owner dies, and the things that most often cause delay.

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When someone dies and a home has to be dealt with, families often expect the title to be sorted out quickly, and are frustrated when it is not. How long it takes depends almost entirely on one thing: whether the home passes by survivorship or through the estate. This short guide sets expectations on timing and names the things that most commonly slow it down, so you can plan rather than be caught out.

The two tracks, and why their timing differs

The fast track: survivorship. If the home was owned by joint tenants and one of them dies, the survivor generally takes the property automatically, and clearing the deceased's name is a registration step that does not need the court. This is usually a matter of weeks, assuming the paperwork is in order. We cover it in our article on transferring title when a joint owner dies.

The slow track: through the estate. If the person who died was the sole owner, or owned as a tenant in common, the home is part of the estate and usually cannot be transferred or sold until the court confirms the estate trustee's authority through probate. That is an application to the court, it takes time, and the home generally cannot move until it is done. Plan for months, not weeks. We cover this in our article on transferring title when the home passes through the estate.

So the single biggest determinant of timing is which track you are on, and that is set by how the home was owned, not by how quickly anyone acts.

What most commonly causes delay

Even on the faster track, and especially on the slower one, certain things reliably hold matters up:

- **Obtaining probate.** Where the estate route applies, the probate application is usually the long pole. It has to be prepared, filed, and processed by the court before the home can be dealt with. Starting it promptly is the main thing within the family's control.
- **The mortgage.** A mortgage does not end when the owner dies. Whether the home is being kept by a survivor or beneficiary or sold, the mortgage and the lender have to be dealt with, and that can add time, particularly if someone has to requalify or refinance.

- A missing or outdated survey. If the home is being sold and a current survey is needed or a boundary question arises, tracking one down or resolving it can slow a closing.
- Multiple beneficiaries. When several people are entitled to the home or the proceeds, coordinating their agreement, signatures, and sometimes their differing wishes takes time, and disagreement among them can stall things considerably.
- A joint tenancy that turns out to have been severed. Occasionally a case everyone assumed was a quick survivorship matter turns out not to be, because the joint tenancy had been severed before death, which pushes it onto the slower estate track. This is one reason the title has to be checked rather than assumed.
- Gathering documents. Death certificates, identity documents, mortgage details, and the will all have to be assembled, and delays here are common and avoidable.

How to keep it moving

- Find out which track you are on early, by having the title and the ownership checked. It tells you immediately whether you are looking at weeks or months.
- If probate is needed, start it promptly. It is usually the longest step.
- Gather the documents without waiting to be asked.
- Deal with the mortgage early, rather than discovering it late.
- Get everyone entitled on the same page as soon as possible where there are several.

Bottom line

Clearing title after a death is quick when the home passes by survivorship and slow when it has to go through the estate, because the estate route almost always requires probate, which takes months. The usual causes of delay, obtaining probate, dealing with the mortgage, a missing survey, coordinating multiple beneficiaries, and the occasional severed joint tenancy, are mostly manageable if they are tackled early. The first and most useful step is simply to find out which track you are on. Talk to us and we will tell you, and handle the title work from there.

This is general information about the timing of title transfers after a death in Ontario, not legal advice for your situation, and it is not estate-administration advice. Timelines depend on the specific facts and on the court's processing of any probate application. Talk to us about your situation.

Questions about your own situation? Book a free consultation at lucianolegal.com/contact.html, call 647-479-4585, or email info@lucianolegal.com.

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