

Subject: **PROPERTY OF MINORS**

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BACKGROUND

By virtue of the Age of Majority Act, an individual ceases to be a minor and attains the age of majority on reaching the age of 18 years. (1) This provision applies to the use of the term "adult".(2) Because a contract entered into by a minor is voidable by law, (3) section 43 of the Land Titles Act requires that satisfactory evidence be provided that the person executing a transfer, mortgage, encumbrance or lease is an adult. Proof of the age of the individual executing the document is to be provided in the affidavit of execution in the prescribed form (FORM 31), (4) which requires that the affiant swear that, in his belief, the individual executing the document is of the full age of 18 years. If the affidavit shows that the individual has not attained the age of majority, the provisions of the Minors' Property Act must be complied with.

Under the Minors' Property Act, the Court of Queen's Bench of Alberta (5) may order that the real property or any part of it owned by a minor be sold, leased or otherwise disposed of. The court may also order the minor to convey the estate. (6) Every conveyance made pursuant to the terms of the Minors' Property Act is as effectual as if the minor had executed it and had been an adult at that time.(7)

REGISTRATION PROCEDURE

1. A document executed by a minor is only registrable if a certified copy of the order of the Court of Queen's Bench sanctioning it is presented for registration and the document complies with the terms of the order. The order is attached to the document.

STATUTE AND CASE REFERENCES

Statute references are to the Minors' Property Act, R.S.A. 2000, c. M-18 unless otherwise indicated.

1. s. 1, Age of Majority Act, R.S.A. 2000, c. A-6
2. s. 3, Age of Majority Act
3. *Coull v. Kobluc* (1969), 68 W.W.R. 77 (Alta. D.C.); *Fannon v. Dobranski* (1970), 73 W.W.R. 371 (Alta. D.C.)
4. Land Titles Act, Forms Regulation, Alberta Regulation 480/81
5. s. 1
6. s. 2
7. s. 5