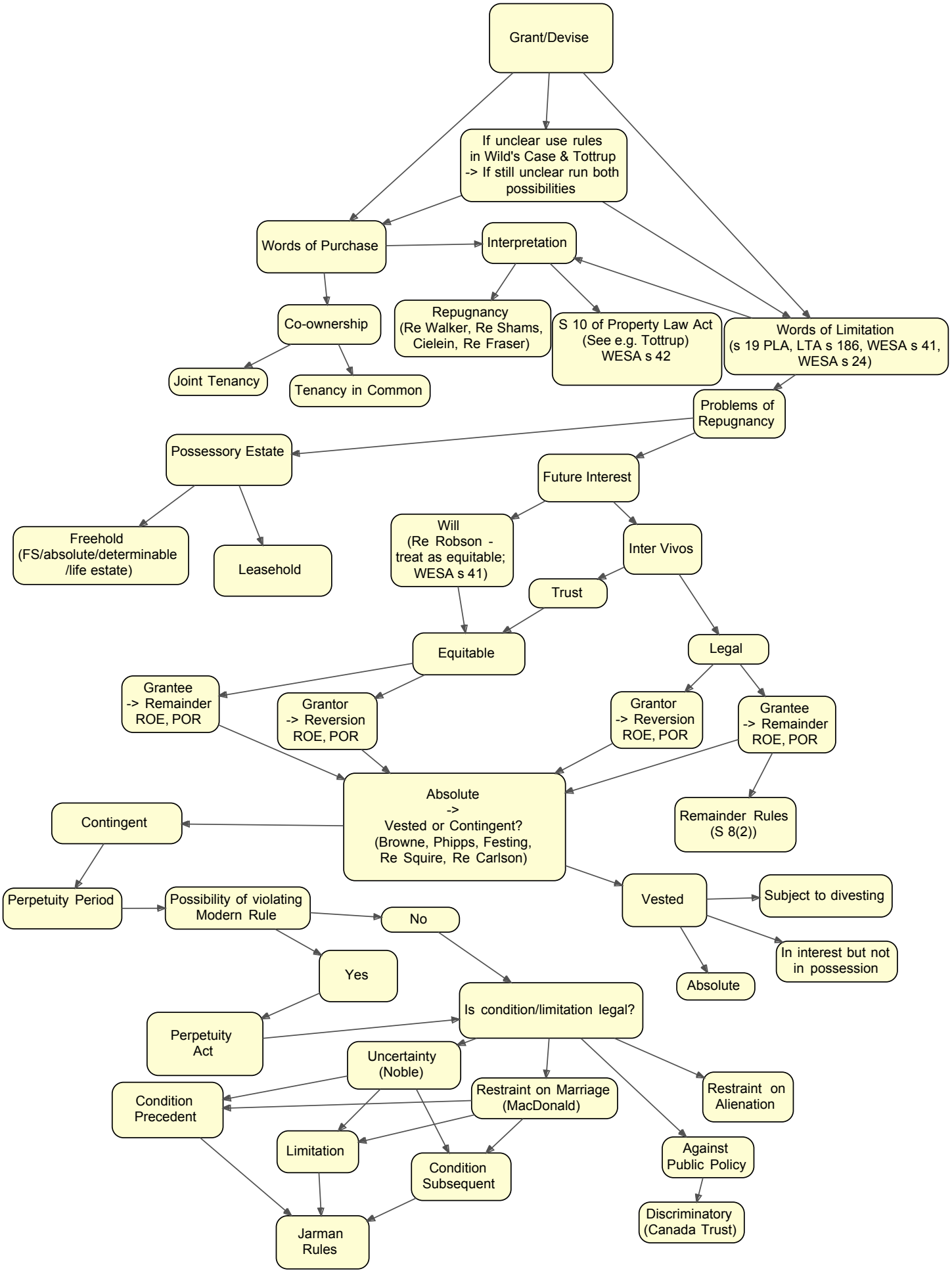
Grant/Devise
If unclear use rules in Wild's Case & Tottrup -> If still unclear run both possibilities
Words of Purchase
Interpretation
Co-ownership
Repugnancy (Re Walker, Re Shams, Cielein, Re Fraser)
S 10 of Property Law Act (See e.g. Tottrup) WESA s 42
Words of Limitation (s 19 PLA, LTA s 186, WESA s 41, WESA s 24)
Joint Tenancy
Tenancy in Common
Problems of Repugnancy
Possessory Estate
Future Interest
Freehold (FS/absolute/determinable /life estate)
Leasehold
Will (Re Robson - treat as equitable; WESA s 41)
Inter Vivos
Trust
Equitable
Legal
Grantee -> Remainder ROE, POR
Grantor -> Reversion ROE, POR
Grantor -> Reversion ROE, POR
Grantee -> Remainder ROE, POR
Absolute -> Vested or Contingent? (Browne, Phipps, Festing, Re Squire, Re Carlson)
Remainder Rules (S 8(2))
Contingent
Perpetuity Period
Possibility of violating Modern Rule
No
Yes
Vested
Subject to divesting
In interest but not in possession
Absolute
Is condition/limitation legal?
Perpetuity Act
Uncertainty (Noble)
Restraint on Marriage (MacDonald)
Restraint on Alienation
Condition Precedent
Limitation
Condition Subsequent
Against Public Policy
Discriminatory (Canada Trust)
Jarman Rules