

1970

c 454 Survivorship Act

Ontario

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CHAPTER 454

The Survivorship Act

1.—(1) Where two or more persons die at the same time or in circumstances rendering it uncertain which of them survived the other or others, such deaths shall, subject to subsections 2 and 3, for all purposes affecting the title to property, be presumed to have occurred in the order of seniority, and accordingly the younger shall be deemed to have survived the older.

Order of death presumed

(2) This section shall be read and construed subject to sections 197 and 260 of *The Insurance Act* and section 36 of *The Wills Act*.

Exceptions R.S.O. 1970, cc. 224, 499

(3) Where a testator and a person who, if he had survived the testator, would have been a beneficiary of property under the will, die at the same time or in circumstances rendering it uncertain which of them survived the other, and the will contains provisions for the disposition of the property in case that person had not survived the testator or died at the same time as the testator or in circumstances rendering it uncertain which survived the other, then for the purpose of that disposition the will takes effect as if that person had not survived the testator or died at the same time as the testator or in circumstances rendering it uncertain which survived the other, as the case may be. R.S.O. 1960, c. 391, s. 1.

Idem

