

Aliens' Real Property Rights



By Brian Madigan LL.B.

You might wonder whether aliens can own property in Ontario. The answer is a quick: “yes they can”.

The rules related to aliens, who by the way are merely foreign nationals, subjects of a foreign jurisdiction or individuals who are not residents or citizens.

There is a short statute known as the “Alien’s real Property Act” which details the rights. In fact, there are only two provisions:

Aliens’ powers as to real estate

1. Every alien has the same capacity to take by gift, conveyance, descent, devise, or otherwise, and to hold, possess, enjoy, claim, recover, convey, devise, impart and transmit real estate in Ontario as a natural born or a naturalized subject of Her Majesty.

Descent of real estate of aliens

2. The real estate in Ontario of an alien dying intestate descends and may be transmitted as if it had been the real estate of a natural born or a naturalized subject of Her Majesty.

Consequently, aliens have the same rights, including the right to leave their estates to the Crown should they die intestate.

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