# *TD 13 - Capital Gains: Is there a change in ownership when property held in joint tenancy is converted into a tenancy in common?*

*CGT Cell Determinations do not have the force of law, but can be relied upon as being the considered view of the ATO. Unless otherwise stated, the view expressed may be applied to transactions entered into both before and after the date of issue of the Determination.*

# CGT Determination Number 13

## Capital Gains: Is there a change in ownership when property held in joint tenancy is converted into a tenancy in common?

## Determination

Provided there is no change in beneficial ownership, a conversion from a joint tenancy into a tenancy in common in equal shares would not amount to a disposal for the purposes of section 160M.

2. In any event, the CGT provisions apply as if joint tenants owned the relevant property as tenants in common in equal shares (paragraph 160ZN(1)(a)).

COMMISSIONER OF TAXATION
10 September 1991

FOI INDEX DETAIL: Reference No. CGT 13

Subject Ref: Joint tenancy
Tenancy in common

Legislative Ref: 160ZN(1)(a) ATO Ref: N.O. 12.87/3604-9

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