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| Wills - estate trustee - appointment (issues re: unusual assets or foreign elements) | | | 431(R)-432(L) | 9.1 | |
| Conflict of interest - appointment of estate trustee | | | 431(R)-432(L) | 9.1 | |
| Estate Trustee - Appointment - Conflict of interest | | | 431(R)-432(L) | 9.1 | |
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| Trust company - appointment - estate trustee | | | 432(L) | 9.1 | |
| Wills - estate trustee - trust company | | | 432(L) | 9.1 | |
| Wills - estate trustee - trust company provision for removal | | | 432(L) | 9.1 | |
| Wills - estate trustee - removal of trust company provision | | | 432(L) | 9.1 | |
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| Wills - appointment of custody for minor children | | | 432(L) | 9.2 | |
| Wills - child custody - appointment | | | 432(L) | 9.2 | |
| Wills - Custodians for minor children - Appointment | | | 432(L) | 9.2 | |
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| Custody - child - wills - application for permanent appointment | | | 432(R) | 9.2 | |
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| Wills - Custodians for minor children - temporary vs. permanent appointment | | | 432(R) | 9.2 | |
| Guardians - minor children - property - wills | | | 432(R) | 9.3 | |
| Guardians - property - minor children - wills | | | 432(R) | 9.3 | |
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| Funeral and burial instructions - authority with estate trustee | | | 432(R) | 9.4 | |
| Wills - burial and funeral instructions - authority with estate trustee | | | 432(R) | 9.4 | |
| Wills - estate trustee - authority over burial and funeral instructions | | | 432(R) | 9.4 | |
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| Beneficiaries - description of each | | | 433(L) | 9.5 | |
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| Wills - beneficiaries - charities | | | 433(L-R) | 9.5 | |
| Wills - Beneficiaries - issues to canvass | | | 433(L-R) | 9.5 | |
| Wills - Charities - beneficiaries | | | 433(L-R) | 9.5 | |
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| Wills - matrimonial home or cottage - joint tenancy | | | 435(L) | 9.7 | |
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| Wills - power of appointment given to child - *Saunders v Vautier* rule invoked - *Robinson v Royal Trust Company; Guest v Lott* | | | 439 (L-R) | 10.4.4 | |
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| Scope of authority - continuing POA  (anything but make will for grantor) | | | 441(R) | 3.1 | |
| Continuing POA - effective when (property) | | | 441(R)-442(L) | 3.1 | |
| Continuing POA - when effective | | | 441(R)-442(L) | 3.1 | |
| POA - maintaining validity after incapacity | | | 441(R)-442(L) | 3.1 | |
| POA - Property - Conditions on authority (i.e., subject matter, effective date) | | | 441(R)-442(L) | 3.1 | |
| POA - Property - effective when | | | 441(R)-442(L) | 3.1 | |
| POA - Property - scope of authority | | | 441(R)-442(L) | 3.1 | |
| POA - Property - When effective | | | 441(R)-442(L) | 3.1 | |
| POA - Property - When to use POA | | | 441(R)-442(L) | 3.1 | |
| POA - Limiting efficacy of - Additional requirements (letter from physician) - issues and alternatives | | | 442(L) | 3.1 | |
| Continuing POA for property - Limiting efficacy of - Additional requirements (letter from physician) - issues and alternatives | | | 442(L) | 3.1 | |
| Continuing POA - physician’s letter | | | 442(L) | 3.1 | |
| Physician’s letter - continuing POA | | | 442(L) | 3.1 | |
| POA - Property - incapacity - additional reassurance | | | 442(L) | 3.1 | |
| POA - Property - physician’s letter | | | 442(L) | 3.1 | |
| POA - Property - lodge continuing POA document to third party with clear conditions or release, making it effective - avoids problem where grantor still wants to make decisions while capable | | | 442(L) | 3.1 | |
| POA - Property - Assessor - Mental Health Assessment SDA s. 9(3) | | | 442(L) | 3.1 | |
| Age requirement - Continuing POA (attorney cannot act until grantor is 18) - possible misperception | | | 442(L-R) | 3.2 | |
| Capacity - continuing POA - age of attorney (18) | | | 442(L-R) | 3.2 | |
| Capacity - Continuing POA - age of grantor and S.8 SDA conditions | | | 442(L-R) | 3.2 | |
| Capacity - POA - property - age of attorney (18) | | | 442(L-R) | 3.2 | |
| Capacity - POA - property - age of grantor and s.8 SDA conditions | | | 442(L-R) | 3.2 | |
| Continuing POA - age of grantor | | | 442(L-R) | 3.2 | |
| Continuing POA - Capacity of grantor - test | | | 442(L-R) | 3.2 | |
| Continuing POA - test of capacity for grantor | | | 442(L-R) | 3.2 | |
| POA - Property - age requirement (18) | | | 442(L-R) | 3.2 | |
| POA - Property - capacity - age of grantor and s.8 SDA conditions | | | 442(L-R) | 3.2 | |
| POA - Property - Capacity of Grantor + 18 yrs & SDA s.8 | | | 442(L-R) | 3.2 | |
| POA - Property - Grantor - age requirement (18) | | | 442(L-R) | 3.2 | |
| *Substitute Decisions Act* - POA - age requirement | | | 442(L-R) | 3.2 | |
| *Godelie v Public Trustee* - alternative test for capacity for giving continuing POA | | | 442(R) | 3.2 | |
| POA - Property - Assessment of capacity (SDA s.8) | | | 442(R) | 3.2 | |
| POA - Property - Capacity of grantor - alternative test - *Godelie v Public Trustee* | | | 442(R) | 3.2 | |
| POA - Property - Capacity of grantor - test | | | 442(R) | 3.2 | |
| POA - Property - Grantor - test for capacity | | | 442(R) | 3.2 | |
| POA - Property - Test for capacity of grantor | | | 442(R) | 3.2 | |
| Continuing POA - Form and Execution | | | 442(R)-443(L) | 3.3 | |
| POA - Property - appointing multiple attorneys | | | 442(R)-443(L) | 3.3 | |
| POA - Property - Form and Execution - must be referred to as continuing power of attorney or express intention that authority given to attorney may be exercised during the grantor’s subsequent incapacity to manage property | | | 442(R)-443(L) | 3.3 | |
| POA - Property - multiple attorneys | | | 442(R)-443(L) | 3.3 | |
| Continuing POA - Execution | | | 442(R)-443(L) | 3.3 | |
| Continuing POA - Execution - disqualified witnesses (Property and Care the same) | | | 442(R)-443(L) | 3.3 | |
| Continuing POA - Witnesses | | | 442(R)-443(L) | 3.3 | |
| POA - Property - Execution - disqualified witnesses (Property and Care the same) | | | 442(R)-443(L) | 3.3 | |
| POA - Property - Execution - people who cannot witness | | | 442(R)-443(L) | 3.3 | |
| POA - Property - Execution requirements for attorney (2 witnesses) | | | 442(R)-443(L) | 3.3 | |
| POA - Property - Witnesses | | | 442(R)-443(L) | 3.3 | |
| Witnesses - POA - persons disqualified as | | | 442(R)-443(L) | 3.3 | |
| Continuing POA - assets in foreign jurisdiction | | | 443(L) | 3.4 | |
| Foreign jurisdiction - assets - POA | | | 443(L) | 3.4 | |
| Jurisdiction - foreign assets in other - power of attorney | | | 443(L) | 3.4 | |
| Other jurisdictions - POA - cannot assume sufficient authority | | | 443(L) | 3.4 | |
| POA - Property - Foreign jurisdictions - POA not assumed valid | | | 443(L) | 3.4 | |
| Continuing POA - Attorney resident in US - inadvisable if an investment portfolio exists with a Canadian brokerage | | | 443(R) | 3.4.1 | |
| Continuing POA - US resident attorney - inadvisable if an investment portfolio exists with a Canadian brokerage | | | 443(R) | 3.4.1 | |
| POA - Property - Attorney resident in US - inadvisable if an investment portfolio exists with a Canadian brokerage | | | 443(R) | 3.4.1 | |
| POA - Property - US resident attorney - inadvisable if an investment portfolio exists with a Canadian brokerage | | | 443(R) | 3.4.1 | |
| US resident - POA- inadvisable if an investment portfolio exists with a Canadian brokerage | | | 443(R) | 3.4.1 | |
| Continuing POA - Resignation of attorney | | | 443(R) | 3.5 | |
| Continuing POA - Termination | | | 443(R) | 3.5 | |
| POA - Property - death - termination | | | 443(R) | 3.5 | |
| POA - Property - events that lead to termination | | | 443(R) | 3.5 | |
| POA - Property - Notice to third parties re: termination | | | 443(R) | 3.5 | |
| POA - Property - Resignation by attorney | | | 443(R) | 3.5 | |
| POA - Property - Termination | | | 443(R) | 3.5 | |
| POA - Property - Termination - events that lead to | | | 443(R) | 3.5 | |
| POA - Property - Termination - resignation | | | 443(R) | 3.5 | |
| POA - Property - Termination on death of attorney or grantor | | | 443(R) | 3.5 | |
| Continuing POA - multiple appointments | | | 443(R)-444(L) | 3.5 | |
| POA - Property - Multiple appointments - can co-exist or revoke prior POL | | | 443(R)-444(L) | 3.5 | |
| Continuing POA - revocation | | | 444(L) | 3.6 | |
| POA - Property - Revocation - Protection of third parties | | | 444(L) | 3.6 | |
| POA - Property - Revocation where grantor has capacity - requirements - same as for making one - SDA s. 12(2) | | | 444(L) | 3.6 | |
| POA - Property - Revocation: protection for third parties | | | 444(L) | 3.6 | |
| Revocation - POA | | | 444(L) | 3.6 | |
| Continuing POA - Expenditures of attorneys: dependants and legal obligations | | | 444(L-R) | 3.7 | |
| Continuing POA - Expenditures of attorneys: re: education, support, care | | | 444(L-R) | 3.7 | |
| POA - Property - Expenditures of attorneys: dependants and legal obligations | | | 444(L-R) | 3.7 | |
| POA - Property - Expenditures of attorneys: re: education, support, care | | | 444(L-R) | 3.7 | |
| Continuing POA - authorized expenditures, gifts, loans | | | 444(L-R) | 3.7 | |
| Continuing POA - expenditures that are allowed vs. prohibited | | | 444(L-R) | 3.7 | |
| POA - Property - authorized expenditures, gifts, loans | | | 444(L-R) | 3.7 | |
| POA - Property - Expenditures of attorneys | | | 444(L-R) | 3.7 | |
| POA - Property - expenditures that are allowed vs. prohibited | | | 444(L-R) | 3.7 | |
| Authorized expenditures - POA - Property - *Banton v Banton* (property) | | | 444(R) | 3.7 | |
| *Banton v Banton* - POA - Property - will substitutes via *inter vivos* trust not permitted (Property) | | | 444(R) | 3.7 | |
| Continuing POA - *Banton v Banton* - will substitutes via *inter vivos* trust not permitted | | | 444(R) | 3.7 | |
| Continuing POA - Charitable gifts by attorney (max 20% grantor income) | | | 444(R) | 3.7 | |
| Continuing POA - Gifts and loans by attorneys (deemed by SDA to be for benefit of grantor) | | | 444(R) | 3.7 | |
| Continuing POA - gifts and loans contrary to grantor’s wishes | | | 444(R) | 3.7 | |
| Continuing POA - No power to make will (no large-scale gifting) | | | 444(R) | 3.7 | |
| Continuing POA - will substitutes via *inter vivos* trust not permitted - *Banton v Banton* | | | 444(R) | 3.7 | |
| POA - Property - *Banton v Banton* - will substitutes via *inter vivos* trust not permitted | | | 444(R) | 3.7 | |
| POA - Property - Charitable gifts by attorney (max 20% grantor income) | | | 444(R) | 3.7 | |
| POA - Property - contrary to grantor’s wishes - gifts and loans | | | 444(R) | 3.7 | |
| POA - Property - Gifts (large-scale) - no power to make will | | | 444(R) | 3.7 | |
| POA - Property - Gifts and loans by attorneys (deemed by SDA to be for benefit of grantor) | | | 444(R) | 3.7 | |
| POA - Property - Gifts and loans by attorneys: limits | | | 444(R) | 3.7 | |
| POA - Property - Gifts and loans prohibited where contrary to grantor’s wishes | | | 444(R) | 3.7 | |
| POA - Property - No power to make will (thus, no large-scale gifting) | | | 444(R) | 3.7 | |
| POA - Property - will substitutes via *inter vivos* trust not permitted - *Banton v Banton* | | | 444(R) | 3.7 | |
| Continuing POA - will contents - attorney must read grantor’s will | | | 444(BR)-445(L) | 3.8 | |
| POA - Property - will contents - attorney must read grantor’s will | | | 444(BR)-445(L) | 3.8 | |
| Will contents - POA - Property - attorney must read grantor’s will | | | 444(BR)-445(L) | 3.8 | |
| Continuing POA - will contents | | | 444(BR)-445(L) | 3.8 | |
| Anti-Ademption rules - where attorney under POA distributes gift | | | 445(L) | 3.8 | |
| Continuing POA - anti-ademption of willed gifts | | | 445(L) | 3.8 | |
| Continuing POA - attorney - cannot dispose assets gifted in will | | | 445(L) | 3.8 | |
| POA - Property - Anti-ademption of willed gifts | | | 445(L) | 3.8 | |
| POA - Property - attorney - cannot dispose assets gifted in will | | | 445(L) | 3.8 | |
| POA - Property - Expenditures of attorneys: anti-ademption not applied for certain dispositions | | | 445(L) | 3.8 | |
| POA - Property - Will Contents - Attorney prohibited from disposing of gifted property unless... | | | 445(L) | 3.8 | |
| Continuing POA - Attorney - Accounting Responsibilities | | | 445(BL) | 3.9 | |
| POA - Property - Attorney - Accounting Responsibilities | | | 445(BL) | 3.9 | |
| Continuing POA - Attorney - standard of care | | | 445(L-R) | 3.9 | |
| Continuing POA - standard of care | | | 445(L-R) | 3.9 | |
| POA - Property - Accounting responsibilities | | | 445(L-R) | 3.9 | |
| POA - Property - Attorney - standard of care | | | 445(L-R) | 3.9 | |
| POA - Property - Fiduciary Duty | | | 445(L-R) | 3.9 | |
| POA - Property - Standard of care (i.e. fiduciary) | | | 445(L-R) | 3.9 | |
| Standard of care - POA | | | 445(L-R) | 3.9 | |
| Continuing POA - Standard of care - paid vs. unpaid | | | 445(L) | 3.9 | |
| POA - Property - Standard of care - paid vs. unpaid | | | 445(L) | 3.9 | |
| Compensation - POA | | | 445(R) | 3.10 | |
| Continuing POA - Attorney - compensation | | | 445(R) | 3.10 | |
| Continuing POA - compensation | | | 445(R) | 3.10 | |
| POA - Property - Attorney - compensation | | | 445(R) | 3.10 | |
| POA - Property - Compensation for attorney | | | 445(R) | 3.10 | |
| POA - Property - Compensation for attorney - see document, or use SDA s. 40 | | | 445(R) | 3.10 | |
| Consent to medical treatment - POA - Personal Care | | | 445(R) | 4 | |
| *Health Care Consent Act* - POA for personal care - treatment | | | 445(R) | 4 | |
| Personal care - definition (POA) | | | 445(R) | 4 | |
| Personal care POA  See also: POA - Personal Care | | | 445(R) | 4 | |
| Personal Care Power of Attorney  SEE: POA - Personal Care | | | 445(R) | 4 | |
| POA - Personal Care | | | 445(R) | 4 | |
| POA - Personal Care - definition | | | 445(R) | 4 | |
| POA - Personal Care - *Health Care Consent Act* (1996) | | | 445(R) | 4 | |
| POA - Personal care - When to use | | | 445(R) | 4 | |
| POA - When to use - Personal care | | | 445(R) | 4 | |
| Age requirement - POA for Personal Care (attorney cannot act until grantor is 16) - possible misperception | | | 446(L) | 4.1 | |
| Capacity - POA - Personal Care | | | 446(L) | 4.1 | |
| Personal care POA - Capacity of attorney | | | 446(L) | 4.1 | |
| Personal care POA - Capacity of grantor | | | 446(L) | 4.1 | |
| POA - Personal care - age requirement | | | 446(L) | 4.1 | |
| POA - Personal care - Assessment of capacity | | | 446(L) | 4.1 | |
| POA - Personal care - Capacity - understand whether proposed attorney has genuine concern for grantor’s welfare and appreciate that the person may need to have the proposed attorney make decisions for them | | | 446(L) | 4.1 | |
| POA - Personal care - capacity - Spouse: definition (s. 1 SDA) | | | 446(L) | 4.1 | |
| POA - Personal care - Capacity of Attorney | | | 446(L) | 4.1 | |
| POA - Personal care - Capacity of Grantor | | | 446(L) | 4.1 | |
| POA - Personal care - Exercising Attorney under SDA | | | 446(L) | 4.1 | |
| POA - Personal care - Grantor - capacity requirements | | | 446(L) | 4.1 | |
| POA - Personal care - Individuals prohibited from acting as POA | | | 446(L) | 4.1 | |
| Spouse - SDA - definition - POA - care | | | 446(L) | 4.1 | |
| Personal care POA - execution - same as continuing POA | | | 446(L) | 4.2 | |
| Personal care POA - form and execution - same as continuing POA | | | 446(L) | 4.2 | |
| POA - Personal care - Execution requirements for attorney - same as continuing POA | | | 446(L) | 4.2 | |
| POA - Personal care - form and execution - same as continuing POA | | | 446(L) | 4.2 | |
| POA - Personal care - Witnesses - same as continuing POA | | | 446(L) | 4.2 | |
| Care POA - foreign law issues | | | 446(R) | 4.3 | |
| Foreign law issues - POA - Personal Care | | | 446(R) | 4.3 | |
| Personal care POA - foreign law issues | | | 446(R) | 4.3 | |
| POA - Personal Care - foreign law issues | | | 446(R) | 4.3 | |
| Personal care POA - resignation  See POA - Resignation by attorney | | | 446(R) | 4.4  3.5 | |
| Personal care POA - termination/resignation | | | 446(R) | 4.4 | |
| POA - Personal care - Resignation  See POA - Property - Resignation by attorney | | | 446(R) | 4.4  3.5 | |
| POA - Personal Care - Termination | | | 446(R) | 4.4 | |
| POA - Personal Care - Termination on death of attorney | | | 446(R) | 4.4 | |
| Termination - POA - Personal care | | | 446(R) | 4.4 | |
| Personal care POA - Revocation  See creation test | | | 446(R)  446(L) | 4.5  4.1 | |
| POA - Personal Care - Capacity to revoke POA - SDA s.47(3) same as test for making one  See creation test | | | 446(R)  446(L) | 4.5  4.1 | |
| POA - Personal Care - Revocation  See creation test | | | 446(R)  446(L) | 4.5  4.1 | |
| Revocation - POA - Personal Care  See creation test | | | 446(R)  446(L) | 4.5  4.1 | |
| Disputes - POA Personal Care - co-attorneys | | | 446(R) | 4.6 | |
| Multiple attorneys - disputes - POA Personal Care | | | 446(R) | 4.6 | |
| Personal care POA - Disputes among co-attorneys | | | 446(R) | 4.6 | |
| Personal care POA - Multiple appointments: disputes | | | 446(R) | 4.6 | |
| POA - Personal Care - Disputes among co-attorneys | | | 446(R) | 4.6 | |
| POA - Personal Care - Multiple appointments: disputes | | | 446(R) | 4.6 | |
| Personal care POA - capacity assessment | | | 447(L) | 4.7 | |
| Personal care POA - conditions on when attorney can exercise powers | | | 447(L) | 4.7 | |
| Personal care POA - Conditions/restrictions on attorney authority | | | 447(L) | 4.7 | |
| Personal care POA - restrictions/conditions on attorney authority | | | 447(L) | 4.7 | |
| Personal care POA - when attorney powers effective | | | 447(L) | 4.7 | |
| POA - Personal Care - capacity assessment | | | 447(L) | 4.7 | |
| POA - Personal Care - conditions on when attorney can exercise powers | | | 447(L) | 4.7 | |
| POA - Personal Care - Conditions/restrictions on attorney authority | | | 447(L) | 4.7 | |
| POA - Personal Care - Restrictions/conditions on attorney authority | | | 447(L) | 4.7 | |
| POA - Personal Care - when attorney powers effective | | | 447(L) | 4.7 | |
| Living will provisions | | | 447(L-R) | 4.8 | |
| Living will provisions - POA | | | 447(L-R) | 4.8 | |
| Obligation/requirements to respect grantor wishes - POA - Personal Care | | | 447(L-R) | 4.8 | |
| Personal care POA - living will | | | 447(L-R) | 4.8 | |
| Personal care POA - obligations to respect grantor wishes (living wills) | | | 447(L-R) | 4.8 | |
| Personal care POA - substitute decision-maker - obligation to respect grantor wishes (living wills) | | | 447(L-R) | 4.8 | |
| POA - Personal Care - living will | | | 447(L-R) | 4.8 | |
| POA - Personal Care - Obligation/requirements to respect grantor wishes | | | 447(L-R) | 4.8 | |
| POA - Personal Care - obligations to respect grantor wishes (living wills) | | | 447(L-R) | 4.8 | |
| POA - Personal Care - substitute decision-maker - obligation to respect grantor wishes (living wills) | | | 447(L-R) | 4.8 | |
| Requirements/obligations to respect grantor wishes - POA - Personal Care (living wills) | | | 447(L-R) | 4.8 | |
| Substitute decision-maker - obligation to respect grantor wishes - POA- Personal Care (living wills) | | | 447(L-R) | 4.8 | |
| Best interests of incapable person analysis - POA - Personal Care | | | 447(R)-448(L) | 4.9 | |
| Personal care POA - best interests of incapable person analysis | | | 447(R)-448(L) | 4.9 | |
| Personal care POA - standard of care | | | 447(R)-448(L) | 4.9 | |
| POA - Personal Care - best interests of incapable person analysis | | | 447(R)-448(L) | 4.9 | |
| POA - Personal Care - principles -- attorney as a fiduciary | | | 447(R)-448(L) | 4.9 | |
| POA - Personal Care - standard of care | | | 447(R)-448(L) | 4.9 | |
| POA - Personal Care - Standard of care and record-keeping | | | 447(R)-448(L) | 4.9 | |
| Standard of care - POA - Personal Care | | | 447(R)-448(L) | 4.9 | |
| Personal care POA - recordkeeping | | | 448(L-R) | 4.9 | |
| POA - Personal Care - recordkeeping | | | 448(L-R) | 4.9 | |
| Recordkeeping - POA - Personal Care | | | 448(L-R) | 4.9 | |
| Attorney (POA) - Compensation | | | 448(L-R) | 4.10 | |
| Compensation - POA - Personal Care | | | 448(L-R) | 4.10 | |
| Personal care POA - Compensation (for attorney) | | | 448(L-R) | 4.10 | |
| POA - Personal Care - Compensation | | | 448(L-R) | 4.10 | |
| Combined POA forms - avoid | | | 448(R) | 5 | |
| POA - Avoid combined POA forms (different tests for Care and Property) | | | 448(R) | 5 | |
| POA - Combined POA forms - avoid | | | 448(R) | 5 | |
| POA - Combining POAPC and POAP | | | 448(R) | 5 | |
| Affidavit of execution - POA - witness signs | | | 448(R) | 6 | |
| Capacity - POA - solicitor must assess | | | 448(R) | 6 | |
| Capacity of grantor - solicitor must assess - POA | | | 448(R) | 6 | |
| Execution - POA - witness | | | 448(R) | 6 | |
| POA - affidavit of execution - witness signs | | | 448(R) | 6 | |
| POA - capacity of grantor - solicitor must assess | | | 448(R) | 6 | |
| POA - execution - witness | | | 448(R) | 6 | |
| POA - Practice issues: obligations of solicitor to assess capacity | | | 448(R) | 6 | |
| POA - Practice issues: solicitor must assess capacity of grantor | | | 448(R) | 6 | |
| POA - witness - execution | | | 448(R) | 6 | |
| Witness - POA - execution | | | 448(R) | 6 | |
| Copies of documents - POA | | | 448(R)-449(L-R) | 6 | |
| POA - copies of documents | | | 448(R)-449(L-R) | 6 | |
| POA - Practice issues: copies of POA, held by whom | | | 448(R)-449(L-R) | 6 | |
| GUARDIAN - PROPERTY - STANDARD PROCEDURE | | | 451 | 1 | |
| Personal service - guardian of property - SDA requirements (standard) ss. 69(1) and (8) | | | 451(L-R) | 1.1.1 | |
| Appointment - guardian (property, standard) | | | 451(L-R) | 1.1.1 | |
| Notice of application - guardian appointment (property, standard) | | | 451(L-R) | 1.1.1 | |
| Guardian - property - standard procedure - applicant need not be person applying to be guardian (but often is) | | | 451(L) | 1.1.1 | |
| Guardian - property - standard procedure - appointment commencement (ss. 22 and 25 SDA) - requires finding that respondent is incapable | | | 451(L) | 1.1.1 | |
| Guardian - property - standard procedure - notice of application (s. 22(1) SDA) | | | 451(L) | 1.1.1 | |
| Guardian - property - standard procedure - who cannot be a guardian (s. 24(1) SDA) | | | 451(L) | 1.1.1 | |
| Guardian - property - standard procedure - rules of civil procedure rr. 14.05(2)-(3) | | | 451(L) | 1.1.1 | |
| Guardian - property - standard procedure - affidavit information included | | | 451(R) | 1.1.2 | |
| Guardian - property - standard procedure - affidavit of applicant and contents | | | 451(R)-452(L) | 1.1.2 | |
| Affidavit of applicant and contents - Guardian - property - standard procedure | | | 451(R)-452(L) | 1.1.2 | |
| Guardian - property - standard procedure - management plans - court considers best interest of incapable person | | | 452(L) | 1.1.3 | |
| Management plans - guardian - property - standard procedure - court considers best interest of incapable person | | | 452(L) | 1.1.3 | |
| Guardian - property - standard procedure - medical affidavits | | | 452(L) | 1.1.4 | |
| Guardian - property - standard procedure - *Re Avery -* medical affidavits | | | 452(L) | 1.1.4 | |
| Medical affidavits - general practice in guardian applications (property, standard) | | | 452(L) | 1.1.4 | |
| Medical affidavits - guardian - property - standard procedure | | | 452(L) | 1.1.4 | |
| *Re Avery* - medical affidavits - Guardian - property - standard procedure | | | 452(L) | 1.1.4 | |
| *Re Avery* - medical affidavits (2) for guardian of property appointment (standard) | | | 452(L) | 1.1.4 | |
| Guardian - property - standard procedure - personal service of application record on respondents - manner set out in r.16.01(1) - (3) of the Rules of Civil Procedure | | | 452(L-R) | 1.2 | |
| Guardian - property - standard procedure - service of application record by mail on specified relatives | | | 452(L-R) | 1.2 | |
| Service of application record - guardian - property - standard procedure | | | 452(L-R) | 1.2 | |
| Guardian - property - standard procedure - response to service of application record | | | 452(R) | 1.3 | |
| Response to service of application record - guardian of property - standard procedure | | | 452(R) | 1.3 | |
| Response to service application - notice of appearance - required by r.38.07(1) | | | 452(R) | 1.3.1 | |
| Response to service application - specified relatives - not automatically respondents but can become so at any stage under r.38.07(1) | | | 452(R) | 1.3.2 | |
| Guardian - property - standard procedure - joint guardians | | | 452(BR)-453(TL) | 1.4 | |
| Joint guardians - guardian - property - standard procedure | | | 452(BR)-453(TL) | 1.4 | |
| Guardian - property - standard procedure - hearing and judgment - ss. 22 and 24-25 of the SDA | | | 452(BR)-453(TL) | 1.4 | |
| Hearing - guardian - property - standard procedure - ss. 22 and 24-25 of the SDA | | | 452(BR)-453(TL) | 1.4 | |
| Judgment - guardian - property - standard procedure - ss. 22 and 24-25 of the SDA | | | 452(BR)-453(TL) | 1.4 | |
| Costs and security - guardian - property - standard procedure | | | 452(BR)-453(TL) | 1.4 | |
| Guardian - property - standard procedure - costs and security | | | 452(BR)-453(TL) | 1.4 | |
| Guardian - property - standard procedure - management plans need not be incorporated into court judgment | | | 452(BR)-453(TL) | 1.4 | |
| Guardian - property - standard procedure - passing of accounts | | | 452(BR)-453(TL) | 1.4 | |
| Management plans - need not be incorporated into judgment - guardian - court hearing and judgment | | | 452(BR)-453(TL) | 1.4 | |
| Passing of accounts - guardian - property - standard procedure | | | 452(BR)-453(TL) | 1.4 | |
| GUARDIAN - PROPERTY - SUMMARY PROCEDURE | | | 453(L-R) | 2 | |
| Summary disposition procedure - guardian - property | | | 453(L-R) | 2 | |
| Guardian - property - summary procedure - extra steps means this procedure is rarely used | | | 453(TR) | 2 | |
| Comparison - standard procedure vs. summary procedure - guardian - property  SEE ALSO: flowcharts to compare | | | 453(L-R)  459-460 | 2 | |
| Guardian - property - standard procedure versus summary procedure  SEE ALSO: flowcharts to compare | | | 453(L-R)  459-460 | 2 | |
| Affidavit - guardian - property - summary procedure | | | 453(R) | 2.1 | |
| Guardian - property - summary procedure - notice of application and affidavit (initial documents) | | | 453(R) | 2.1 | |
| Initial documentation - guardian - property - summary procedure | | | 453(R) | 2.1 | |
| Notice of application - guardian - property - summary procedure | | | 453(R) | 2.1 | |
| Guardian - property - summary procedure - assessors, who can be one | | | 453(R) | 2.2 | |
| Assessors - Guardian - property - summary procedure | | | 453(R) | 2.2 | |
| Capacity assessment - guardian - property - summary procedure | | | 453(R) | 2.2 | |
| Guardian - property - summary procedure - assessors - one vs. two | | | 453(R) | 2.2 | |
| Assessment - conducting it - guardian - property - summary - SDA section 72(1) | | | 454(L) | 2.3 | |
| Guardian - property - summary procedure - conducting assessment - SDA s. 72(1) | | | 454(L) | 2.3 | |
| Guardian - property - summary procedure - requirements of assessor’s statements - SDA s. 72(1) | | | 454(L) | 2.3 | |
| Guardian - property - summary procedure - statement of assessor - SDA s. 72(1) | | | 454(L) | 2.3 | |
| Guardian - property - summary procedure - statement of non-assessor - SDA s. 72(1) | | | 454(L) | 2.3 | |
| Statement of assessor/non-assessor - Guardian - property - summary procedure - SDA s. 72(1) | | | 454(L) | 2.3 | |
| Guardian - property - summary procedure - receipt of statements from assessor and non-assessor | | | 454(L) | 2.4 | |
| Receipt of statements from assessors and non-assessors Guardian - property - summary procedure | | | 454(L) | 2.4 | |
| Statements from assessors and non-assessors - receipt of - Guardian - property - summary procedure | | | 454(L) | 2.4 | |
| Application record (preparation of) - Guardian - property - summary procedure | | | 454(L) | 2.5 | |
| Guardian - Property - Summary procedure - application record - contents | | | 454(L) | 2.5 | |
| Guardian - property - summary procedure - application record - preparation of | | | 454(L) | 2.5 | |
| Guardian - property - summary procedure -preparation of application record | | | 454(L) | 2.5 | |
| Application record (service of) - Guardian - property - summary procedure (same as standard) | | | 454(L) | 2.6 | |
| Guardian - property - summary procedure - application record - service of (same as standard) | | | 454(L) | 2.6 | |
| Guardian - property - summary procedure - application record - service of (same as standard) | | | 454(L) | 2.6 | |
| Guardian - property - summary procedure - service of application record (same as standard) | | | 454(L) | 2.6 | |
| Service of application record - guardian - property - summary procedure (same as standard procedure) | | | 454(L) | 2.6 | |
| Application record (response to) - Guardian - property - summary procedure (same as standard) | | | 454(L) | 2.7 | |
| Guardian - property - summary procedure - application record - response to (same as standard) | | | 454(L) | 2.7 | |
| Guardian - property - summary procedure - response to service of application record (same as standard) | | | 454(L) | 2.7 | |
| Response to service of application record - guardian of property - summary procedure [same as in standard process] | | | 454(L) | 2.7 | |
| Guardian - property - summary procedure - submission of material by registrar to judge (s.77) | | | 454(L-R) | 2.8 | |
| Submission of material by registrar to judge - Guardian - property - summary procedure (s.77) | | | 454(L-R) | 2.8 | |
| Draft judgment - Guardian - property - summary procedure | | | 454(R) | 2.8 | |
| Guardian - property - summary procedure - draft judgment | | | 454(R) | 2.8 | |
| Disposition by court - guardian - property - summary procedure (s.77(3)) | | | 454(R) | 2.9 | |
| Guardian - property - summary procedure - disposition - 3 options | | | 454(R) | 2.9 | |
| Guardian - property - summary procedure - disposition by court (s.77(3)) | | | 454(R) | 2.9 | |
| GUARDIAN - PERSON - STANDARD PROCEDURE | | | 454(BR)-455(TL) | 3 | |
| Guardian - person - standard procedure - optional third party statements s.71(1) | | | 455(L-R) | 3.1 | |
| Guardian - person - standard procedure - third party statements (optional) | | | 455(L-R) | 3.1 | |
| Third party statements (optional) - Guardian - person - standard procedure | | | 455(L-R) | 3.1 | |
| Affidavit of applicant and of application - Guardian - person - standard procedure | | | 455(L-R) | 3.1 | |
| Consent - of guardian - Guardian - person - standard procedure | | | 455(L-R) | 3.1 | |
| Guardian - person - standard procedure - affidavit of applicant and of application | | | 455(L-R) | 3.1 | |
| Guardian - person - standard procedure - guardian’s consent required | | | 455(L-R) | 3.1 | |
| Guardian - person - standard procedure - notice of application | | | 455(L-R) | 3.1 | |
| Guardian’s consent required - Guardian - person - standard procedure | | | 455(L-R) | 3.1 | |
| Notice of application - guardian - person - standard procedure | | | 455(L-R) | 3.1 | |
| Guardian - person - standard procedure - initial documentation to be prepared | | | 455(L-R) | 3.1 | |
| Initial documentation to be prepared - guardian - person - standard procedure | | | 455(L-R) | 3.1 | |
| Application record (service of) - Guardian - person - standard procedure (same as for property) | | | 455(R) | 3.2 | |
| Guardian - person - standard procedure - application record (service of) (same as for property) | | | 455(R) | 3.2 | |
| Guardian - person - standard procedure - service - same as for guardianship of property | | | 455(R) | 3.2 | |
| Guardian - person - standard procedure - service of application record (same as for property) | | | 455(R) | 3.2 | |
| Service of application record - guardian - person - standard procedure (same as for property) | | | 455(R) | 3.2 | |
| Service of application record - guardian of person - standard procedure (same as property) | | | 455(R) | 3.2 | |
| Guardian - person - standard procedure - response to service of application record - same as for guardianship of property | | | 455(R) | 3.3 | |
| Response to service of application record - guardian of person - standard procedure (same as property) | | | 455(R) | 3.3 | |
| Custody and access of child - Guardian - person - standard procedure - s. 59(4)(b) | | | 455(R)-456(L) | 3.4 | |
| Guardian - person - standard procedure - custody & access of child - s. 59(4)(b) | | | 455(R)-456(L) | 3.4 | |
| Conditions - Guardian - person - standard procedure - SDA s.58(2)(a)-(b), 59(3) | | | 455(R) | 3.4 | |
| Full guardian - guardian - person - standard procedure - SDA s.58(1) | | | 455(R) | 3.4 | |
| Full guardianship - guardian - person - standard procedure - SDA s.58(1) | | | 455(R) | 3.4 | |
| Guardian - person - standard procedure - conditions - SDA s.58(2)(a)-(b), 59(3) | | | 455(R) | 3.4 | |
| Guardian - person - standard procedure - full guardianship - SDA s.58(1) | | | 455(R) | 3.4 | |
| Guardian - person - standard procedure - full versus partial guardianship - SDA s.58(1) | | | 455(R) | 3.4 | |
| Guardian - person - standard procedure - joint guardians - SDA s.57(4) | | | 455(R) | 3.4 | |
| Guardian - person - standard procedure - joint guardians (court-appointed) - SDA s.57(4) | | | 455(R) | 3.4 | |
| Guardian - person - standard procedure - limitations - SDA s.58(2)(a) | | | 455(R) | 3.4 | |
| Joint guardians - guardian - person - standard procedure - SDA s.57(4) | | | 455(R) | 3.4 | |
| Joint guardians - guardian - person - standard procedure (court-appointed) - SDA s.57(4) | | | 455(R) | 3.4 | |
| Limitations - Guardian - person - standard procedure - SDA s.58(2)(a) | | | 455(R) | 3.4 | |
| Partial guardianship - guardian - person - standard procedure - SDA s.60(1)-(2) | | | 455(R) | 3.4 | |
| Guardian - person - standard procedure - court hearing and judgment | | | 455(R)-456(L) | 3.4 | |
| Guardian - person - standard procedure - hearing and judgment | | | 455(R)-456(L) | 3.4 | |
| Hearing - guardian - person - standard procedure | | | 455(R)-456(L) | 3.4 | |
| Judgment - guardian - person - standard procedure | | | 455(R)-456(L) | 3.4 | |
| Guardian - person - standard procedure - guardianship plan - s. 66(15) | | | 456(L) | 3.4 | |
| Guardian - person - standard procedure - guardianship plan, requirement to follow it - s. 66(15) | | | 456(L) | 3.4 | |
| Guardianship plan - guardian - person - standard procedure - requirement to follow it - s. 66(15) | | | 456(L) | 3.4 | |
| GUARDIAN - PERSON - SUMMARY PROCEDURE | | | 456(L) | 4 | |
| GUARDIAN - PERSON - SUMMARY DISPOSITION PROCEDURE | | | 456(L) | 4 | |
| Guardian - person - summary procedure - requirements (2 assessors) | | | 456(L) | 4 | |
| Guardian - person - summary procedure - initial documentation | | | 456(L) | 4.1 | |
| Initial documentation - Guardian - person - summary procedure | | | 456(L) | 4.1 | |
| Assessors - guardian - person - summary procedure - 2 assessors required | | | 456(L) | 4.2 | |
| Guardian - person - summary procedure - two assessors meet with alleged incapable person | | | 456(L) | 4.2 | |
| Assessment - conducting it - guardian - person - summary procedure (same as standard) | | | 456(L) | 4.3 | |
| Assessment procedure - Guardian - person - summary procedure | | | 456(L) | 4.3 | |
| Guardian - person - summary procedure - assessment procedure | | | 456(L) | 4.3 | |
| Assessment and notice from assessors - Guardian - person - summary procedure | | | 456(L) | 4.4 | |
| Guardian - person - summary procedure - assessment, notice from assessors | | | 456(L) | 4.4 | |
| Guardian - person - summary procedure - issue notice of application | | | 456(L) | 4.5 | |
| Notice of application (issue) - Guardian - person - summary procedure | | | 456(L) | 4.5 | |
| Guardian - person - summary disposition procedure - receipt of statements from assessors | | | 456(R) | 4.6 | |
| Guardian - person - summary procedure - Receipt of statements from assessors (same as standard) | | | 456(R) | 4.6 | |
| Receipt of statements from assessors - Guardian - person - summary procedure (same as standard) | | | 456(R) | 4.6 | |
| Application record - Guardian - person - summary procedure (same as standard) | | | 456(R) | 4.7-4.9 | |
| Guardian - person - summary procedure - application record (same as standard) | | | 456(R) | 4.7-4.9 | |
| Guardian - person - summary disposition procedure - service of application record | | | 456(R) | 4.8 | |
| Guardian - person - summary disposition procedure - response to service of application record | | | 456(R) | 4.9 | |
| Guardian - person - summary procedure - submission of material to judge by registrar, requirements for [at least 1 of 2 assessors must indicate that the they are of opinion that the person needs decisions made on their behalf] - s.77(2) | | | 456(R) | 4.10 | |
| Guardian - person - summary procedure - submission of material to judge by registrar - s.77(2) | | | 456(R) | 4.10 | |
| Submission of material to judge by registrar - Guardian - person - summary procedure - s.77(2) | | | 456(R) | 4.10 | |
| Disposition by court - Guardian - person - summary procedure - s.77(3) | | | 456(R) | 4.11 | |
| Guardian - person - summary procedure - disposition by court - s.77(3) | | | 456(R) | 4.11 | |
| Guardian - person - summary procedure - disposition, 3 options - s.77(3) | | | 456(R) | 4.11 | |
| Consent to medical treatment - incapable persons - *Health Care Consent Act* | | | 456(R) | 5 | |
| Guardian - person - standard procedure - Consent to medical treatment - *Health Care Consent Act* | | | 456(R) | 5 | |
| *Health Care Consent Act -* Consent to medical treatment - incapable persons | | | 456(R) | 5 | |
| Incapable persons - consent to medical treatment - *Health Care Consent Act* | | | 456(R) | 5 | |
| Substitute decision-makers - consent on behalf of incapable person | | | 456(R) | 5 | |
| SUBSTITUTE DECISION-MAKERS | | | 456(R)-457(L) | 5.1 | |
| Substitute decision-makers - ranked list of (S.20 HCCA) | | | 456(R)-457(L) | 5.1 | |
| Substitute decision-makers - requirements of (S.20(2) HCCA) | | | 457(L-R) | 5.1 | |
| Substitute decision-makers - consent to admission to hospital or psychiatric facility (S.24 HCCA) | | | 457(R) | 5.1 | |
| Comparison - standard procedure vs. summary procedure - guardian - property  SEE ALSO: flowcharts to compare | | | 459-460 | Flow charts | |
| Guardian - property - standard procedure  SEE ALSO: flowcharts to compare | | | 459 | Flow charts | |
| Guardian - property - summary disposition procedure  SEE ALSO: flowcharts to compare | | | 460 | Flow charts | |
| Guardian - person - standard procedure versus summary disposition procedure  SEE ALSO: flowcharts to compare | | | 461-462 | Flow charts | |
| Guardian - person - standard procedure  SEE ALSO: flowcharts to compare | | | 461 | Flow charts | |
| Guardian - person - summary disposition procedure  SEE ALSO: flowcharts to compare | | | 462 | Flow charts | |
| FLOWCHARTS - GUARDIANS | | | 459-462 | Flow charts | |
| GUARDIAN FLOWCHARTS | | | 459-462 | Flow charts | |
| CUSTODIAN - CHILD | | | 463(L) | 1 | |
| Child - Guardian  SEE: Custodian - Child  Note: custodian of child vs. guardian of property | | | 463(L) | 1 | |
| Custodian - child - definition vs. “guardian” | | | 463(L) | 1 | |
| Custodian and guardian - child - definition | | | 463(L) | 1 | |
| Guardian (custodian) - child - definition  SEE: Custodian - child  Note: custodian of child vs. guardian of property | | | 463(L) | 1 | |
| Child – Guardian and Custodian  SEE ALSO: Custodian - child  Note: custodian of child vs. guardian of property | | | 463-465 | 1-6 | |
| TESTAMENTARY APPOINTMENT  SEE: Custodian - child - Testamentary Appointment | | | 463(L-R) | 2 | |
| Appointment - Custodian - child  SEE ALSO: Custodian - child - testamentary appointment  Note: custodian of child vs. guardian of property | | | 463(L-R) | 2 | |
| Custodian - child - appointment  SEE ALSO: Custodian - child - testamentary appointment  Note: custodian of child vs. guardian of property | | | 463(L-R) | 2 | |
| Custodian - child - testamentary appointment - right to | | | 463(L-R) | 2 | |
| Custodian - child - testamentary appointment - when effective | | | 463(L-R) | 2 | |
| Guardian - child - appointment of  See: Custodian - child  Note: custodian of child vs. guardian of property | | | 463(L-R) | 2 | |
| Minors - custody - testamentary appointment  SEE: Custodian - child | | | 463(L-R) | 2 | |
| Testamentary appointment - Custodian - child  SEE ALSO: Custodian - child - testamentary appointment | | | 463(L-R) | 2 | |
| Custodian - child - parents’ equal entitlement (s.20(1) CLRA) | | | 463(L) | 2 | |
| Entitlement of parents - custodian - child (s.20(1) CLRA) | | | 463(L) | 2 | |
| Parent entitlement - custodian - child (s.20(1) CLRA) | | | 463(L) | 2 | |
| Common disaster - conflicting wills - Custodian - child - Testamentary Appointment (s.61(5) CLRA) - only common custodian will be recognized | | | 463(R) | 2 | |
| Conflicting wills - common wills - Custodian - child - Testamentary Appointment (s.61(5) CLRA) - only common custodian will be recognized | | | 463(R) | 2 | |
| Consent of appointee - Custodian - child - Testamentary Appointment - s. 61(6) CLRA | | | 463(R) | 2 | |
| Custodian - child - testamentary appointment - common appointment effective (s.61(5) CLRA) | | | 463(R) | 2 | |
| Custodian - child - testamentary appointment - conflicting wills (common disaster) (s.61(5) CLRA) - only common custodian will be recognized | | | 463(R) | 2 | |
| Custodian - child - testamentary appointment - consent of appointee | | | 463(R) | 2 | |
| Custodian - child - testamentary appointment - Apply to Court for “more permanent” order  Note: custodian of child vs. guardian of property | | | 463(R) | 3 | |
| Custodian - child - testamentary appointment - Best interests of child prevail | | | 463(R) | 3 | |
| Custodian - child - testamentary appointment - Supervisory role of court | | | 463(R) | 3 | |
| Custodian - child - testamentary appointment - temporary - 90 days - s.61(7) CLRA | | | 463(R) | 3 | |
| Custodian - child - testamentary appointment - temporary - court supervisory role | | | 463(R) | 3 | |
| Custodian - minors: temporary vs. permanent appointment  See: custodian - child | | | 463(R) | 3 | |
| Guardian of property - child - when needed | | | 463(R) | 3 | |
| Custodian - child - testamentary appointment - more permanent | | | 463(R)-464(L) | 3 | |
| Custodian - child - testamentary appointment - temporary | | | 463(R)-464(L) | 3 | |
| Minors - custodial appointment (temporary) | | | 463(R)-464(L) | 3 | |
| Custodian - child - anyone can apply at anytime to be custodians, subordinating any testamentary custodial appointment - s. 21/s. 61(8) CLRA | | | 464(L) | 3 | |
| Wills - Custodian - child - anyone can apply at anytime to be custodians, subordinating any testamentary custodial appointment - s. 21/s. 61(8) CLRA | | | 464(L) | 3 | |
| Custodian - child - Anyone and Anytime application | | | 464(TL) | 3 | |
| GUARDIAN (OF PROPERTY) - CHILD | | | 464(L-R) | 4 | |
| Guardian (of property) - child - When parents die intestate or without trustee, guardian generally required | | | 464(L-R) | 4 | |
| Guardians of property of minor child | | | 464(L-R) | 4 | |
| Minors - guardians of property | | | 464(L-R) | 4 | |
| Property - guardians for minor | | | 464(L-R) | 4 | |
| Guardian (of property) - child - death - parents | | | 464(L) | 4 | |
| Guardian (of property) - child - none appointed by the court | | | 464(L) | 4 | |
| Guardian (of property) - child - parents die | | | 464(L) | 4 | |
| Guardian (of property) - child - parents die and entitled to insurance or “orphan’s” benefits | | | 464(L) | 4 | |
| Guardian (of property) - child - Testamentary Appointment - Subordinate to Anyone/Anytime application | | | 464(L) | 4 | |
| Orphan’s benefits - guardians of the property of minor children | | | 464(L) | 4 | |
| Property - minor child - no inherent right of parent or custodian to possess | | | 464(L) | 4 | |
| Guardian (of property) - child - ability to “pass on” guardianship through testamentary appointment  Note: custodian of child vs. guardian of property (s.61(2) CLRA) | | | 464(R) | 4 | |
| Guardian (of property) - child - Application - anyone can apply (s.47 CLRA) | | | 464(R) | 4 | |
| Guardian (of property) - child - Application - notice requirements - Office of Children's Lawyer | | | 464(R) | 4 | |
| Guardian (of property) - child - Application - procedure | | | 464(R) | 4 | |
| Guardian (of property) - child - Testamentary appointment | | | 464(R) | 4 | |
| Guardian (of property) - child - Testamentary Appointment - application to court for “more permanent” order  Note: custodian of child vs. guardian of property | | | 464(R) | 4 | |
| Guardian (of property) - child - Testamentary Appointment - court scrutiny | | | 464(R) | 4 | |
| Guardian (of property) - child - Testamentary appointment - how possible  Note: custodian of child vs. guardian of property | | | 464(R) | 4 | |
| Guardian (of property) - child - Testamentary appointment - restrictions (when effective, conflicting wills, common appointments) | | | 464(R) | 4 | |
| Guardian (of property) - child - Testamentary Appointment - Temporary - 90 days | | | 464(R) | 4 | |
| Property - minor child - where no court appointment of guardian of child’s property | | | 464(R) | 4 | |
| Testamentary appointment - guardian (of property) - child | | | 464(R) | 4 | |
| Custodian - child - Payments from trustee - s. 51 CLRA | | | 464(R)-465(L) | 5 | |
| Custodian - child - trustee payments and distributions - s. 51 CLRA | | | 464(R)-465(L) | 5 | |
| Minors - distribution and payments from trustees - s. 51 CLRA | | | 464(R)-465(L) | 5 | |
| Trusts - wills - for minors - distributions and payments from trustee to custodians/guardians | | | 464(R)-465(L) | 5 | |
| Wills - Trusts - Custodian or guardian of property for child as sub-trustee | | | 464(R)-465(L) | 5 | |
| Wills - Trusts - For minors - generally, only trustee can possess and spend trust resources on behalf of minor child - s. 51 CLRA | | | 464(R)-465(L) | 5 | |
| Wills - Trusts - For minors - trustee cannot delegate fiduciary obligations | | | 464(R)-465(L) | 5 | |
| Custodian - child - Custodian as sub-trustee in will | | | 465(L) | 5 | |
| Custodian - child - Estate trustee may pay up to $10K to custodian - s. 51 CLRA | | | 465(L) | 5 | |
| Custodian - child - sub-trustee in will - custodian receives distributions from estate trustee for benefit of child | | | 465(L) | 5 | |
| Wills - Trusts - For minors - Estate trustee may pay up to $10K to custodian - s. 51 CLRA | | | 465(L) | 5 | |
| Wills - Trusts - For minors - payments to custodian | | | 465(L) | 5 | |
| Custodian - child - testamentary appointment - interaction w/ testamentary trusts | | | 465(L-R) | 6 | |
| Custodian - child - testamentary appointment - will clause (typical) | | | 465(L-R) | 6 | |
| Custodian and Guardian of Property - child - Testamentary Appointment - will clause (typical) | | | 465(L-R) | 6 | |
| Guardian (of property) - child - Testamentary appointment - will clause (typical) | | | 465(L-R) | 6 | |
| Testamentary appointment - will-drafting considerations | | | 465(L-R) | 6 | |
| Wills - drafting - testamentary appointments | | | 465(L-R) | 6 | |
| Wills - testamentary appointments - drafting considerations | | | 465(L-R) | 6 | |
| Wills - Trusts - estate trustee interaction with testamentary custodian | | | 465(L-R) | 6 | |
| Custody - child - Testamentary Appointment - letter/memorandum of parent wishes outside will - not binding | | | 465(R) | 6 | |
| Guardian (of property) - child - Testamentary Appointment - letter/memorandum of parent wishes outside will - not binding | | | 465(R) | 6 | |
| Testamentary appointment - guardian (of property) and custodian - child - Testamentary Appointment - letter/memorandum of parent wishes outside will - not binding | | | 465(R) | 6 | |
| Trusts - Testamentary - for minors - letter/memorandum of parent wishes outside will - not binding | | | 465(R) | 6 | |
| Death - tax and personal tax planning - basic principles - Canada taxes income | | | 467(L) | 1.1 | |
| Tax - at death and personal tax planning - basic principles - Canada taxes income | | | 467(L) | 1.1 | |
| Tax - General Considerations - taxation at death - Canada taxes income | | | 467(L) | 1.1 | |
| Creation of two taxpayers - tax | | | 467(L) | 1.2 | |
| Estate of the deceased - tax - new taxpayer | | | 467(L) | 1.2 | |
| T1 tax return - terminal return - tax - income between Jan 1 and death | | | 467(L) | 1.2 | |
| T3 Trust Return - tax | | | 467(L) | 1.2 | |
| Tax - creation of two taxpayers | | | 467(L) | 1.2 | |
| Tax - estate of the deceased - new taxpayer | | | 467(L) | 1.2 | |
| Tax - Final, i.e. terminal, return - income between Jan 1 and death - T1 | | | 467(L) | 1.2 | |
| Tax - new taxpayer - estate of the deceased | | | 467(L) | 1.2 | |
| Tax - T3 Trust Return | | | 467(L) | 1.2 | |
| Tax - terminal return - income between Jan 1 and death - T1 | | | 467(L) | 1.2 | |
| Terminal return - tax - income between Jan 1 and death - T1 | | | 467(L) | 1.2 | |
| Tax - creation of two taxpayers - preliminary matters - taxable or not - is income reportable in terminal return or elsewhere - file previous unfiled returns | | | 467(L) | 1.2 | |
| Tax - at death and personal tax planning - preliminary matters - taxable or not - is income reportable in terminal return or elsewhere - file previous unfiled returns | | | 467(L) | 1.2 | |
| Death - tax and personal tax planning - preliminary matters - taxable or not - is income reportable in terminal return or elsewhere - file previous unfiled returns | | | 467(L) | 1.2 | |
| Tax - year of death - change to accrual basis | | | 467(L-R) | 1.3 | |
| Accrual basis - change - tax - year of death | | | 467(L-R) | 1.3 | |
| Accrual basis vs. cash basis - tax - year of death | | | 467(L) | 1.3 | |
| Basis - cash vs. accrual - tax - year of death | | | 467(L) | 1.3 | |
| Cash basis vs. accrual basis - tax - year of death | | | 467(L) | 1.3 | |
| Tax - Accrual basis vs. cash basis - year of death | | | 467(L) | 1.3 | |
| Tax - Capital loss - cannot result from deemed disposition of personal property | | | 467(R)-468(L) | 1.4 | |
| TAX - DEEMED REALIZATION | | | 467(R)-468(L) | 1.4 | |
| Deemed realization - tax - before death | | | 467(R) | 1.4 | |
| Tax - capital loss - deemed realization/disposition | | | 467(R)-468(L) | 1.4 | |
| Tax - Deemed realization/disposition - Capital loss - where possible | | | 467(R)-468(L) | 1.4 | |
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| CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE | | 504(L) | | | 2 | |
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| Certificate of Appointment of Estate Trustee - Type - with a will - valid - named estate trustees - able to act | | 504(L); 504(R) | | | 2.2;  2.3 | |
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| Estate Trustee - Authority to deal with property - certificate of appointment only evidence of authority | | 505(L) | | | 2.3 | |
| Certificate of appointment of estate trustee - Type - without a will - no will | | 504(R); 505(R) | | | 2.2;  2.4 | |
| Certificate of appointment of estate trustee - Type - foreign estate trustee’s nominee as estate trustee without a will | | 504(R) | | | 2.2 | |
| Certificate of appointment of estate trustee - Type - succeeding estate trustee with a will - require additional named estate trustee - or replacement | | 504(R) | | | 2.2 | |
| Certificate of appointment of estate trustee - Type - succeeding estate trustee without a will - unadministered assets left | | 504(R); 508(L) | | | 2.2;  2.7 | |
| Certificate of appointment of estate trustee - Type -Confirmation of resealing of appointment of estate trustee - Commonwealth court outside Ontario | | 504(R); 508(L) | | | 2.2; 2.7 | |
| Confirmation of resealing of appointment of estate trustee | | 504(R) | | | 2.2 | |
| Certificate of ancillary appointment of estate trustee with a will | | 504(R); 504(L) | | | 2.2;  2.3 | |
| Certificate of appointment of estate trustee - Type - Certificate of ancillary appointment of estate trustee with a will - non-Commonwealth court outside ON | | 504(R) | | | 2.2 | |
| Certificate of Appointment of Succeeding Estate Trustee With a Will | | 504(R) | | | 2.2 | |
| Certificate of Appointment of Succeeding Estate Trustee Without a Will | | 504(R) | | | 2.2 | |
| Certificate of Appointment of Foreign Estate Trustee’s Nominee as Estate Trustee Without a Will | | 504(R) | | | 2.2 | |
| Confirmation of Resealing of Appointment of Estate Trustee | | 504(R) | | | 2.2 | |
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| Certificate of appointment of estate trustee during litigation | | 504(R) | | | 2.2 | |
| Certificate of appointment of estate trustee - Type - litigation administrator | | 504(R); 506(R) | | | 2.2;  2.6 | |
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| Certificate of Appointment of Estate Trustee - With a Will - Circumstances when Estate Trustee should apply for | | 505(L) | | | 2.3 | |
| Certificate of Appointment of Estate Trustee - With a Will - definition | | 504(R)- 505(L) | | | 2.3 | |
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| Certificate of Appointment of Estate Trustee - With a Will - who may issue (ON SCJ in county) | | 504(R) | | | 2.3 | |
| Appointment with/without will - estate trustee | | 504(R)-506(L) | | | 2.3-2.4 | |
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| Wills - appointment with/without - estate trustee | | 504(R)-506(L) | | | 2.3-2.4 | |
| Appointment - Estate Trustee - with a will  SEE ALSO: certificate of appointment | | 504(R)- 505(L) | | | 2.3 | |
| Certificate of Appointment - application of estate trustee - circumstances | | 505(L) | | | 2.3 | |
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| Renunciation - required if person named does not want to act - estate trustee | | 503(L) | | | 2.3 | |
| Estate trustee named does not want to do it - renunciation required | | 505(L) | | | 2.3 | |
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| Certificate of Appointment of Estate Trustee - With a Will - when granted | | 504(L) | | | 2.3 | |
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| Estate Trustee - Court Status Certificate - Authority on Death of One Trustee | | 504(R) | | | 2.3 | |
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| Renunciation - Renunciation of estate trustee status | | 505(L) | | | 2.3 | |
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| Appointment - estate trustee - w/o will  SEE: certificate of appointment | | 505(R)- 506(L) | | | 2.4 | |
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| Application - order of preference of those entitled to apply certificate of appointment of estate trustee w/o will | | 505(R) | | | 2.4 | |
| Certificate of Appointment of Estate Trustee - Without a Will | | 505(R) | | | 2.4 | |
| Intestacy - Certificate of Appointment of Estate Trustee | | 505(R)-506(L) | | | 2.4 | |
| Creditors - appointed as estate trustees on intestacy | | 506(L) | | | 2.4 | |
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| Certificate of appointment of estate trustee - without a will - material to be filed - registrar thinks material not complete - judge will determine | | 506(L-R) | | | 2.4 | |
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| Estate Trustee - authority during litigation | | 506(R) | | | 2.5 | |
| Estate Trustee - During Litigation - authority | | 506(R) | | | 2.5 | |
| Estate Trustee - During litigation - duties | | 506(R) | | | 2.5 | |
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| Estate Trustee - During Litigation - potential requirements | | 506(R) | | | 2.5 | |
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| Estate Trustee - During Litigation - who cannot be appointed | | 506(R) | | | 2.5 | |
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| Certificate of Appointment of Estate Trustee - During Litigation - procedure for obtaining | | 506(R) | | | 2.5 | |
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| Estate Trustee - During Litigation - Certificate of Appointment application - procedural requirements | | 506(R) | | | 2.5 | |
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| Estate Trustee - During Litigation - administration bond | | 506(R) | | | 2.5 | |
| Estate Trustee - During Litigation - bond - may be fixed by judge who makes appointment | | 506(R) | | | 2.5 | |
| Certificate of Appointment of Estate Trustee - Litigation Administrator | | 506(R)- 507(L) | | | 2.6 | |
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| Estate Administration Tax - When required to be paid - exceptions (rr. 74.13(2)&(3) Rules of CivP) | | 507(L) | | | 2.7 | |
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| Certificate of Appointment - estate information return - deadline - 90 days after certificate issued | | 508(R) | | | 2.7.1 | |
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| Revised return - submit - Minister of Finance - actual receipt required | | 509(L) | | | 2.7.1 | |
| Estate administration tax - revised return - submit - Minister - actual receipt required | | 509(L) | | | 2.7.1 | |
| Estate administration tax - revised return - delivery - Minister - actual receipt required | | 509(L) | | | 2.7.1 | |
| Revised return - delivery - post-marked envelope not good | | 509(L) | | | 2.7.1 | |
| Estate administration tax - revised return - delivery - post-marked envelope not good | | 509(L) | | | 2.7.1 | |
| Estate Administration Tax - Reassessments - Time Period - deadline | | 509(L) | | | 2.7.1 | |
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| Tax - Estate Administration - Reassessments - Challenges to | | 509(R) | | | 2.7.1 | |
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| Certificate - clearance certificate - no provision for estate trustee to apply - comfort letter | | 509(R) | | | 2.7.1 | |
| Lawyer - Obligation to Advise Client - Offence - Estate Administration Tax | | 509(R)- 510(L) | | | 2.7.1 | |
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| Offence - Estate Trustee - Estate Administration Tax | | 509(R)- 510(L) | | | 2.7.1 | |
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| Offence - failing to prove additional info in time | | 509(L) | | | 2.7.1 | |
| Defence - due diligence defence - did not know - reasonable diligence - estate administration tax | | 509(R)- 510(L) | | | 2.7.1 | |
| Due diligence - defence - estate administration tax | | 509(R)- 510(L) | | | 2.7.1 | |
| Estate lawyer - must advise estate trustee of deadlines for providing information to Minister | | 509(L-R) | | | 2.7.1 | |
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| Estate trustee - risks - request comfort letter - Minister - assessment of Minister of Finance | | 509(R) | | | 2.7.1 | |
| Notice - estate trustee should - send to Minister - reasonable notice - comfort letter - framework TBD | | 509(R) | | | 2.7.1 | |
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| Estate Trustee - Security bond - when required | | 510(R) | | | 2.9 | |
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| Bequest - To witness - when void | | 510(L-R) | | | 2.8.1 | |
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| Estate Trustee - Security bond - when dispensed with | | 511(L) | | | 2.9.2 | |
| Estate Trustee - Security bond - when not required | | 511(L) | | | 2.9.2 | |
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| Challenge of validity of will - Notice of objection - Probate not yet obtained | | 525(R)-526(L) | | | 1.2 | |
| Challenge of validity of will - Probate not yet obtained - Notice of objection - Rules of Civ Pro - rule 75.03 - form 75.1 | | 525(R)-526(L) | | | 1.2 | |
| Contestation of will - Notice of objection - Probate not yet obtained | | 525(R)-526(L) | | | 1.2 | |
| Probate not yet obtained - Notice of objection - Will contestation | | 525(R)-526(L) | | | 1.2 | |
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| Validity of will - Challenge of - Probate not yet obtained - Notice of objection | | 525(R)-526(L) | | | 1.2 | |
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| Motion - challenge validity of will - notice of objection | | 525(R)-526(L) | | | 1.2 | |
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| Contestation of will - Notice of objection - Motion for directions | | 525(R)-526(L-R) | | | 1.2;  1.4 | |
| Validity of will - Challenge of - Notice of objection - Motion for directions | | 525(R)-526(L-R) | | | 1.2;  1.4 | |
| Wills - Challenge of - Notice of objection - Motion for directions | | 525(R)-526(L-R) | | | 1.2;  1.4 | |
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| Estate Registrar - Notice of objection - Filing & sending to Applicant for Certificate of appointment | | 526(L) | | | 1.2 | |
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| Objection - notice - timeline - deadline | | 526(L) | | | 1.2 | |
| Notice of objection - Estate Registrar - ONT | | 526(L) | | | 1.2 | |
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| Order giving directions - Content of orders | | 527(L) | | | 1.5 | |
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| Challenge of validity of will - Statement of claim served - Procedure | | 527(L) | | | 1.6 | |
| Contestation of will - Procedure where statement of claim served | | 527(L) | | | 1.6 | |
| Contestation of will - Statement of claim served - Procedure | | 527(L) | | | 1.6 | |
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| Will contestation - Procedure where statement of claim served - rules - served with a SOC | | 527(L) | | | 1.6 | |
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| Serving - objects - terms of settlement - notice of rejection - 10 days | | 527(R) | | | 1.8 | |
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| Contestation of will - Request for notice of commencement of proceeding | | 527(R)-528(L) | | | 1.9 | |
| Notice of commencement of proceeding - Request for - Will contestation | | 527(R)-528(L) | | | 1.9 | |
| Request for notice of commencement of proceeding - Effects and Time valid for | | 527(R)-528(L) | | | 1.9 | |
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| Administration during litigation - Estate trustee during litigation - Appointment of | | 528(L) | | | 1.10 | |
| Administration during litigation - Estate trustee - Appointment of - Parties to litigation excluded | | 528(L) | | | 1.10 | |
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| Litigation - Administration of estate during | | 528(L) | | | 1.10 | |
| Litigation - Estate trustee During - Will contestation | | 528(L) | | | 1.10 | |
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| Validity of will - Challenge of - Estate trustee - Appointment during litigation | | 528(L) | | | 1.10 | |
| Wills - Challenge of - Administration during litigation - $100,000 | | 528(L) | | | 1.10 | |
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| Assistance - Orders For - common types of orders for assistance | | 529(L-R) | | | 3 | |
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| Ambiguous provision in will - Interpretation of - Application for advice and direction on interpretation of will - Applications under R. 14.05(3) ROCP | | 531(L-R) | | | 5.2 | |
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| Wills - Application for advice and direction - Estate trustee - Authority of estate trustee to apply | | 531(L-R) | | | 5.2 | |
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| Indian wills and estates - Minors - Definition - Indian - Extended to include any band member | 550(R) | | | 12 | |
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| Indian wills and estates - Death of spouse / CL spouse | 550(L)-551(L-R) | | | 13 | |
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