**Index – Solicitor – Estate Planning**

**2023 TABLE OF CONTENTS**

|  |  |  |
| --- | --- | --- |
| **Ch.** | **Topic** | **Pages** |
| **36** | Will planning, drafting, and execution | 477 – 496 |
| **37** | Powers of attorney | 497 – 506 |
| **38** | The procedure for the court appointment of guardians for mentally incapable persons | 507 – 514 |
| **39** | Guardians, decision-making responsibility, and the *Children’s Law Reform Act* | 515 – 518 |
| **40** | Taxation at death and personal tax planning | 519 – 526 |
| **41** | Trusts and estate planning | 527 – 534 |
| **42** | The impact of the *Family Law Act* on estate administration | 535 – 546 |
| **43** | Administration of estates | 547 – 574 |
| **44** | Estate litigation | 575 – 592 |
| **45** | Claims by common-law spouses against estates | 593 – 594 |
| **46** | Wills and estates under the *Indian Act* and on reserves | 595 – 599 |

|  |  |  |
| --- | --- | --- |
| # |  |  |
| A |  |  |
| Accounting - distribution - distinction between revenue and capital disbursements - when is this relevant - division of interest, e.g., between life tenant and remainder | 568(R) | 7.1 |
| Accounting - distribution of estate - estate trustee’s responsibilities | 568(R) | 7.1 |
| Accounting - distribution of estate - lawyer’s responsibilities | 568(R) | 7 |
| Accounting - distribution of estate - no final distribution without clearance certificate | 569(L) | 7.2 |
| Accounting - distribution of estate - surrendering administration bond | 569(L) | 7.2 |
| Accounting - estate - distribution - Estate trustee must keep his funds separate from estate funds - Methods to do this | 568(R) | 7.1 |
| Accounting - estate - distribution - requirements of accounting | 568(R) | 7.1 |
| Accounting - estate - Estates Act s. 49(4) - court may direct a trial of the issue - procedure - jurisdictions that require mediation - capital receipts, capital disbursements - Counsel must prepare draft order | 570(LR) | 7.3.4 |
| Accounting - estates - passing of accounts - presenting formal accounts to the beneficiaries and the court | 569(L) | 7.3 |
| Accounting - estates - passing of accounts/audit of accounts/approval of accounts - definition | 569(L) | 7.3 |
| Accounting - requirements of accounting | 568(R) | 7.1 |
| Accounting responsibilities - power of attorney (POA) - property | 502(L) | 3.11 |
| Accounts - power of attorney (POA) - property | 502(L) | 3.11 |
| Accrual basis vs. cash basis - tax | 519(LR) | 1.3 |
| Accumulations - description of - wills | 493(L) | 10.4.3 |
| Accumulations Act - 21 year rule | 493(L) | 10.4.3 |
| Accumulations Act - avoiding violation of | 493(R) | 10.4.3 |
| Accumulations Act - income tax treatment as of 2016 | 493(R) | 10.4.3 |
| Accumulations Act - Violation - s.1(6) - pass as though on intestacy | 493(LR) | 10.4.3 |
| Accumulations Act - wills | 493(L) | 10.4.3 |
| Ademption of Legacies - Definition | 567(L) | 5.5.4 |
| Administration & probate - Indian wills and estates | 598(L) | 9 |
| Administration of Estate - Accounting - Outright Capital Distribution | 568(R) | 7.1 |
| Administration of Estates - Accounting - Approval of Beneficiaries | 569(L) | 7.2 |
| Administration of Estates - General - Immediate Concerns | 547(R)-548(L) | 1.1.1 |
| Administrator - Administrator's year | 564(L) | 5.2 |
| Administrator's year - Definition | 564(L) | 5.2 |
| Advertisement - Notice to creditors | 562(L) | 4.3 |
| Advice to Estate Trustee - by Lawyer | 548(L) | 1.1.2 |
| Affidavit - guardian - property - summary procedure | 509(R) | 2.1 |
| Affidavit of applicant and contents - guardian - property - standard procedure | 507(R)-508(L) | 1.1.2 |
| Affidavit of applicant and of application - guardian - person - standard procedure | 511(L) | 3.1 |
| Affidavit of execution - POA - witness signs | 506(L) | 6 |
| Affidavit of execution - Wills | 494(R) | 11.1 |
| Age requirement - Continuing POA (s. 4 SDA - attorney cannot act until grantor is 18) | 499(L) | 3.2 |
| Age requirement - POA for Personal Care (attorney cannot act until grantor is 16) | 502(R) | 4.1 |
| Agency - common law doctrine - powers of attorney | 497(L) | 1 |
| Agency - Trust Relationship - Exception for Bare Trust | 527(R) | 2 |
| Agency relationship - common law - donor becomes mentally incapable | 497(L) | 1 |
| Agency relationship - common law termination | 497(L) | 1 |
| All beneficiaries dead - wills - ultimate distribution scenarios | 491(R) | 10.3.3 |
| Allegations of misuse of funds - power of attorney (POA) | 501(L) | 3.9 |
| Alter Ego Trust - Tax - Definition | 532(R) | 5.9.3 |
| Anti-Ademption rules - where attorney under POA distributes gift | 501(R) | 3.10 |
| Anti-lapse - beneficiary not alive at relevant time | 490(R) | 10.3.1 |
| Appeals - Indian wills and estates - Standard of review - Correctness | 598(L) | 10 |
| Appeals - Wills - Indian - Jurisdiction (Fed Ct) | 598(L) | 10 |
| Application of assets to settle debts - Insolvent Estates - appointment as estate trustee - reasons for accepting | 563(R) | 4.5.1 |
| Application of assets to settle debts - Insolvent Estates - intestacy or without estate trustee willing/able to act | 563(R) | 4.5.1 |
| Application of assets to settle debts- priorities | 563(L) | 4.5 |
| Application record - guardian - person - summary procedure (same as standard) | 512(LR) | 4.7-4.9 |
| Application record (preparation of) - guardian - property - summary procedure | 510(L) | 2.5 |
| Application record (response to service) - guardian - property - summary procedure (same as standard) | 510(L) | 2.7 |
| Application record (service of) - guardian - person - standard procedure (same as for property) | 511(R) | 3.2 |
| Application record (service of) - guardian - property - summary procedure (same as standard) | 510(L) | 2..6 |
| Application to ascertain heirs - Applications under R. 14.05(3) | 582(LR) | 5.3 |
| Application to pass accounts - Required Information - Basic Form - Rule 74.17 (form of accounts for audit) - Subrule 74.18(1) (materials to file) - Subrule 74.18(3) (serving the notice) (timing, persons) | 569(R) | 7.3.2 |
| Application to pass accounts - Subrule 74.18(3.1) (trustee is Public Guardian or Children’s Lawyer) | 569(R) | 7.3.2 |
| Application to pass accounts - Subrule 74.18(6) (court may appoint person to represent person with financial interest in estate who is disabled, unknown; if Public Guardian or Children’s Lawyer or other guardian unavailable) | 569(R) | 7.3.2 |
| Applications under R. 14.05(3) - Application for advice and direction on interpretation of will - Framing notice of application | 581(LR) | 5.2 |
| Applications under R. 14.05(3) - Application for advice and direction on interpretation of will - Jurisdiction (Sup Ct) | 581(LR) | 5.2 |
| Applications under R. 14.05(3) - Application for advice and direction on interpretation of will - Liability of estate trustee | 581(LR) | 5.2 |
| Applications under R. 14.05(3) - Application for advice and direction on interpretation of will - Questions that should not be asked of the court | 581(R) | 5.2.1 |
| Applications under R. 14.05(3) - Application for advice and direction on interpretation of will - Questions that should not be asked of the court - Where disagreement among trustees - Re Wright / Re Fulford | 581(R)-582(L) | 5.2.1 |
| Applications under R. 14.05(3) - Application for advice and direction on interpretation of will - Role of the estate trustee | 582(L) | 5.2.2 |
| Applications under R. 14.05(3) - Application for advice and direction on interpretation of will - Role of the estate trustee - Disagreement among trustees | 582(L) | 5.2.2 |
| Applications under R. 14.05(3) - Application to ascertain heirs | 582(LR) | 5.3 |
| Applications under R. 14.05(3) - Application to ascertain heirs - Initiated by estate trustee - Order directing a reference | 582(R) | 5.3 |
| Applications under R. 14.05(3) - Application to ascertain heirs - Initiated by individual claiming to be heir - Onus to prove | 582(R) | 5.3 |
| Applications under R. 14.05(3) - Purchase of estate assets by estate trustee | 583(R) | 5.5 |
| Applications under R. 14.05(3) - Purchase of estate assets by estate trustee - Asset valuation | 584(L) | 5.5 |
| Applications under R. 14.05(3) - Purchase of estate assets by estate trustee - Court approval - Materials required for and conditions of | 583(R) | 5.5 |
| Applications under R. 14.05(3) - Purchase of estate assets by estate trustee - Court approval - Without beneficiary consent | 584(L) | 5.5 |
| Applications under R. 14.05(3) - Removal and replacement of estate trustee | 583(L) | 5.4 |
| Applications under R. 14.05(3) - Removal and replacement of estate trustee - Application to Sup Ct | 583(L) | 5.4 |
| Applications under R. 14.05(3) - Variation of trusts - SEE Variation of trusts | 585(R) | 7 |
| Appointment - Custodian - child   SEE ALSO: Custodian - child - testamentary appointment  Note: custodian of child vs. guardian of property | 515(LR) | 2 |
| Appointment - estate trustee - w/o will   SEE: certificate of appointment | 554(LR) | 2.4 |
| Appointment - Estate Trustee - with a will   SEE ALSO: certificate of appointment | 553(L) | 2.3 |
| Appointment - guardian - property - standard procedure - mentally incapable | 507(L) | 1.1.1 |
| Appointment without will - estate trustee - intestacy | 554(LR) | 2.4 |
| Armed Forces Benefits - Administration of Estate | 550(R) | 1.2.7 |
| As a consequence thereof - definition - rollover - tax | 521(R)-522(L) | 3.1.1 |
| Assessment - conducting it - guardian - person - summary procedure (same as standard) | 512(L) | 4.3 |
| Assessment - guardian - property - summary - conducting capacity assessment (s. 72(1) SDA) | 509(R)-510(L) | 2.3 |
| Assessment by Minister of Finance - amended return - requirement to submit additional information | 557(L)-557(R) | 2.7.2 |
| Assessment by Minister of Finance - estate certificate - estate information return | 557(L) | 2.7.2 |
| Assessment by Minister of Finance - events triggering | 557(L)-557(R) | 2.7.2 |
| Assessment for incapacity - accredited assessor - power of attorney (POA) | 498(R) | 3.1 |
| Assessment of capacity - POA - care - testing method for capacity or incapacity - SDA | 503(R)-504(L) | 4.7 |
| Assessment procedure - guardian - person - summary procedure | 512(L) | 4.3 |
| Assessment/reassessment by Minister of Finance - submitting additional estate information required - events triggering | 557(L)-557(R) | 2.7.2 |
| Assessments by Minister of Finance - Estate Administration Tax Act, 1998 | 557(L) | 2.7.2 |
| Assessments by Minister of Finance - Estate Information Return | 557(L)-557(R) | 2.7.2 |
| Assessments by Minister of Finance - Estate Information Return - Amendments (Additional Info) | 557(L)-557(R) | 2.7.2 |
| Assessments by Minister of Finance - Obligation to Provide Estate Info - Deadlines | 557(R) | 2.7.2 |
| Assessors - guardian - person - summary procedure - 2 assessors required | 512(L) | 4.2 |
| Assessors - guardian - property - summary procedure | 509(R) | 2.2 |
| Asset Administration - Marketable Bonds, Debentures, Marketable Stock - Requirements | 560(R) | 3.1 |
| Asset Administration - Real Estate - land titles - conversion to | 561(LR) | 3.2 |
| Asset administration - real estate - land titles - properties having value over $50,000 | 561(LR) | 3.2 |
| Asset administration - Real estate - registration of title - requirements | 561(LR) | 3.2 |
| Asset administration - Real estate - requirements - land titles | 561(LR) | 3.2 |
| Asset administration - Real estate - requirements - registry system | 548(LR) | 3.2 |
| Asset Administration - Real Estate - Transfer of Title - Requirements | 561(LR) | 3.2 |
| Asset administration - Securities - requirements | 560(R) | 3.1 |
| Asset administration - Securities - Transfer requirements - Foreign Jurisdiction (Situs in) | 560(R) | 3.1.3 |
| Asset administration - Securities - transfer requirements - ONT companies | 560(R) | 3.1.1 |
| Asset administration - Securities - transfer requirements - put in bearer or negotiable form (additional considerations) | 561(L) | 3.1.4 |
| Asset administration - Securities - transfer requirements - Quebec companies | 560(R) | 3.1.2 |
| Asset administration - Securities - transfer requirements - shares registered in name of minor (additional considerations) | 561(L) | 3.1.4 |
| Asset administration - Securities - transfer requirements - Stock registered in name of limited company (additional considerations) | 561(L) | 3.1.4 |
| Asset administration - Securities - transfer requirements - transfer in the US (additional considerations) | 560(R)-561(L) | 3.1.4 |
| Asset Administration - Securities - Transfer to trustee's care | 560(L) | 3.1 |
| Assets - Determination of - Estate Trustee - Annuities, Pensions | 550(R) | 1.2.6 |
| Assets - Determination of - Estate Trustee - Armed forces benefits | 550(R) | 1.2.7 |
| Assets - Determination of - Estate Trustee - Business Interests | 550(R) | 1.2.5 |
| Assets - Determination of - Estate Trustee - Cash/Moneys on Deposit - Procedure | 550(L) | 1.2.1 |
| Assets - Determination of - Estate Trustee - Employee Benefits | 550(R) | 1.2.4 |
| Assets - Determination of - Estate Trustee - Foreign Social Security Benefits | 550(R)-551(L) | 1.2.8 |
| Assets - Determination of - Estate Trustee - Household Contents | 550(L) | 1.2.2 |
| Assets - Determination of - Estate Trustee - Insurance Policies | 550(L) | 1.2.3 |
| Assets - Determination of - Estate Trustee - Interest in Other Estates & Trusts | 551(L) | 1.2.11 |
| Assets - Determination of - Estate Trustee - Joint bank accounts - Pecore v Pecore | 551(LR) | 1.2.12 |
| Assets - Determination of - Estate Trustee - Jointly Held Property | 551(LR) | 1.2.12 |
| Assets - Determination of - Estate Trustee - Mortgage Investments | 551(L) | 1.2.10 |
| Assets - Determination of - Real Estate | 551(L) | 1.2.9 |
| Assets - Determination of - RRSPs, RRIFs, TFSAs, RESPs | 551(R)-552(L) | 1.2.13 |
| Assets - Determination of Assets of Deceased - Estate Trustee | 549(LR) | 1.2 |
| Assets - Determination of assets of deceased - General | 549(LR) | 1.2 |
| Assets - Perishable - disposition of by estate trustee | 549(L) | 1.2 |
| Assets - Ranking - insolvent estates - pari passu | 563(L) | 4.5.1 |
| Assets included in valuation of estate - SLRA - Dependant support claims | 586(R)-587(L) | 8.8 |
| Assisted dying - power of attorney (POA) | 504(R) | 4.8 |
| Attorney (POA) - Compensation - for personal care | 505(R) | 4.10 |
| Attribution - Income splitting  SEE: Income Splitting | 525(LR) | 3.1.8 |
| Attribution - Where doesn't apply | 525(R) | 3.1.8 |
| Attribution (deemed) - Tax - Income splitting | 525(LR) | 3.1.8 |
| Attribution rules - income splitting - where attribution does not apply | 525(R) | 3.1.8 |
| Attribution rules - income splitting - where income splitting nugatory | 525(LR) | 3.1.8 |
| Attribution rules - trusts - tax | 532(L) | 5.1 |
| Attribution Rules - Trusts - Tax - Generally | 532(L) | 5.1 |
| Attribution Rules - Trusts - Tax - Loan or Transfer of Property to Trust | 532(R) | 5.1 |
| Attribution Rules - Trusts - Tax - loan or transfer Property to Trust - where beneficial interest | 532(L) | 5.1 |
| Attribution Rules - Trusts - Tax - Not applicable to testamentary dispositions | 532(L) | 5.1 |
| ATTRIBUTION RULES - TRUSTS - TAX  SEE ALSO: TRUSTS - ATTRIBUTION RULES | 532(L) | 5.1 |
| Authorized expenditures - POA - Property - Banton v Banton (property) | 501(R) | 3.9 |
| B |  |  |
| Balance of estate - child predeceases testator - gifts in will - spouse of deceased child | 564(R) | 5.3.2(b) |
| Balance of estate - per stirpes - children of intestate - subject to spouse's rights | 564(R) | 5.3.2(b) |
| Balance of estate - spouse of deceased child | 564(R) | 5.3.2(b) |
| Banton v Banton - POA - Property - will substitutes via inter vivos trust not permitted (Property) | 501(R) | 3.9 |
| Bare Trust - Definition | 527(R) | 2 |
| Basic limitation period in estate proceedings | 589(R)-590(L) | 12.2 |
| Basis - cash vs. accrual - tax | 519(LR) | 1.3 |
| Beneficial ownership change - none - legal only - tax - Trusts - not a taxable event | 531(L) | 5.9.1 |
| Beneficiaries - Definition - Trusts | 527(L) | 2 |
| Beneficiaries - power of attorney (POA) - beneficiary under grantor’s will | 501(R) | 3.10 |
| Beneficiaries - should not be witnesses to the signing of will | 494(R) | 11.1 |
| Beneficiaries - tax - CRA may pursue claims against beneficiaries receiving funds from estate | 520(L) | 2 |
| Beneficiaries - Tax - Income - Income of trust paid or payable | 533(R) | 5.12 |
| Beneficiaries - Tax - Income - Preferred beneficiaries election - Capital Gains | 533(R) | 5.12 |
| Beneficiaries - Tax - Income - vs. capital | 533(R) | 5.12 |
| Beneficiaries - Tax - income - when earned | 533(R) | 5.12 |
| Beneficiaries - Tax - income - year taxable | 533(R) | 5.12 |
| Beneficiaries - Tax - payable to - definition | 533(R) | 5.12 |
| Beneficiaries - Tax - payable to - minors & non-discretionary trust | 533(R) | 5.12 |
| Beneficiaries - tax - right of creditor has priority to right of beneficiary | 520(L) | 2 |
| BENEFICIARIES - TRUST  SEE ALSO: WILLS - BENEFICIARIES | 527(L) | 2 |
| Beneficiaries all die - ultimate distribution scenarios - wills | 491(R) | 10.3.3 |
| Beneficiaries or Court must approve accounts - Every 3 to 5 years - Conditions | 569(R) | 7.3.1 |
| BENEFICIARY - TAXATION OF   SEE ALSO: TAX - BENEFICIARY | 533(R) | 5.13 |
| Beneficiary - When Former Spouse | 558(R) | 2.8.2 |
| Beneficiary - When Witness - no undue influence or gift voidable | 558(R) | 2.8.1 |
| Beneficiary dies  SEE: LAPSE; ANTI-LAPSE; WILLS - ANTI-LAPSE | 490(R) | 10.3.1 |
| Bequest - Does not lapse unless… | 566(R) | 5.5.1 |
| Bequest - to Former Spouse | 558(R) | 2.8.2 |
| Bequest - To witness - when void | 558(R) | 2.8.1 |
| Bequests - Beneficiaries - Conditions on bequests | 488(L) | 9.5 |
| Best interests of incapable person analysis - POA - Personal Care | 505(L) | 4.9 |
| Best interests of the child - custodian - child -testamentary appointment - right to custody | 515(L) | 3 |
| Bond - Security Bond - Estate Trustee - Application for | 559(L) | 2.9.1 |
| Burial and funeral - Estate Trustee determines manner | 487(L) | 9.4 |
| Burial and funeral instructions - authority with estate trustee | 487(L) | 9.4 |
| Business Interests - Administration of Estate | 550(R) | 1.2.5 |
| C |  |  |
| Canada Pension Plan - Administration of Estate - Application - for survivor benefits | 550(R) | 1.2.6 |
| Capacity - continuing POA - age of attorney (18) s.5 SDA | 499(L) | 3.2 |
| Capacity - Continuing POA - age of grantor and S.8 SDA conditions | 499(L) | 3.2 |
| Capacity - POA - Personal Care | 502(R)-503(L) | 4.1 |
| Capacity - POA - property - age of attorney (18) s.5 SDA | 499(L) | 3.2 |
| Capacity - POA - property - age of grantor and s.8 SDA conditions | 499(L) | 3.2 |
| Capacity - POA - solicitor must assess | 506(L) | 6 |
| Capacity assessment - guardian - property - summary procedure | 509(R) | 2.2 |
| Capacity of grantor - solicitor must assess - POA | 506(L) | 6 |
| Capital Gains - trust distributions | 533(R) | 5.12 |
| Care power of attorney (POA) - foreign law issues | 503(L) | 4.3 |
| Cash basis vs. accrual basis - tax | 519(LR) | 1.3 |
| Certificate of Ancillary Appointment - estate administration tax - assets included | 556(R) | 2.7 |
| Certificate of Ancillary Appointment of Estate Trustee With a Will | 553(L) | 2.2 |
| Certificate of Appointment - Court Status Certificate - Authority on Death of One Trustee | 554(L) | 2.3 |
| CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE | 552(R) | 2 |
| Certificate of Appointment of Estate Trustee - Ancillary Appointment of Estate Trustee With a Will | 553(L) | 2.2 |
| Certificate of Appointment of Estate Trustee - Asset Administration - Real Estate - when required | 561(L) | 3.2 |
| Certificate of Appointment of Estate Trustee - Confirmation of Resealing of Appointment of Estate Trustee | 553(L) | 2.2 |
| Certificate of Appointment of Estate Trustee - During Litigation | 555(L) | 2.5 |
| Certificate of Appointment of Estate Trustee - During Litigation - Parties to Litigation Generally Not Appointed | 555(L) | 2.5 |
| Certificate of Appointment of Estate Trustee - During Litigation - procedure for obtaining | 555(L) | 2.5 |
| Certificate of Appointment of Estate Trustee - During Litigation - purpose & authority | 555(L) | 2.5 |
| Certificate of Appointment of Estate Trustee - Estate Administration Tax must be paid before issued | 555(R)-556(L) | 2.7 |
| Certificate of Appointment of Estate Trustee - Estate Administration Tax must be paid before issued - exceptions | 555(R) | 2.7 |
| Certificate of Appointment of Estate Trustee - Foreign Estate Trustee's Nominee as Estate Trustee Without a Will | 552(R) | 2.2 |
| Certificate of Appointment of Estate Trustee - Intestacy - Source of Authority | 552(R) | 2.1 |
| Certificate of Appointment of Estate Trustee - Litigation Administrator | 555(LR) | 2.6 |
| Certificate of Appointment of Estate Trustee - Litigation Administrator - Judgment Against Deceased | 555(LR) | 2.6 |
| Certificate of Appointment of Estate Trustee - Named in Will - Source of Authority | 552(R) | 2.1 |
| Certificate of Appointment of Estate Trustee - Not Obtained - Apply for Litigation Administrator | 555(LR) | 2.6 |
| Certificate of Appointment of Estate Trustee - Notice to Persons entitled to benefit - requirements | 549(L) | 1.1.5 |
| Certificate of Appointment of Estate Trustee - Purpose | 552(R) | 2.1 |
| Certificate of Appointment of Estate Trustee - Security Bond | 559(L) | 2.9 |
| Certificate of Appointment of Estate Trustee - Security Bond - Cancellation | 559(R) | 2.9.3 |
| Certificate of Appointment of Estate Trustee - Security Bond - Order to dispense | 559(LR) | 2.9.2 |
| Certificate of Appointment of Estate Trustee - Security Bond - Surrender of Bond | 559(R) | 2.9.3 |
| Certificate of Appointment of Estate Trustee - Security Bond - When not required or dispensed with | 559(LR) | 2.9.2 |
| Certificate of Appointment of Estate Trustee - Security Bond - When reduced | 559(LR) | 2.9.2 |
| Certificate of Appointment of Estate Trustee - Succeeding Estate Trustee With a Will | 552(R)-553(L) | 2.2 |
| Certificate of Appointment of Estate Trustee - Succeeding Estate Trustee Without a Will | 553(L) | 2.2 |
| Certificate of Appointment of Estate Trustee - Types | 552(R)-553(L) | 2.2 |
| Certificate of appointment of estate trustee - Types - During litigation | 553(L) | 2.2 |
| Certificate of appointment of estate trustee - Types - Litigation administrator | 553(L) | 2.2 |
| Certificate of Appointment of Estate Trustee - When Security Bond Required | 559(L) | 2.9 |
| Certificate of Appointment of Estate Trustee - where issued (i.e., what court?) - with a will | 553(LR) | 2.3 |
| Certificate of Appointment of Estate Trustee - With A Will | 553(LR)-554(L) | 2.3 |
| Certificate of Appointment of Estate Trustee - With a Will - Circumstances when Estate Trustee should apply for | 553(R) | 2.3 |
| Certificate of Appointment of Estate Trustee - With a Will - definition | 553(LR) | 2.3 |
| Certificate of Appointment of Estate Trustee - With a Will - evidence of trustee's authority | 553(LR) | 2.3 |
| Certificate of Appointment of Estate Trustee - With a Will - Renunciation by Person Named | 553(R) | 2.3 |
| Certificate of Appointment of Estate Trustee - With a Will - when granted | 553(R)-554(L) | 2.3 |
| Certificate of Appointment of Estate Trustee - With a Will - when not issued - Person not resident in Ontario | 553(R) | 2.3 |
| Certificate of Appointment of Estate Trustee - With a Will - where issued (i.e., what court?) | 553(LR) | 2.3 |
| Certificate of Appointment of Estate Trustee - With a Will - where no person named in will alive, competent, willing - Requirements | 553(R) | 2.3 |
| Certificate of Appointment of Estate Trustee - With a Will - who may issue | 553(R) | 2.3 |
| Certificate of Appointment of Estate Trustee - Without A Will | 554(LR) | 2.4 |
| Certificate of Appointment of Estate Trustee - Without a Will - evidence of authority to act (and right to certificate) | 554(LR) | 2.4 |
| Certificate of Appointment of Estate Trustee - Without a Will - issued to creditor | 554(R) | 2.4 |
| Certificate of Appointment of Estate Trustee - Without a Will - material to be filed | 554(R) | 2.4 |
| Certificate of Appointment of Estate Trustee - Without a Will - no retroactive effect | 554(LR) | 2.4 |
| Certificate of Appointment of Estate Trustee - Without a Will - not issued to person outside Ontario | 554(R) | 2.4 |
| Certificate of Appointment of Estate Trustee - Without a Will - order of preference of persons entitled to apply | 554(LR) | 2.4 |
| Certificate of Appointment of Estate Trustee - Without a Will - Renunciation by those with Prior Right | 554(R) | 2.4 |
| Certificate of Appointment of Estate Trustee - Without a Will - retroactive effect to date of testator’s death | 554(LR) | 2.4 |
| Certificate of Appointment of Estate Trustee - Without a Will - where several persons qualify - court's discretion | 554(R) | 2.4 |
| Certificate of Appointment of Estate Trustee - Without a Will - who may issue | 554(LR) | 2.4 |
| Certificate of Appointment of Estate Trustee - Without a Will (a.k.a. administrator) | 554(LR) | 2.4 |
| Certificate of Appointment of Foreign Estate Trustee’s Nominee as Estate Trustee Without a Will | 552(R) | 2.2 |
| Certificate of Appointment of Succeeding Estate Trustee With a Will | 552(R)-553(L) | 2.2 |
| Certificate of Appointment of Succeeding Estate Trustee Without a Will | 553(L) | 2.2 |
| Certificate of Possession - Indian wills and estates | 596(LR) | 5 |
| Cestuis que trust - Definition - Trusts | 527(L) | 2 |
| Cestuis que trust - Trust beneficiaries | 527(L) | 2 |
| Challenge to the validity of a will | 575(LR) | 1.1 |
| Challenging a will’s validity - Administration during litigation | 577(R)-578(L) | 1.10) |
| Challenging a will’s validity - application for advice and direction on the interpretation of a will - rr. 14.05(3)(a) and (d) | 581(LR) | 5.2 |
| Challenging a will’s validity - applications for relief r. 14.05(3) - necessary material | 580(R) | 5.1.1 |
| Challenging a will’s validity - applications for relief r. 14.05(3) - notice of application - process | 580(R) | 5.1.1 |
| Challenging a will’s validity - applications for relief r. 14.05(3) - requirement to serve an application record | 580(R)-581(L) | 5.1.2 |
| Challenging a will’s validity - applications for relief r. 14.05(3) - under evidence | 580(R) | 5.1.1 |
| Challenging a will’s validity - Applications to the court pursuant to r. 14.05(3) | 580(L) | 5.1 |
| Challenging a will’s validity - Estate bfcy can apply for directions | 576(R) | 1.4 |
| Challenging a will’s validity - Estate trustee (during litigation) must post bond | 578(L) | 1.10) |
| Challenging a will’s validity - estate trustee can seek court’s assistance on interpretation issues | 581(LR) | 5.2 |
| Challenging a will’s validity - Estate trustee does not always require a certificate of appointment in order to administer estate | 578(L) | 1.11 |
| Challenging a will’s validity - Estates Act s. 24 | 578(L) | 1.11 |
| Challenging a will’s validity - Estates Act s. 28 | 578(L) | 1.10) |
| Challenging a will’s validity - Estates Act s. 7 | 576(L) | 1.2 |
| Challenging a will’s validity - Estates Act ss. 35-37 | 578(L) | 1.10) |
| Challenging a will’s validity - file notice of objection with… | 576(L) | 1.2 |
| Challenging a will’s validity - Formal proof of testamentary instrument | 579(R) | 4 |
| Challenging a will’s validity - Formal proof of testamentary instrument - when required | 579(R) | 4 |
| Challenging a will’s validity - Grounds | 575(L) | 1.1 |
| Challenging a will’s validity - how to commence | 575(R) | 1.1 |
| Challenging a will’s validity - litigation concluded estate trustee (during litigation) automatically loses authority | 578(L) | 1.10) |
| Challenging a will’s validity - Motion for directions | 576(R) | 1.4 |
| Challenging a will’s validity - notice of objection - what it is | 575(R) | 1.2 |
| Challenging a will’s validity - notice of objection (certificate of appt of estate trustee not yet obtained) | 575(R)-576(L) | 1.2 |
| Challenging a will’s validity - Notice of objection remains effective for… | 576(L) | 1.2 |
| Challenging a will’s validity - Once certificate of estate trustee is issued, in order to challenge a will, you must… | 576(LR) | 1.3 |
| Challenging a will’s validity - Onus of proof | 575(L) | 1.1 |
| Challenging a will’s validity - Order for return of certificate (probate already obtained) | 576(LR) | 1.3 |
| Challenging a will’s validity - Order giving directions | 576(R)-577(L) | 1.5 |
| Challenging a will’s validity - Order giving directions - order before judge without a jury | 577(L) | 1.5 |
| Challenging a will’s validity - Order giving directions - the order giving directions will address procedural issues too | 577(L) | 1.5 |
| Challenging a will’s validity - Order giving directions - upon hearing the motion for directions, the court may… | 576(R)-577(L) | 1.5 |
| Challenging a will’s validity - Order to accept or refuse appointment | 578(L) | 1.11 |
| Challenging a will’s validity - orders for assistance | 578(R)-579(LR) | 3 |
| Challenging a will’s validity - orders for assistance - procedure | 578(R) | 3 |
| Challenging a will’s validity - orders for assistance - types | 578(R)-579(LR) | 3 |
| Challenging a will’s validity - procedure where a statement of claim is served | 577(L) | 1.6 |
| Challenging a will’s validity - proof in solemn form | 579(R) | 4 |
| Challenging a will’s validity - Proof of lost or destroyed will | 580(L) | 4.1 |
| Challenging a will’s validity - Request for notice of commencement of proceeding | 577(R) | 1.9 |
| Challenging a will’s validity - Revocation of certificate of appointment | 578(LR) | 2 |
| Challenging a will’s validity - Revocation of certificate of appointment - procedure | 578(R) | 2 |
| Challenging a will’s validity - Revocation of certificate of appointment - when it’s used | 578(R) | 2 |
| Challenging a will’s validity - Settlement involving a person who has submitted rights to the court | 577(R) | 1.8 |
| Challenging a will’s validity - Submission of rights to the court | 577(LR) | 1.7 |
| Challenging a will’s validity - Suspicious circumstances | 575(LR) | 1.1 |
| Challenging a will’s validity - Trustee Act s. 60 | 581(LR) | 5.2 |
| Challenging a will’s validity - Types of relief under r. 14.05(3) | 580(L) | 5.1 |
| Challenging a will’s validity - What property can be administered during litigation? | 578(L) | 1.10) |
| Charitable bequests - beneficiaries - wills | 487(R)-488(L) | 9.5 |
| Charitable gifts - power of attorney (POA) - charitable gifts by attorney | 501(R) | 3.9 |
| Charitable Trusts - Exception to Certainty of Objects - Cy Pres | 528(L) | 2 |
| Charities - Wills - beneficiaries | 487(R)-488(L) | 9.5 |
| Charter - Same-sex spouse claims against estate - Johnson v Sand | 594(R) | 2.3 |
| Child - Custodian  SEE ALSO: Custodian - child  Note: custodian of child vs. guardian of property | 515-517 | 1-6 |
| Child - Definition - SLRA - Dependant support claims | 586(L) | 8.1 |
| Children - appointment of custodians - simultaneous death | 486(R) | 9.2 |
| Children - minor children - wills - appointment of custodians | 486(R)-487(L) | 9.2 |
| Children - property - appointment of guardian - will | 487(L) | 9.3 |
| Children’s Law Reform Act - custodian - child | 515(L) | 1 |
| Children’s Lawyer - guardian (of property) - child application | 516(R) | 4 |
| CL partner (common law spouse/same-sex partners) - Definition - ITA | 527(L) | 1 |
| CL Relationship - Revocation of Will - SLRA | 594(L) | 2.1 |
| CL SPOUSE - ESTATES - CLAIMS AGAINST | 593(R)-594(L) | 2.1 |
| CL spouse - Estates - Claims against - Constructive trust | 594(LR) | 2.2 |
| CL spouse - Estates - Claims against - FLA - Spousal election - Married spouses only | 593(LR)-594(L) | 1 & 2.1 |
| CL spouse - Estates - Claims against - FLA - Spouse - Definition - Married only | 593(LR)-594(L) | 1 & 2.1 |
| CL spouse - Estates - Claims against - Quantum meruit | 594(LR) | 2.2 |
| CL spouse - Estates - Claims against - Revocation of will by marriage - Does not apply to CL - SLRA | 594(L) | 2.1 |
| CL spouse - Estates - Claims against - Rights on intestacy - SLRA | 593(LR)-594(L) | 1 & 2.1 |
| CL spouse - Estates - Claims against - SLRA - Spouse - Definition - Dependant support claim - CL spouse included | 593(LR) | 1 |
| CL spouse - Estates - Claims against - SLRA - Spouse - Definition - Intestacy - Married only | 593(LR)-594(L) | 1 & 2.1 |
| CL spouse - Estates - Claims against - Unjust enrichment | 594(LR) | 2.2 |
| CL spouse - Estates - Claims against - Unjust enrichment - Conflict where CL spouse is estate trustee | 594(LR) | 2.2 |
| CL spouse - Estates - Claims against - Unjust enrichment - Elements of proof | 594(LR) | 2.2 |
| CL spouse - FLA - Election - No right to | 593(LR)-594(L) | 1 & 2.1 |
| CL spouse - Intestacy - Rights | 593(LR)-594(L) | 1 & 2.1 |
| CL spouse - Spouse - FLA definition | 593(L) | 1 |
| CL spouse - Spouse on intestacy - SLRA definition | 593(LR)-594(L) | 1 & 2.1 |
| Claims - Dependant - SLRA - SEE Dependant support claims | 585(R) | 8 |
| Claims against estate - CL spouse - SEE CL spouse - Estates - Claims against | 593(R)-594(L) | 2.1 |
| Claims against estate - Common-law spouse - SEE CL spouse - Estates - Claims against | 593(R)-594(L) | 2.1 |
| Claims against estate - Summary disposition - SEE Summary disposition of claims against estate | 587(L) | 9 |
| Class gifts - Beneficiaries - questions for lawyer to ask/considerations | 487(R)-488(L) | 9.5 |
| Clearance certificate - CRA tax reassessment, effect | 521(L) | 2 |
| Clearance certificate - effect on personal rep’s liability | 520(R) | 2 |
| Clearance certificate - final clearance certificate not mandatory | 521(L) | 2 |
| Clearance certificate and final clearance certificate | 520(LR)-521(L) | 2 |
| CLEARANCE CERTIFICATE  SEE ALSO: TAX - CLEARANCE CERTIFICATE | 520(L)-521(L) | 2 |
| Client Preparation - Estates - Mandatory Mediation | 588(R) | 10.3 |
| Client Preparation - Estates - Mandatory Mediation - Confidentiality | 588(R) | 10.3 |
| Combined POA forms - avoid | 505(R) | 5 |
| Commercial trust - definition - not a personal trust | 534(R) | 5.13.1 |
| Common disaster - conflicting wills - Custodian - child - Testamentary Appointment (s. 61(5) CLRA) | 515(R) | 2 |
| Common law - agency relationship - power of attorney (POA) | 497(L) | 1 |
| Common law rules - perpetuities - wills | 492(LR) | 10.4.2 |
| Common law spouse - Claims against estate - SEE CL spouse - Estates - Claims against | 593(R)-594(L) | 2.1 |
| Compensation - POA - Personal Care | 505(R) | 4.10 |
| Compensation - power of attorney (POA) | 502(LR) | 3.12 |
| Compensation for Administering Estate - Lawyer’s Advice to Estate Trustee | 548(L) | 1.1.2 |
| Compensation for Estate Trustee - A lawyer/trustee can charge both fees - Lawyer acting as sole trustee can charge as both lawyer and trustee | 572(R) | 7.3.5(g) |
| Compensation for Estate Trustee - A lawyer/trustee CAN take pre-compensation for LEGAL fees (fees as lawyer, not as trustee) | 572(R) | 7.3.5(g) |
| Compensation for Estate Trustee - care and management fee - Re Archibald (Estate) - Perell J. | 571(L) | 7.3.5(a) |
| Compensation for Estate Trustee - Evidence - to justify compensation of trustee | 571(L) | 7.3.5(a) |
| Compensation for Estate Trustee - HST on estate trustee compensation - circumstances where compensation is not subject to HST | 572(R) | 7.3.5(h) |
| Compensation for Estate Trustee - HST on estate trustee compensation - circumstances where subject to HST | 572(R) | 7.3.5(h) |
| Compensation for Estate Trustee - If the estate trustee has to spend extra time and effort… | 571(R) | 7.3.5(b) |
| Compensation for Estate Trustee - Lawyer acting as sole estate trustee | 572(R) | 7.3.5(g) |
| Compensation for Estate Trustee - lawyer seeking increased costs must file… | 573(L) | 7.3.5(i) |
| Compensation for Estate Trustee - lawyer’s fees | 573(L) | 7.3.5(i) |
| Compensation for Estate Trustee - lawyer’s fees - how to calculate | 573(L) | 7.3.5(i) |
| Compensation for Estate Trustee - pendente lite - estate trustee | 572(L) | 7.3.5(f) |
| Compensation for Estate Trustee - pre-taking of compensation - compensation before passing of accounts - absent approval by all beneficiaries | 572(L) | 7.3.5(f) |
| Compensation for Estate Trustee - Re Knoch - pre-taking compensation pendent lite (estate trustee during litigation) | 572(L) | 7.3.5(f) |
| Compensation for Estate Trustee - Setting the compensation by will or by agreement | 571(R) | 7.3.5(c) |
| Compensation for Estate Trustee - sharing trustee's compensation among multiple trustees - "burden of administration" - trustees can reach agreement or seek court direction | 571(R) | 7.3.5(d) |
| Compensation for Estate Trustee - Special compensation | 571(R) | 7.3.5(b) |
| Compensation for Estate Trustee - Special compensation - if the estate trustee wants special compensation, he must… | 571(R) | 7.3.5(b) |
| Compensation for Estate Trustee - Subrule 74.18(10) - tariff on lawyer’s fees | 573(L) | 7.3.5(i) |
| Compensation for Estate Trustee - Surrogate Court Act s. 53 - Re Knoch | 572(L) | 7.3.5(f) |
| Compensation for Estate Trustee - Trustee Act s. 61 | 572(L) | 7.3.5(f) |
| Compensation for Estate Trustee - Trustee Act s. 61(4) | 572(R) | 7.3.5(g) |
| Compensation for Estate Trustee - Trustee Act ss. 61(5) - compensation agreements - common in inter vivos trusts | 571(R) | 7.3.5(c) |
| Conditions - guardian - person - standard procedure | 511(R) | 3.4 |
| Conditions on bequests - beneficiaries - wills | 488(L) | 9.5 |
| Conduct of mediation - Directions for - Mandatory mediation of estate matters | 588(L) | 10.1 |
| Confidentiality - Issue - Lawyer releasing will to other than named estate trustee - Hope v Martin | 547(R)-548(L) | 1.1.1 |
| Confidentiality - Mediation of estate matters | 588(R) | 10.3 |
| Confirmation of - Resealing of Appointment - estate administration tax - assets included | 556(R) | 2.7 |
| Confirmation of Resealing of Appointment of Estate Trustee | 553(L) | 2.2 |
| Conflicting wills - common wills - Custodian - child - Testamentary Appointment (s. 61(5) CLRA) | 515(R) | 2 |
| Consent - power of attorney (POA) - consent of grantor | 506(L) | 6 |
| Consent of appointee - Custodian - child - Testamentary Appointment (s. 61(6) CLRA) | 515(R) | 2 |
| Consent of guardian - guardian - person - standard procedure (s. 70(2)(a) SDA) | 511(L) | 3.1 |
| Consent to medical treatment - incapable persons - Health Care Consent Act | 512(R) | 5 |
| Consent to medical treatment - POA - Personal Care | 502(R) | 4 |
| Constitutionality of FLA spouse definition not including common-law spouses - Walsh v Bona | 593(L) & 594(R) | 1 & 2.3 |
| Constructive trust - CL spouse claims against estate | 594(LR) | 2.2 |
| Continuing POA - age of grantor | 499(L) | 3.2 |
| Continuing POA - anti-ademption of willed gifts | 501(R) | 3.10 |
| Continuing POA - assets in foreign jurisdiction | 500(L) | 3.4 |
| Continuing POA - attorney - accounting responsibilities | 502(L) | 3.11 |
| Continuing POA - attorney - cannot dispose assets gifted in will | 501(R) | 3.10 |
| Continuing POA - Attorney - compensation | 502(LR) | 3.12 |
| Continuing POA - attorney - standard of care | 502(L) | 3.11 |
| Continuing POA - attorney resident in US | 500(L) | 3.5 |
| Continuing POA - authorized expenditures, gifts, loans | 501(LR) | 3.9 |
| Continuing POA - Banton v Banton - will substitutes via inter vivos trust not permitted | 501(R) | 3.9 |
| Continuing POA - capacity of grantor - test | 499(L) | 3.2 |
| Continuing POA - Charitable gifts by attorney (20% grantor income or a named max.) | 501(R) | 3.9 |
| Continuing POA - compensation | 502(LR) | 3.12 |
| Continuing POA - effective when (property) | 498(L) | 3 |
| Continuing POA - establishing incapacity | 498(LR) | 3.1 |
| Continuing POA - Execution | 499(LR) | 3.3 |
| Continuing POA - Execution - disqualified witnesses | 499(R) | 3.3 |
| Continuing POA - expenditures allowed vs. prohibited | 501(R) | 3.9 |
| Continuing POA - Expenditures of attorneys: dependants and legal obligations | 501(L) | 3.9 |
| Continuing POA - Expenditures of attorneys: re: education, support, care | 501(L) | 3.9 |
| Continuing POA - Form and Execution | 499(LR) | 3.3 |
| Continuing POA - Gifts and loans by attorneys (deemed by SDA to be for benefit of grantor) | 501(L) | 3.9 |
| Continuing POA - gifts and loans contrary to grantor’s wishes - SDA s. 37(4)5) | 501(R) | 3.9 |
| Continuing POA - limitations - ambiguity | 498(L) | 3.1 |
| Continuing POA - multiple appointments | 499(R) | 3.3 |
| Continuing POA - No power to make will (no large-scale gifting) | 501(R) | 3.9 |
| Continuing POA - physician’s letter | 498(R) | 3.1 |
| Continuing POA - resignation of attorney | 500(LR) | 3.6 |
| Continuing POA - scope of authority (s.7(2) SDA) (anything but make will for grantor) | 498(L) | 3.1 |
| Continuing POA - standard of care | 502(L) | 3.11 |
| Continuing POA - Standard of care - paid vs. unpaid | 502(L) | 3.11 |
| Continuing POA - Termination | 500(LR) | 3.6 |
| Continuing POA - test of capacity for grantor | 499(L) | 3.2 |
| Continuing POA - US resident attorney | 500(L) | 3.5 |
| Continuing POA - when document declares itself or if grantor expresses intention | 498(L) | 3 |
| Continuing POA - when effective - property | 498(L) | 3 |
| Continuing POA - will contents | 501(R) | 3.10 |
| Continuing POA - will contents - attorney must read grantor’s will | 501(R) | 3.10 |
| Continuing POA - will substitutes via inter vivos trust not permitted - Banton v Banton | 501(R) | 3.9 |
| Continuing POA - Witnesses | 499(R) | 3.3 |
| Continuing POA - witnesses - Covid 19 accomodations | 500(L) | 3.3.1 |
| Continuing POA - witnesses - Covid 19 accomodations - see Ch 35 > s 11.2 > p 477(L) | 500(L) | 3.3.1 |
| CONTINUING POA (Power of Attorney) | 498(L) | 3 |
| Continuing Power of Attorney (POA)  SEE: Continuing POA | 498(L) | 3 |
| Contractual Obligations - Estate Trustee - Contracts Entered into Prior to Death | 561(R) | 4.1 |
| Convention Providing a Uniform Law on the Form of an International Will | 494(R) | 11.3 |
| Copies of documents - POA | 506(R) | 6 |
| Corporate Estate Trustee - vs. Lay estate trustee - lawyer’s function | 547(L) | 1.1 |
| COSTS - ESTATE PROCEEDINGS | 588(R)-589(L) | 11 |
| Costs - Estate proceedings - Challenges to validity of a will | 589(R) | 11 |
| Costs - Estate proceedings - Factors to consider | 589(L) | 11 |
| Costs - Estate proceedings - Interpreting ambiguous provisions | 589(R) | 11 |
| Costs - Estate proceedings - Order for costs to be paid out of the estate (exception to general rule) | 588(R)-589(L) | 11 |
| Costs - Estate proceedings - Public policy considerations | 589(L) | 11 |
| Costs - Estate proceedings - Subject to civil costs regime - McDougald Estate v Gooderham | 588(R)-589(L) | 11 |
| Costs - guardian - property - standard procedure - judgment | 509(L) | 1.4 |
| Cottage - considerations re: principal residence exemption | 524(R)-525(L) | 3.1.7 |
| Cottage   See: Family home or cottage | 488(R)-489(R) | 9.7 |
| Court Certificates - Electronic - Authenticity - Notarial copies not required | 560(L) | 2.10 |
| Court Certificates - Electronic Filing | 559(R) | 2.10 |
| Court Certificates - Electronic Filing - original documents - when required | 559(R) | 2.10 |
| Court Status Certificate - Estate Trustee - Authority on Death of One Trustee | 554(L) | 2.3 |
| Court-appointed guardians - Substitute Decisions Act - property and the person | 497(L) | 1 |
| Covid 19 - Continuing POA - witnessing accomodations | 500(L) | 3.3.1 |
| Covid 19 pandemic - Estate proceedings - Limitation periods suspended | 591(L) | 12.6 |
| Covid 19 pandemic - Limitation periods suspended | 591(L) | 12.6 |
| Covid 19 will accomodations - remote witnessing - Emergency Management and Civil Protection Act regulations | 494(R) | 11.2 |
| COVID amendments - POA - Personal care - Witnesses - Alternative methods for witnessing a POA for personal care (see Chapter 35) | 503(L) | 4.2.1 |
| Creation of two taxpayers - tax | 519(L) | 1.2 |
| Creditors - Advertisement for - Estate Trustee | 562(LR) | 4.3.1 |
| Creditors - appointed as estate trustees on intestacy | 554(LR) | 2.4 |
| Creditors - Notice to - Estate Trustee | 562(L) | 4.3.1 |
| Cummings v Cummings - Moral obligation to dependant - SLRA - Dependant support claims | 586(R) | 8.6 |
| CUSTODIAN - CHILD | 515-517 | 1-6 |
| Custodian - child - Anyone/Anytime application (s. 21 and 61(8) CLRA) | 516(L) | 3 |
| Custodian - child - appointment   SEE ALSO: Custodian - child - testamentary appointment   Note: custodian of child vs. guardian of property | 515(LR) | 2 |
| Custodian - child - definition vs. “guardian” | 515(L) | 1 |
| Custodian - child - Estate trustee may pay up to $35K to custodian | 517(R) | 6 |
| Custodian - child - parents’ equal entitlement (s. 20(1) CLRA) | 515(L) | 2 |
| Custodian - child - permanent custody - procedural requirements (non-parents) (s. 21.1-21.3 CLRA) | 516(L) | 3 |
| Custodian - child - sub-trustee in will - custodian receives distributions from estate trustee for benefit of child | 517(R) | 6 |
| Custodian - child - testamentary appointment - Apply to Court for “more permanent” order (s. 61(7) CLRA)  Note: custodian of child vs. guardian of property | 515(L) | 1 |
| Custodian - child - testamentary appointment - Best interests of child prevail | 515(R) | 3 |
| Custodian - child - testamentary appointment - common appointment effective (s. 61(5) CLRA) | 515(R) | 2 |
| Custodian - child - testamentary appointment - conflicting wills (common disaster) (s. 61(5) CLRA) | 515(R) | 2 |
| Custodian - child - testamentary appointment - consent of appointee (s. 61(6) CLRA) | 515(R) | 2 |
| Custodian - child - testamentary appointment - more permanent (s. 61(7) CLRA) | 515(R) | 3 |
| Custodian - child - testamentary appointment - right to | 515(L) | 2 |
| Custodian - child - testamentary appointment - subordinate to Anyone/Anytime application (s. 61(8) CLRA) | 516(L) | 3 |
| Custodian - child - testamentary appointment - Supervisory role of court | 515(R) | 3 |
| Custodian - child - testamentary appointment - temporary | 515(R) | 3 |
| Custodian - child - testamentary appointment - temporary - 90 days | 515(R) | 3 |
| Custodian - child - testamentary appointment - temporary - court supervisory role | 515(R) | 3 |
| Custodian - child - testamentary appointment - when effective (s. 61(4) CLRA) | 515(LR) | 2 |
| Custodian - child - testamentary appointment - will clause (typical) | 517(L) | 5 |
| Custodian - minor children: appointment in wills | 486(R) | 9.2 |
| Custodian - minors: temporary vs. permanent appointment  See: custodian - child | 515-517 | 1-6 |
| Custodian and Guardian of Property - child - Testamentary Appointment - will clause (typical) | 517(L) | 5 |
| Custodian/guardian - child - definition | 515(L) | 1 |
| Custody - child - Testamentary Appointment - letter/memorandum of parent wishes outside will - not binding | 517(L) | 5 |
| Custody - child  SEE: Custodian - Child   Note: custodian of child vs. guardian of property | 515-517 | 1-6 |
| Custody and access of child - Guardian - person - standard procedure | 511(R) | 3.4 |
| Cy-pres scheme - trusts | 528(L) | 2 |
| D |  |  |
| Dead Beneficiaries (all) - ultimate distribution scenarios | 491(R) | 10.3.3 |
| Dead beneficiary   SEE: LAPSE; ANTI-LAPSE; WILLS - ANTI-LAPSE | 490(R) | 10.3.1 |
| Deadline - tax - returns - filing terminal return | 524(R) | 3.1.6 |
| Death - deemed realization - tax - not applicable in two circumstances | 521(LR) | 3.1 |
| Death - Tax - deemed realization - not applicable in two circumstances | 521(LR) | 3.1 |
| Death - tax and personal tax planning - basic principles (Canada taxes income) | 519(LR)-520(L) | 1 |
| Debts - application of assets to settle - insolvent estates | 563(L) | 4.5.1 |
| Debts - Ascertaining debts - Estate Trustee | 561(R)-562(L) | 4.2 |
| Debts - Notice to Creditors | 562(L) | 4.3 |
| Debts - notice to creditors - effect of advertising - Trustee Act | 562(L) | 4.3.1 |
| Debts - notice to creditors - effect of notice - Trustee Act | 562(L) | 4.3.1 |
| Debts - notice to creditors - form of advertisement - non-compliance | 562(LR) | 4.3.2 |
| Debts - notice to creditors - if no advertising - distribution of intestate estate | 562(LR) | 4.3.1 |
| Debts - Priority of - Application of assets to settle debts | 563(L) | 4.5.1 |
| Debts - when advertising is essential | 562(R) | 4.3.5 |
| Deceased - Presumed - Declaration of death | 584(R) | 6 |
| Decedent Estates Program - Indian wills and estates | 595(L) | 2 |
| Declaration of death - Circumstances of - Where absent for seven years | 584(R) | 6 |
| Declaration of death - Circumstances of - Where disappearance in circumstances of peril | 584(R) | 6 |
| Declaration of death - Date of death | 584(R) | 6 |
| Declaration of death - Evidence required | 584(R) | 6 |
| Declaration of death - Evidence required - All reasonable and necessary inquiries | 584(R) | 6 |
| Declaration of death - Evidence required - Exanples of reasonable and necessary inquiries | 584(R) | 6 |
| Declaration of death - Statutory - Declarations of Death Act, 2002 | 584(LR) | 6 |
| Declarations of Death Act, 2002 | 584(LR) | 6 |
| Declarations of Death Act, 2002 - Procedure for obtaining declaration of death | 584(R) | 6 |
| Declaratory judgements - Wills - Application for advice and direction | 581(R)-582(L) | 5.2.1 |
| Deductions - Trusts - Tax - Generally | 533(L) | 5.11 |
| Deemed attribution - Tax - Income splitting | 525(LR) | 3.1.8 |
| Deemed attribution - transfer or loan to corporation - Indirect income splitting | 525(R) | 3.1.8 |
| Deemed attribution - transfer to trust and transferor retains capacity to benefit | 525(R) | 3.1.8 |
| Deemed disposition - capital gains - income tax - see Will Planning, Drafting and Execution - Income Tax | 484(R) | 7 |
| Deemed disposition - capital property - death | 484(R) | 7 |
| Deemed disposition - tax - trusts - 21 year rule | 534(L) | 5.13.1 |
| Deemed disposition at fair market value (FMV) - income splitting - estate planning | 525(R) | 3.1.8 |
| Deemed realization - Rollover - spousal trust - deemed realization - death of spouse or transfer by trust | 522(R) | 3.1.1 |
| Deemed realization - tax - before death | 519(R)-520(L) | 1.4 |
| Deemed realization - tax - not applicable in two circumstances | 521(LR) | 3.1 |
| Definition - as a consequence thereof - rollover - tax | 521(R)-522(L) | 3.1.1 |
| Definition - personal trust | 534(L) | 5.13.1 |
| Definition - spouse | 527(L) | 1 |
| Definition - Spouse - Estates - Succession Law Reform Act | 585(R)-586(L) | 8.1 |
| Definitions - SLRA - Dependant support claims | 585(R) | 8.1 |
| Demand distribution of trust property - Saunders v Vautier - beneficiaries all age of majority | 493(R) | 10.4.4 |
| Dependant - Definition - SLRA - Dependant support claims | 585(R) | 8.1 |
| Dependant support claims - Application for - Effect on distribution of estate | 586(LR) | 8.4 |
| Dependant support claims - Assets included in valuation of estate | 586(R)-587(L) | 8.8 |
| Dependant support claims - Criteria for assessing support amount and duration - Moral obligation to dependant - Cummings v Cummings | 586(R) | 8.6 |
| Dependant support claims - Criteria for assessing support amount and duration - SLRA s 62 | 586(R) | 8.6 |
| Dependant support claims - Definition of dependant - Spouse, parent, child, sibling | 585(R) | 8.1 |
| Dependant support claims - Interim support | 586(R) | 8.5 |
| Dependant support claims - Jurisdiction (Sup Ct) | 586(L) | 8.3 |
| Dependant support claims - Limitation period | 586(L) | 8.2 |
| Dependant support claims - Order for support | 586(R) | 8.7 |
| Dependant support claims - Procedure | 586(L) | 8.3 |
| Dependant support claims - Spouse - Common-law - Included in definition | 593(LR) | 1 |
| Dependant support claims - Succession Law Reform Act | 585(R) | 8 |
| Dependant support claims - Support amount and duration - Criteria for assessing - SLRA s 62 | 586(R) | 8.6 |
| Dependents - power of attorney (POA) - use of funds for dependents | 501(L) | 3.9 |
| Directions for conduct of mediation - Mandatory mediation of estate matters - r 75.1.05 | 588(L) | 10.1 |
| Disabled Individuals - Trust - Entitlement Protection - Henson Trust | 534(R) | 5.14 |
| Disabled Individuals - Trust - Henson Trust | 534(R) | 5.14 |
| Disclaimer, release, or surrender - tax - rollover - spouse | 521(R)-522(L) | 3.1.1 |
| Discoverability - Limitation periods in estate proceedings | 589(R)-590(L) | 12.2 |
| Disposition by court - guardian - person - summary procedure | 512(R) | 4.11 |
| Disposition by court - guardian - property - summary procedure (s.77(3) SDA) | 510(R) | 2.9 |
| Disposition of property - power of attorney (POA) | 501(R) | 3.10 |
| Disputes - POA Personal Care - co-attorneys | 503(R) | 4.6 |
| Distribution - Administrator’s year - intestate estate | 564(L) | 5.2 |
| Distribution - Administrator's year - definition | 564(L) | 5.2 |
| Distribution - Estate - Intestacy - Spouse and No Issue | 564(L) | 5.3.1 |
| Distribution - estate trustee's year - when it does not apply - payment of debts | 564(L) | 5.1 |
| Distribution - Intestacy - Issue and No Spouse | 564(R) | 5.3.3 |
| Distribution - Intestacy - Next-of-kin | 565(L) | 5.3.7 |
| Distribution - Intestacy - No Immediate Family | 565(L) | 5.3.6 |
| Distribution - Intestacy - No Spouse & No Issue | 564(R) | 5.3.4 |
| Distribution - Intestacy - Spouse and Issue | 564(R) | 5.3.2 |
| Distribution - Persons born out of wedlock | 565(L) | 5.4 |
| Distribution - SLRA - spouse - preferential share; balance of estate | 564(R) | 5.3.2(a&b) |
| Distribution - Succession Law Reform Act - intestate or partially intestate estate | 564(L) | 5.3 |
| Distribution - Succession Law Reform Act - no spouse; no immediate family; no next of kin | 565(L) | 5.3.5-5.3.8 |
| Distribution of estate - Abatement of legacies | 567(LR) | 5.5.5 |
| Distribution of estate - accounting - Estate trustee must keep his funds separate from the estate | 568(R) | 7.1 |
| Distribution of estate - accounting - Full accounting of estate administration should be submitted to beneficiaries or heirs for approval - Or to Superior Court of Justice | 569(L) | 7.2 |
| Distribution of estate - accounting - requirements of accounting | 568(R) | 7.1 |
| Distribution of Estate - Ademption of legacies | 567(L) | 5.5.4 |
| Distribution of estate - cash legacies | 567(R) | 5.6.1(a) |
| Distribution of estate - Effect of dependant support claim application | 586(L) | 8.4 |
| Distribution of estate - final distributions of legacies | 568(L) | 5.6.1(d) |
| Distribution of Estate - If there is an existing mortgage on bequeathed land | 566(R)-567(L) | 5.5.2 |
| Distribution of Estate - Interest on Legacies | 567(L) | 5.5.3 |
| Distribution of Estate - Interest on Legacies - Exceptions | 567(L) | 5.5.3 |
| Distribution of estate - interest on legacies - Rivard v. Morris | 567(L) | 5.5.3 |
| Distribution of Estate - Intestacy - persons born outside of wedlock - advertisement | 566(L) | 5.4.2 |
| Distribution of Estate - Lapsed devise | 566(R) | 5.5.1 |
| Distribution of estate - Legacies - ademption | 567(L) | 5.5.4 |
| Distribution of estate - legacies - cash legacies | 567(R) | 5.6.1(a) |
| Distribution of estate - legacies - final distributions | 568(L) | 5.6.1(d) |
| Distribution of estate - Legacies - if property has merely changed form | 567(L) | 5.5.4 |
| Distribution of estate - Legacies - Incapable persons | 567(L) | 5.5.4 |
| Distribution of estate - legacies - interest on | 567(L) | 5.5.3 |
| Distribution of estate - legacies - interest on - exceptions | 567(L) | 5.5.3 |
| Distribution of estate - legacies - minors | 567(R)-568(L) | 5.6.1(c) |
| Distribution of estate - legacies - non-cash legacies | 567(R) | 5.6.1(b) |
| Distribution of estate - legacies for minors | 567(R)-568(L) | 5.6.1(c) |
| Distribution of Estate - Mortgage on land | 566(R)-567(L) | 5.5.2 |
| Distribution of estate - non-cash legacies | 567(R) | 5.6.1(b) |
| Distribution of Estate - Persons born out of wedlock - searches at the registrar’s office | 566(L) | 5.4.2 |
| Distribution of Estate - persons born outside of wedlock - advertisement | 566(L) | 5.4.2 |
| Distribution of Estate - persons born outside of wedlock - finding of parentage | 565(R)-566(L) | 5.4.2 |
| Distribution of Estate - persons born outside of wedlock - if estate trustee finds potential child born out of wedlock | 566(L) | 5.4.3 |
| Distribution of Estate - persons born outside of wedlock - judicial determination | 566(L) | 5.4.3 |
| Distribution of Estate - persons born outside of wedlock - reasonable inquiries | 565(R) | 5.4.1 |
| Distribution of estate - tax returns - deadline for filing | 568(L) | 6.1 |
| Distribution of estate - tax returns - estate trustee’s responsibilities | 568(LR) | 6.1 |
| Distribution of estate - tax returns - foreign tax returns | 568(R) | 6.1 |
| Distribution of estate - tax returns - GST / HST | 568(L) | 6.1 |
| Distribution of estate - tax returns - lawyer’s responsibilities | 568(LR) | 6.1 |
| Distribution of trust property on demand - Saunders v Vautier - beneficiaries all age of majority | 493(R) | 10.4.4 |
| Distributions - trust - income or capital | 533(R) | 5.12 |
| Dividends/Business Income - Tax - Benefit - Prevent | 526(LR) | 3.1.9 |
| Doctrine of Incorporation by reference of memoranda - wills - memoranda/incorporation by reference | 490(L) | 10.2 |
| Donations of organs/Use of Body - Consent | 548(R) | 1.1.4 |
| Donations of organs/Use of Body (Trillium Gift of Life Network Act) | 548(R) | 1.1.4 |
| Double Legacies (mirror wills) - caution w/ cash legacy provision | 491(L) | 10.3.2 |
| Doubling-up of legacies (mirror wills) - cash legacy | 491(L) | 10.3.2 |
| Draft judgment - Guardian - property - summary procedure | 510(R) | 2.8 |
| Drafting - will - when drafting can begin | 489(R) | 10 |
| Durable POA - statutory power of attorney | 497(L) | 1 |
| Duress - power of attorney (POA) - giving authority | 506(L) | 6 |
| Duties (fiduciary) of trustees - List of | 528(LR) | 3 |
| Duties Analogous to Attorney for Property - SDA s. 38(1) | 501(L) | 3.8 |
| Duty - To Act Personally - Trusts - Trustee | 528(L) | 3 |
| Duty - To Avoid Conflict of Interest and Act Solely for Beneficiary - Trusts - Trustee | 528(L) | 3 |
| Duty of Care - Trustee | 528(L) | 3 |
| Duty Owed to Surviving Spouse - Personal Representative (doubt as to the nature of this duty) - Webster v Webster Estate | 544(R)-545(L) | 16 |
| Duty to account - power of attorney (POA) - property | 502(L) | 3.11 |
| Duty to account - power of attorney (POA) - property | 502(L) | 3.11 |
| Duty to Act Personally - Estate Trustee | 547(L) | 1.1 |
| E |  |  |
| ELECTION | 536(R) | 6 |
| Election - Electing to make equalization claim - generally | 536(R) | 6 |
| Election - Electing under will or on intestacy - Effect on entitlements and benefits received by surviving spouse | 538(L) | 7.1 |
| Election - Equalization - Effect on Dependant’s Relief Claim | 538(R) | 7.2.3 |
| Election - Equalization - When Deemed election | 536(R) | 6.1 |
| Election - Equalization Claim - Intestacy - Effect on SLRA Entitlements | 538(R) | 7.2.2 |
| Election - later will found after a certificate of appointment of estate trustee w/o will is issued | 537(R) | 6.3 |
| Election - Net Family Property - can election be revoked? | 537(L) | 6.3 |
| ELECTION - NFP - Electing to Make an Equalization Claim | 538(L) | 7.2 |
| Election - NFP - Under Will or Seccession Law Reform Act on Intestacy | 538(L) | 7.1 |
| Election - NFP equalization - acting for surviving spouse - irrevocable | 537(L) | 6.3 |
| Election - NFP equalization - effect on executorship | 538(L) | 7.2.1 |
| Election - NFP equalization - how, when, where election filed | 536(R) | 6.1 |
| Election - NFP equalization - Insurance proceeds + pensions & similar plan benefits & other entitlements | 539(L) | 7.2.4 |
| Election - NFP equalization - later will found after election | 537(R) | 6.3 |
| Election - NFP equalization - when to defer filing / extend time for filing | 537(L) | 6.3 |
| Election - NFP equalization - who can make | 537(L) | 6.2 |
| Election - NFP equalization - who can make - mental incompetence | 537(L) | 6.2 |
| Election - No certificate of appt of Estate Trustee & will deemed invalid following election - Effect | 537(R) | 6.3 |
| Election for Equalization - NFP - Failure to File | 537(L) | 6.1 |
| Election for Equalization - NFP - Failure to File w/in 6-month period | 537(L) | 6.1 |
| Electronic Court Certificates | 559(R) | 2.10 |
| Electronic Court Certificates - Authenticity - Notarial copies not required | 560(L) | 2.10 |
| Electronic Court Certificates - original documents - when required | 559(R) | 2.10 |
| Electronic Filing - Court Certificates | 559(R) | 2.10 |
| Electronic Filing - Court Certificates - Authenticity | 560(L) | 2.10 |
| Electronic Filing - Court Certificates - original documents - when required | 559(R) | 2.10 |
| Employee Benefits - Administration of Estate | 550(R) | 1.2.4 |
| Enduring POA - statutory power of attorney | 497(L) | 1 |
| Equalization - Deemed Election - FLA - no election w/in 6-month period | 537(L) | 6.1 |
| Equalization - Election for - Revocation | 537(R) | 6.3 |
| Equalization - Election For - Who Can Make | 537(L) | 6.2 |
| Equalization - Election For - Who Can Make - Mental Incompetence | 537(L) | 6.2 |
| Equalization - Election For - Who Can Make - Surviving Spouse - Death Within 6 months | 537(L) | 6.2 |
| Equalization - Indian wills and estates - Family Law Act | 598(R)-599(LR) | 13 |
| Equalization - NFP - Election for | 536(R) | 6 |
| Equalization - NFP - Later Will Found | 537(R) | 6.3 |
| Equalization - NFP - Other Income Tax Issues | 543(R) | 15 |
| Equalization - NFP - Will - No Certificate of Appointment issued- Effect | 537(R) | 6.3 |
| Equalization - NFP Calculation Issue - Life Insurance on Deceased Spouse’s Life | 541(R) | 14.1.1 |
| Equalization - Priority of Claim - Compared to SLRA Entitlements/Support Orders | 539(LR) | 8 |
| Equalization - Priority of Claim - gifts & debts and liabilities | 539(LR) | 8 |
| Equalization - Priority of Claim - secured creditors | 539(LR) | 8 |
| Equalization Claim - ability of court to award higher NFP | 536(L) | 5 |
| Equalization Claim - Court Orders - against depletion of property | 540(L)-541(R) | 12 |
| Equalization Claim - Court Orders - Deferred or Instalment payments - Variation Orders Permitted When | 540(L)-541(R) | 12 |
| Equalization Claim - Court Orders - issue of treasury shares from corporation - problems with/difficulties | 540(L)-541(R) | 12 |
| Equalization Claim - Court Orders - sale of business or farm | 540(L)-541(R) | 12 |
| Equalization Claim - Court Orders (enforcement of equalization order) | 540(L)-541(R) | 12 |
| Equalization Claim - effect election on dependant's relief claims - equalization claim heard first | 538(R) | 7.2.3 |
| Equalization Claim - effect of election on Executorship - on spouse who is to be executor | 538(L) | 7.2.1 |
| Equalization Claim - effect of election on intestacy | 538(R) | 7.2.2 |
| Equalization Claim - effect of election to make equalization claim | 538(L) | 7.2 |
| Equalization claim - FLA - "One-way" | 536(R) | 5 |
| Equalization claim - FLA - generally | 536(R) | 5 |
| Equalization Claim - FLA s.7 - Exchange of financial info - requirements | 540(LR) | 11 |
| Equalization Claim - Intestacy - surviving spouse and property outside ONTARIO | 538(R) | 7.2.2 |
| Equalization Claim - intestacy - surviving spouse and SLRA entitlement (i.e. forfeiture) | 538(R) | 7.2.2 |
| Equalization Claim - Matrimonial Home - deemed severance - joint tenancy | 541(L) | 13 |
| Equalization Claim - Matrimonial Home - deemed severance - right to possession | 541(L) | 13 |
| Equalization Claim - NFP - effect on insurance, pension or similar plan benefits | 539(L) | 7.2.4 |
| Equalization claim - Overpayment to Surviving Spouse - Set Off/Credit Mechanism | 536(R) | 5 |
| Equalization Claim - Priority of Equalization Claim | 539(LR) | 8 |
| Equalization Claim - Priority of Equalization Claim - Creditors | 539(LR) | 8 |
| Equalization Claim - Priority of Equalization Claim - Gift Exception | 539(LR) | 8 |
| Equalization Claim - Restrictions on distributions of estate | 539(R)-540(L) | 9 |
| Equalization Claim - Restrictions on distributions of estate - distribution before notice of NFP Equalization Claim | 539(R)-540(L) | 9 |
| Equalization Claim - Restrictions on distributions of estate - distribution in contravention of FLA - liability of personal representative | 540(L) | 10 |
| Equalization Claim - Restrictions on distributions of estate - distribution in contravention of FLA - liability of personal representative | 540(L) | 10 |
| Equalization Claim - Restrictions on distributions of estate - election is not constructive notice to personal representative | 539(R)-540(L) | 9 |
| Equalization Claim - Restrictions on distributions of estate - when personal representative can ignore 6-month moratorium (2 situations and caveats) | 540(L) | 10 |
| Equalization Claim - Solicitor's Checklist | 545(L)-546(R) | 17 |
| Equalization Claim - Tax - Transfers of Life Interest - Availability of Rollover (ie. Rollover will apply) | 544(LR) | 15.2 |
| Equalization Claim - Tax - Transfers of property - Availability of Rollover for Transferred Capital Property | 543(R) | 15.1 |
| Equalization Claim - Valuation problems - Income Taxes at death - do income taxes at death affect valuation? | 542(R) | 14.1.3 |
| Equalization Claim - Valuation problems - joint tenancy - Matrimonial Home | 541(L) | 13 |
| Equalization Claim - Where Sham Dispositions to 3rd Parties | 540(LR) | 11 |
| EQUALIZATION CLAIM  See also: NFP - Election For Equalization   See also: Equalization; Equalization Claim | 536(R) | 5 |
| Estate - Assets - insolvent estate - ranking of - pari passu | 563(L) | 4.5.1 |
| Estate - Claims against - Summary disposition of - SEE Summary disposition of claims against estate | 587(L) | 9 |
| Estate - Debts - insolvent estate - asset ranking - pari passu | 563(L) | 4.5.1 |
| ESTATE - DISTRIBUTION | 564(L) | 5 |
| Estate - Distribution - “child” definition - All Families Are Equal Act - definition for purposes of SLRA - posthumously conceived children | 566(L) | 5.4.4 |
| Estate - distribution - Abatement of legacies | 567(LR) | 5.5.5 |
| Estate - Distribution - Ademption of legacies | 567(L) | 5.5.4 |
| Estate - distribution - cash legacies | 567(R) | 5.6.1(a) |
| Estate - Distribution - estate trustee’s year - withholding payment of legacies | 564(L) | 5.1 |
| Estate - Distribution - estate trustee's year - definition | 564(L) | 5.1 |
| Estate - distribution - final distributions of legacies | 568(L) | 5.6.1(d) |
| Estate - Distribution - future posthumous children - delay estate distribution | 566(LR) | 5.4.4 |
| Estate - Distribution - If there is an existing mortgage on bequeathed land | 566(R)-567(L) | 5.5.2 |
| Estate - Distribution - Interest on Legacies | 567(L) | 5.5.3 |
| Estate - Distribution - Interest on Legacies - Exceptions | 567(L) | 5.5.3 |
| Estate - Distribution - Interest on legacies - rule of convenience | 567(L) | 5.5.3 |
| Estate - Distribution - intestacy - next-of-kin | 565(L) | 5.3.7 |
| Estate - Distribution - intestacy - no immediate family - nieces and nephews - per capita | 565(L) | 5.3.6 |
| Estate - Distribution - intestacy - no next-of-kin | 565(L) | 5.3.8 |
| Estate - Distribution - intestacy - no spouse, no issue & no parents | 565(L) | 5.3.5 |
| Estate - Distribution - Intestacy - persons born outside of wedlock - advertisement | 566(L) | 5.4.2 |
| Estate - Distribution - intestacy - spousal preferential share - when spouse is entitled | 564(R) | 5.3.2(a) |
| Estate - Distribution - intestacy - spouse and issue | 564(R) | 5.3.2 |
| Estate - Distribution - intestacy - spouse and issue - balance of estate | 564(R) | 5.3.2(b) |
| Estate - Distribution - intestacy - spouse and issue - if child predeceased | 564(R) | 5.3.2(b) |
| Estate - Distribution - intestacy - spouse and issue - issue representation - per stirpes | 564(R) | 5.3.2(b) |
| Estate - Distribution - intestacy - spouse’s preferential share - definition | 564(R) | 5.3.2(a) |
| Estate - Distribution - intestacy - spouse’s preferential share - how it is calculated | 564(R) | 5.3.2(a) |
| ESTATE - DISTRIBUTION - INTESTACY - SUCCESSION LAW REFORM ACT | 564(L) | 5.3 |
| Estate - Distribution - Lapsed devise | 566(R) | 5.5.1 |
| Estate - distribution - legacies - ademption | 567(L) | 5.5.4 |
| Estate - distribution - legacies - cash legacies | 567(R) | 5.6.1(a) |
| Estate - distribution - legacies - establishing priority | 567(LR) | 5.5.5 |
| Estate - distribution - legacies - final distributions | 568(L) | 5.6.1(d) |
| Estate - distribution - Legacies - incapable persons | 567(L) | 5.5.4 |
| Estate - Distribution - Legacies - interest on | 567(L) | 5.5.3 |
| Estate - Distribution - Legacies - interest on - exceptions | 567(L) | 5.5.3 |
| Estate - distribution - legacies - minors | 567(R)-568(L) | 5.6.1(c) |
| Estate - distribution - legacies - non-cash legacies | 567(R) | 5.6.1(b) |
| Estate - distribution - legacies - residuary legatees | 567(R) | 5.5.5 |
| Estate - distribution - legacies for minors | 567(R)-568(L) | 5.6.1(c) |
| Estate - Distribution - Mortgage on land | 566(R)-567(L) | 5.5.2 |
| Estate - distribution - non-cash legacies | 567(R) | 5.6.1(b) |
| Estate - distribution - non-cash legacies - acknowledgement from beneficiary | 567(R) | 5.6.1(b) |
| ESTATE - DISTRIBUTION - PERSON BORN OUT OF WEDLOCK | 565(L) | 5.4 |
| Estate - Distribution - person born outside of wedlock - limitation on tracing | 565(R) | 5.4 |
| Estate - Distribution - Persons born out of wedlock - searches at the registrar’s office | 566(L) | 5.4.2 |
| Estate - Distribution - persons born outside of wedlock - finding of parentage | 565(R)-566(L) | 5.4.2 |
| Estate - Distribution - persons born outside of wedlock - if estate trustee finds potential child born out of wedlock | 566(L) | 5.4.3 |
| Estate - Distribution - persons born outside of wedlock - judicial determination | 566(L) | 5.4.3 |
| Estate - Distribution - persons born outside of wedlock - reasonable inquiries | 565(R) | 5.4.1 |
| Estate - Distribution - posthumously conceived children | 566(LR) | 5.4.4 |
| Estate - Distribution - reasonable inquiry into persons outside of wedlock - scope | 565(R) | 5.4.1 |
| Estate - distribution - tax returns - clearance certificate prior to finalizing estate | 568(R) | 6.1 |
| Estate - distribution - tax returns - deadline for filing | 568(L) | 6.1 |
| Estate - distribution - tax returns - estate trustee’s responsibilities | 568(LR) | 6.1 |
| Estate - distribution - tax returns - GST / HST | 568(L) | 6.1 |
| Estate - distribution - tax returns - lawyer’s responsibilities | 568(LR) | 6.1 |
| Estate - Distribution - trustee liability for persons born outside of wedlock - reasonable inquiries | 565(R) | 5.4.1 |
| Estate - Distribution to persons born outside of wedlock - what constitutes a reasonable inquiry | 565(R) | 5.4.1 |
| Estate - passing accounts - Estates Act s. 10(1) - appeals to Divisional Court | 570(R) | 7.3.4 |
| Estate Administration - Lawyer's Duty - corporate vs. lay trustees | 547(L) | 1.1 |
| Estate Administration - Lawyer's Duty - to Advise Estate Trustee | 548(L) | 1.1.2 |
| Estate Administration - Obligation to Creditors | 558(LR) | 2.7.2 |
| Estate Administration - Other Formalities - Bequest to Former Spouse | 558(R) | 2.8.2 |
| Estate Administration - Other Formalities - Bequest to Witness | 558(R) | 2.8.1 |
| Estate Administration - Testator Divorced/Separated - revocation from former spouse | 558(R)-559(L) | 2.8.2 |
| Estate Administration Expenses - Effect on NFP | 542(L) | 14.1.2 |
| ESTATE ADMINISTRATION TAX | 555(R)-556(L) | 2.7 |
| Estate Administration Tax - amended return - method of delivery | 557(R) | 2.7.2 |
| Estate Administration Tax - amended return - triggering events | 557(L)-557(R) | 2.7.2 |
| Estate Administration Tax - Assessments - Challenges to/Appeals | 557(R) | 2.7.2 |
| Estate Administration Tax - Assessments - Estate Information Return - Deadlines | 557(R) | 2.7.2 |
| Estate Administration Tax - Assessments - No Clearance Certificate Mechanism | 558(L) | 2.7.2 |
| Estate administration tax - Assessments by Minister of Finance | 557(L)-557(R) | 2.7.2 |
| Estate Administration Tax - Calculation - assets not included | 555(R)-556(L) | 2.7 |
| Estate Administration Tax - Calculation - deduction - encumbrance on real property | 556(L) | 2.7 |
| Estate Administration Tax - Calculation - Insurance Proceeds | 556(L) | 2.7 |
| Estate Administration Tax - estate information return - late delivery | 557(R) | 2.7.2 |
| Estate Administration Tax - Estate Trustee - Comfort letter | 558(L) | 2.7.2 |
| Estate Administration Tax - Estate Trustee - Pays in a representative capacity only | 558(L) | 2.7.2 |
| Estate Administration Tax - estate trustee liability | 558(L) | 2.7.2 |
| Estate Administration Tax - Excluded Property from calculation | 555(R)-556(L) | 2.7 |
| Estate Administration Tax - late delivery - Ministerial assessment | 557(R) | 2.7.2 |
| Estate Administration Tax - Minister of Finance - Notice of Assessment (no obligation) | 558(L) | 2.7.2 |
| Estate Administration Tax - Offence - Failure to Provide Info & Making False or Misleading Statements or Omissions | 558(L) | 2.7.2 |
| Estate Administration Tax - offence - False or Misleading - no limitation period - Provincial Offences Act | 558(L) | 2.7.2 |
| Estate Administration Tax - Rates | 555(R)-556(L) | 2.7 |
| Estate Administration Tax - Reassessments - No Clearance Certificate Mechanism | 558(L) | 2.7.2 |
| Estate Administration Tax - Reassessments - Time Period | 558(L) | 2.7.2 |
| Estate Administration Tax - Reassessments by Minister of Finance | 557(R) | 2.7.2 |
| Estate Administration Tax - Required before Certificate Issued | 555(R)-556(L) | 2.7 |
| Estate Administration Tax - see Will Planning, Drafting and Execution - Estate administration tax | 482(R)-483(L) | 6 |
| Estate Administration Tax - submission of estate information return - delivery receipt | 557(R) | 2.7.2 |
| Estate Administration Tax - Tax Refunds - procedure for obtaining | 556(R) | 2.7.1 |
| Estate Administration Tax - Tax Refunds - recover for overpayment - circumstances | 556(R) | 2.7.1 |
| Estate Administration Tax - Tax Refunds - when refused | 556(R) | 2.7.1 |
| Estate Administration Tax - When required to be paid | 555(R)-556(L) | 2.7 |
| Estate Administration Tax - When required to be paid - exceptions (rr. 74.13(2)&(3)) | 555(R) | 2.7 |
| Estate Administration Tax - Where application for Ancillary or Resealing of appointment - assets included | 556(R) | 2.7 |
| Estate Administration Tax - Where application for certificate of appointment of foreign estate trustee’s nominee as estate trustee without a will - assets included | 556(R) | 2.7 |
| Estate Administration Tax - Where Multiple wills | 556(R) | 2.7 |
| Estate Administration Tax (formerly “Probate Fees”) - see Will Planning, Drafting and Execution - Estate administration tax | 482(R)-483(L) | 6 |
| Estate claims - Summary disposition - SEE Summary disposition of claims against estate | 587(L) | 9 |
| Estate Information Return - Assessments by Minister of Finance | 557(L)-557(R) | 2.7.2 |
| Estate information return submitted - estate administration tax - tax refund | 556(R) | 2.7.1 |
| Estate Mediation - Client Preparation | 588(R) | 10.3 |
| Estate Mediation - Client Preparation - Confidentiality | 588(R) | 10.3 |
| Estate of the deceased - tax - new taxpayer | 519(L) | 1.2 |
| ESTATE PLANNING - ADMINISTRATION OF ESTATE - DEBTS AND CONTRACTUAL OBLIGATIONS | 560(R) | 4 |
| Estate Planning - Administration of Estates - Accounting | 568(R) | 7 |
| Estate Planning - Administration of Estates - Accounting - disposition on the passing of accounts | 570(L) | 7.3.4 |
| Estate Planning - Administration of Estates - Accounting - Passing accounts | 569(LR) | 7.3 |
| Estate Planning - Administration of Estates - Accounting - Requirements of Accounting | 568(R) | 7.1 |
| Estate Planning - Administration of Estates - ACCOUNTING - STATEMENTS FOR BENEFICIARIES | 569(L) | 7.2 |
| Estate Planning - Administration of Estates - Tax Returns - Tax Traps - “Post-mortem” Tax Planning - Consulting Outside Professional | 568(R) | 6.1 |
| Estate Planning - Trusts - General | 527(LR) | 2 |
| Estate Planning - Trusts - Uses & Features of | 528(R)-529(L) | 4 |
| Estate proceedings - Costs | 588(R)-589(L) | 11 |
| Estate proceedings - Limitation periods - Covid 19 pandemic - Suspension of limitation periods | 591(L) | 12.6 |
| Estate proceedings - Limitation periods - SEE Limitation periods - Estate proceedings | 589(L)-592(LR) | 12 |
| Estate Registrar - NFP - Election - Where to File | 536(R) | 6.1 |
| ESTATE TRUSTEE | 547(L) | 1 |
| Estate Trustee - Advertisement for creditors - Beneficiaries' liability | 562(L) | 4.3.1 |
| Estate Trustee - Advertisement for creditors - Effect of not - No Distribution Until… | 564(L) | 5.2 |
| Estate Trustee - Advertisement for creditors - effects of - Estate trustee's liability | 562(LR) | 4.3.1 |
| Estate Trustee - Advertisement for creditors - form of | 562(L) | 4.3.2 |
| Estate Trustee - Advertisement for creditors - frequency of publication - requirements | 562(R) | 4.3.4 |
| Estate Trustee - Advertisement for creditors - when advertising essential | 562(R) | 4.3.5 |
| Estate Trustee - Advertisement for creditors - when required | 562(R) | 4.3.5 |
| Estate Trustee - Advertisement for creditors - where to publish | 562(R) | 4.3.3 |
| Estate trustee - Application for advice and direction - Liability of | 581(LR) | 5.2 |
| Estate trustee - Application for advice and direction - Questions that should not be asked of the court | 581(R)-582(L) | 5.2.1 |
| Estate trustee - Application for advice and direction - Role of the estate trustee | 582(L) | 5.2.2 |
| Estate trustee - Application to ascertain heirs - Applications under R. 14.05(3) | 582(LR) | 5.3 |
| Estate trustee - Application to ascertain heirs - Initiated by estate trustee - Order directing a reference | 582(R) | 5.3 |
| Estate trustee - Application to ascertain heirs - Initiated by individual claiming to be heir - Onus to prove | 582(R) | 5.3 |
| Estate Trustee - Appointment - Conflict of interest - see Will Planning, Drafting and Execution - Client instructions - Appointment of estate trustee - conflict of interest, risk of | 486(L) | 9.1 |
| Estate Trustee - Appointment - see Will Planning, Drafting and Execution - Client instructions - Appointment of Estate Trustees | 485(L)-486(R) | 9.1 |
| ESTATE TRUSTEE - ASSET ADMINISTRATION - REAL ESTATE | 561(LR) | 3.2 |
| Estate trustee - asset administration - real estate - land titles - properties having value over $50,000 | 561(LR) | 3.2 |
| Estate Trustee - Asset administration - real estate - registration of title - requirements | 561(R) | 3.2 |
| Estate Trustee - Asset administration - real estate - requirements - land titles | 561(LR) | 3.2 |
| Estate Trustee - Asset administration - real estate - requirements - registry system | 561(LR) | 3.2 |
| Estate Trustee - Asset Administration - Real Estate - Transfer of Title - Requirements | 561(R) | 3.2 |
| ESTATE TRUSTEE - ASSET ADMINISTRATION - SECURITIES | 560(L) | 3.1 |
| Estate trustee - Asset administration - Securities - Additional considerations | 560(R)-561(L) | 3.1.4 |
| Estate Trustee - Asset administration - securities - transfer in the US | 560(R)-561(L) | 3.1.3; 3.1.4 |
| Estate Trustee - Asset administration - securities - transfer requirements - Foreign Jurisdiction (Situs in) | 560(R) | 3.1.3 |
| Estate Trustee - Asset administration - securities - transfer requirements - ONT companies | 560(R) | 3.1.1 |
| Estate Trustee - Asset administration - securities - transfer requirements - put in bearer or negotiable form | 561(L) | 3.1.4 |
| Estate Trustee - Asset administration - securities - transfer requirements - Quebec companies | 560(R) | 3.1.2 |
| Estate Trustee - Asset administration - securities - transfer requirements - shares registered in name of minor | 561(L) | 3.1.4 |
| Estate Trustee - Asset administration - securities - transfer requirements - Stock registered in name of limited company | 561(L) | 3.1.4 |
| Estate Trustee - Asset Administration - Securities - transfer to care | 560(L) | 3.1 |
| Estate Trustee - Asset Determination - RESPs - Contributions to vs. Income From | 551(R)-552(L) | 1.2.13 |
| Estate Trustee - Asset Determination - RRSPs, RRIFs, TFSAs, RESPs | 551(R)-552(L) | 1.2.13 |
| Estate Trustee - Assets determination - annuity contracts, pensions | 550(R) | 1.2.6 |
| Estate Trustee - Assets determination - Armed forces benefit (Canadian Pension Commission) | 550(R) | 1.2.7 |
| Estate Trustee - Assets determination - arrangements for | 549(LR) | 1.2 |
| Estate Trustee - Assets determination - business interests | 550(R) | 1.2.5 |
| Estate Trustee - Assets determination - Canada Pension Plan | 550(R) | 1.2.6 |
| Estate Trustee - Assets determination - cash/moneys on deposit | 550(L) | 1.2.1 |
| Estate Trustee - Assets determination - duty to determine, secure & protect | 549(LR) | 1.2 |
| Estate Trustee - Assets determination - employee benefits | 550(R) | 1.2.4 |
| Estate Trustee - Assets determination - foreign social security benefits | 550(R)-551(L) | 1.2.8 |
| Estate Trustee - Assets determination - future income from securities | 549(R) | 1.2 |
| Estate Trustee - Assets determination - household contents/goods/personal effects | 550(L) | 1.2.2 |
| Estate Trustee - Assets determination - income tax returns | 550(L) | 1.2.1 |
| Estate Trustee - Assets determination - insurance arrangements for | 549(LR) | 1.2 |
| Estate Trustee - Assets determination - insurance policies | 550(L) | 1.2.3 |
| Estate Trustee - Assets determination - interest in other estates & trusts | 551(L) | 1.2.11 |
| Estate Trustee - Assets determination - Joint bank accounts - Pecore v Pecore | 551(LR) | 1.2.12 |
| Estate Trustee - Assets determination - jointly held property - when part of estate | 551(LR) | 1.2.12 |
| Estate Trustee - Assets determination - lawyer who drew up will | 549(R) | 1.2 |
| Estate Trustee - Assets determination - mortgage investments | 551(L) | 1.2.10 |
| Estate Trustee - Assets determination - pensions & annuities | 550(R) | 1.2.6 |
| Estate Trustee - Assets determination - perishable assets- disposition of | 549(L) | 1.2 |
| Estate Trustee - Assets determination - private business | 549(R) | 1.2 |
| Estate Trustee - Assets determination - private business - business operations | 549(R) | 1.2 |
| Estate Trustee - Assets determination - real estate | 551(L) | 1.2.9 |
| Estate Trustee - Assets determination - RRSP - beneficiary | 551(R)-552(L) | 1.2.13 |
| Estate Trustee - Assets determination - RRSP - beneficiary - liability for income tax | 551(R)-552(L) | 1.2.13 |
| Estate Trustee - Assets determination - RRSP, RRIF - income | 551(R)-552(L) | 1.2.13 |
| Estate Trustee - Assets determination - securities | 549(R) | 1.2 |
| Estate Trustee - Assets determination - securities, cash, jewellery, deeds, title papers, valuable papers | 550(L) | 1.2.2 |
| Estate Trustee - Assets determination - vacant real estate | 549(R) | 1.2 |
| Estate Trustee - authority during litigation | 555(L) | 2.5 |
| Estate trustee - authority re: funeral and burial | 487(L) | 9.4 |
| Estate Trustee - Authority to deal with property (certificate of appointment is evidence of that) | 553(LR) | 2.3 |
| Estate Trustee - Certificate of Appointment of Estate Trustee | 552(R) | 2 |
| Estate Trustee - Challenge an Assessment | 557(R) | 2.72 |
| Estate trustee - CL spouse as - Estates Act | 593(LR)-594(L) | 1 & 2.1 |
| Estate Trustee - Clearance certificate - final clearance certificate | 520(R)-521(L) | 2 |
| Estate Trustee - Clearance certificate - final clearance certificate - practical considerations | 520(R)-521(L) | 2 |
| Estate Trustee - Clearance certificate - final clearance certificate - when not necessary | 521(L) | 2 |
| ESTATE TRUSTEE - CLEARANCE CERTIFICATE  SEE ALSO: CLEARANCE CERTIFICATE  SEE ALSO: TAX - CLEARANCE CERTIFICATE | 520(L)-521(L) | 2 |
| Estate Trustee - Clearance certificate  SEE: clearance certificate vs. final clearance certificate | 530(L) | 5.6  2 |
| Estate Trustee - Communication with persons entitled to benefit | 549(L) | 1.1.5 |
| Estate trustee - compensation - A lawyer/trustee can charge both fees | 572(R) | 7.3.5(g) |
| Estate trustee - compensation - A lawyer/trustee CAN take pre-compensation for legal fees | 572(R) | 7.3.5(g) |
| Estate Trustee - compensation - capital disbursements percentage | 570(R) | 7.3.5(a) |
| Estate Trustee - compensation - care and management fee | 570(R) | 7.3.5(a) |
| Estate trustee - compensation - charging against the estate - income and capital beneficiaries | 572(L) | 7.3.5(e) |
| Estate Trustee - compensation - compensation exceeding amount approved by court - trustee must repay with interest | 572(R) | 7.3.5(f) |
| Estate trustee - compensation - court recognized tarrif - Re Archibald (Estate) - care and management fee | 571(L) | 7.3.5(a) |
| Estate Trustee - compensation - court-recognized tariff | 570(R) | 7.3.5(a) |
| Estate trustee - compensation - Evidence - time dockets - time logs - length of administration - complexity of estate - factors | 571(R) | 7.3.5(a) |
| Estate trustee - compensation - general prohibition against pre-taking compensation - Re Flaska Estate | 572(R) | 7.3.5(f) |
| Estate trustee - compensation - general prohibition against pre-taking compensation - Re Knoch | 572(LR) | 7.3.5(f) |
| Estate trustee - compensation - Lawyer acting as sole estate trustee | 572(R) | 7.3.5(g) |
| Estate trustee - compensation - lawyer’s fees | 573(L) | 7.3.5(i) |
| Estate trustee - compensation - lawyer’s fees - how to calculate | 573(L) | 7.3.5(i) |
| Estate Trustee - Compensation - party line - absent testator authorization - judicial sanction | 572(R) | 7.3.5(f) |
| Estate trustee - compensation - pendente lite | 572(L) | 7.3.5(f) |
| Estate trustee - compensation - pre-taking compensation - judicial sanction | 572(R) | 7.3.5(f) |
| Estate trustee - compensation - pre-taking of compensation | 572(LR) | 7.3.5(f) |
| Estate trustee - compensation - Re Knoch | 572(LR) | 7.3.5(f) |
| Estate Trustee - Compensation - Re Knoch - source of entitlement not s 61 of Trustee Act, but s 53 of Surrogate Court Act - general prohibition against pre-taking of compensation by estate trustee | 572(LR) | 7.3.5(f) |
| Estate trustee - compensation - Re William George King Trust - pre-taking compensation approved - not followed | 572(R) | 7.3.5(f) |
| Estate trustee - compensation - seeking tariff beyond Tariff C | 573(L) | 7.3.5(i) |
| Estate Trustee - compensation - special fee - requesting fee above the tariff | 571(R) | 7.3.5(b) |
| Estate trustee - compensation - Subrule 74.18(10) - Tarifff C | 573(L) | 7.3.5(i) |
| Estate trustee - compensation - Subrule 74.18(13) | 573(L) | 7.3.5(i) |
| Estate trustee - compensation - Surrogate Court Act s. 53 | 572(L) | 7.3.5(f) |
| Estate trustee - compensation - Trustee Act s. 61 | 572(L) | 7.3.5(f) |
| Estate trustee - compensation - Trustee Act s. 61(4) - lawyer as trustee can take both trustee and lawyer fees | 572(R) | 7.3.5(g) |
| Estate trustee - compensation - Trustee Act s. 61(5) | 571(R) | 7.3.5(c) |
| Estate trustee - compensation - trustee fee, why set by will or agreement - corporate trustees - estate too small for appropriate fee by usual percentages approach | 571(R) | 7.3.5(c) |
| Estate Trustee - compensation - usual percentages - calculation | 570(R) | 7.3.5(a) |
| Estate trustee - compensation - when a trustee may be inclined to ask for special fee… - two common circumstances - business interests in estate assets - partnership interests - estate involved in litigation | 571(R) | 7.3.5(b) |
| Estate Trustee - compensation special compensation - evidence required | 571(R) | 7.3.5(b) |
| Estate Trustee - Contracts Entered into Prior to Death - Contractual Obligations | 561(R) | 4.1 |
| Estate Trustee - Court Status Certificate - Authority on Death of One Trustee | 554(L) | 2.3 |
| Estate Trustee - Creditors - when liable to (re: personal representative, but the same applies to trustees under the Act)  See also: Personal Representative | 520(L) | 2 |
| Estate Trustee - Creditors' claims - settlement (re: personal representative, but the same applies to trustees under the Act)  See also: Personal Representative | 520(L) | 2 |
| Estate Trustee - Creditors must be paid first | 558(R) | 2.7.2 |
| Estate trustee - Debts - Application of assets to settle | 563(L) | 4.5 |
| Estate Trustee - Debts - ascertaining | 561(R) | 4.2 |
| Estate Trustee - Debts - insolvent estate - asset ranking - pari passu | 563(L) | 563(LR) |
| Estate Trustee - Delegating responsibility | 547(LR) | 1.1 |
| Estate trustee - Distribution - restrictions on distribution of estate - under FLA - Equalization | 539(R)-540(L) | 9 |
| Estate Trustee - Distribution of Estate - persons born outside of wedlock - reasonable inquiries | 565(R) | 5.4.1 |
| Estate trustee - distribution of estate - tax returns | 568(LR) | 6.1 |
| Estate Trustee - Donations of organs/Use of Body (Trillium Gift of Life Network Act) | 548(R) | 1.1.4 |
| ESTATE TRUSTEE - DURING LITIGATION | 555(L) | 2.5 |
| Estate Trustee - During Litigation - administration bond | 555(L) | 2.5 |
| Estate Trustee - During Litigation - appointment procedure | 555(L) | 2.5 |
| Estate Trustee - During Litigation - authority | 555(L) | 2.5 |
| Estate Trustee - During Litigation - bond - requirements | 555(L) | 2.5 |
| Estate Trustee - During Litigation - Certificate of Appointment application - procedural requirements | 555(L) | 2.5 |
| Estate Trustee - During Litigation - court order for appointment - requirements | 555(L) | 2.5 |
| Estate Trustee - During Litigation - officer of the court, as | 555(L) | 2.5 |
| Estate Trustee - During Litigation - rights & powers | 555(L) | 2.5 |
| Estate Trustee - During Litigation - time of appointment | 555(L) | 2.5 |
| Estate Trustee - During Litigation - who cannot be appointed | 555(L) | 2.5 |
| Estate Trustee - Duty - exercise of discretion - to act personally | 547(L) | 1.1 |
| Estate Trustee - Duty - locating a will | 547(R)-548(L) | 1.1.1 |
| Estate Trustee - Duty - to act personally - exception - investment management (Ontario Trustee Act) | 547(R) | 1.1 |
| Estate Trustee - Duty not to Delegate | 547(LR) | 1.1 |
| Estate Trustee - Estate Administration Tax - Comfort letter | 558(L) | 2.7.2 |
| Estate Trustee - Estate Administration Tax - No Notice or Clearance Certificate - Impact on Distributions of Estate | 558(L) | 2.7.2 |
| Estate Trustee - Estate Administration Tax - Payable in a representative capacity only | 558(L) | 2.7.2 |
| Estate trustee - foreign - appointment - see Will Planning, Drafting and Execution - Client instructions - appointment of foreign estate trustee | 485(R)-486(L) | 9.1 |
| Estate Trustee - Funeral arrangements - Reasonable Expenses | 548(R) | 1.1.3 |
| Estate Trustee - Insolvent Estate - Reasons for accepting appointment | 563(R) | 4.5.1 |
| Estate Trustee - Insolvent Estate- intestacy or without estate trustee willing/able to act | 563(R) | 4.5.1 |
| Estate Trustee - Intestacy - Appointment without will | 554(LR) | 2.4 |
| Estate Trustee - Inventory - preparation of | 552(LR) | 1.3 |
| Estate Trustee - joint estate trustees - wills - see Will Planning, Drafting and Execution - Client instructions - Appointment of Estate Trustees - appointment of joint estate trustees | 485(R) | 9.1 |
| Estate Trustee - late delivery - offence under Estate Administration Tax Act, 1998 | 557(R) | 2.7.2 |
| Estate trustee - lawyer’s advice - compensation of entitlement for administering estate | 548(L) | 1.1.2 |
| Estate Trustee - Lawyer’s Duty to Advise - funeral or burial instructions non-binding | 548(L) | 1.1.2 |
| Estate Trustee - Lawyer’s Duty to Advise - General | 548(L) | 1.1.2 |
| Estate trustee - lawyer’s duty to advise - matters that require immediate attention | 548(L) | 1.1.2 |
| Estate Trustee - Lawyer’s Duty to Advise - Two or More Trustees | 548(L) | 1.1.2 |
| Estate Trustee - Liability - advertisement for creditors - effects of | 562(L) | 4.3.1 |
| Estate Trustee - Liability - Due Diligence Defence | 558(L) | 2.7.2 |
| Estate Trustee - Liability - Notice to creditors - effects of | 562(L) | 4.3.1 |
| Estate Trustee - liability for estate administration tax | 558(L) | 2.7.2 |
| Estate Trustee - Named in will - authority - where flows from | 552(R) | 2.1 |
| Estate Trustee - Not Appointed - Litigation Administrator | 555(LR) | 2.6 |
| Estate Trustee - not resident of ONT - Security bond required | 559(L) | 2.9 |
| Estate Trustee - Notice to creditors - effects of - Estate trustee's liability | 562(L) | 4.3.1 |
| Estate Trustee - Notice to creditors - form of | 562(LR) | 4.3.2 |
| Estate Trustee - Notice to creditors - frequency of publication - requirements | 562(R) | 4.3.4 |
| Estate Trustee - Notice to creditors - when advertising essential | 562(R) | 4.3.5 |
| Estate Trustee - Notice to creditors - when required | 562(R) | 4.3.5 |
| Estate Trustee - Notice to creditors - where to publish | 562(R) | 4.3.3 |
| ESTATE TRUSTEE - NOTICE TO CREDITORS AND OTHERS | 562(L) | 4.3 |
| Estate Trustee - Obligation to Provide Info - Estate Administration Tax | 557(R) | 2.7.2 |
| Estate Trustee - Obligation to Provide Info - submitting additional information required | 557(R) | 2.7.2 |
| Estate Trustee - Offence - Estate Administration Tax | 558(L) | 2.7.2 |
| Estate Trustee - Offence - Estate Administration Tax - Failure to Provide Info & Making False or Misleading Statements or Omissions | 558(L) | 2.7.2 |
| Estate Trustee - Offence - Estate Administration Tax - Fines/Imprisonment | 558(L) | 2.7.2 |
| Estate Trustee - Preparation of Inventory | 552(LR) | 1.3 |
| Estate Trustee - Preparation of Inventory - Corporate Trustee vs Lay Trustee | 552(LR) | 1.3 |
| Estate trustee - Priority - Spouse - Includes common-law - Estates Act | 593(LR)-594(L) | 1 & 2.1 |
| Estate trustee - Purchase of estate assets by - Applications under R. 14.05(3) | 583(R)-584(L) | 5.5 |
| Estate trustee - Purchase of estate assets by - Court approval - Conditions of | 584(L) | 5.5 |
| Estate trustee - Purchase of estate assets by - Court approval - Without beneficiary consent | 584(L) | 5.5 |
| Estate trustee - Purchase of estate assets by - Materials required for application - Asset valuation | 584(L) | 5.5 |
| Estate Trustee - Qualifying/Tainted spousal trusts - allocation by personal representative | 522(LR) | 3.1.1 |
| Estate trustee - Removal and replacement of - Application to Sup Ct | 583(L) | 5.4 |
| Estate trustee - Removal and replacement of - Applications under R. 14.05(3) | 583(L) | 5.4 |
| Estate trustee - Removal and replacement of - Order | 583(L) | 5.4 |
| Estate trustee - Removal and replacement of - Originating process | 583(L) | 5.4 |
| Estate Trustee - Restriction on distribution of estate - FLA - Equalization | 539(R)-540(L) | 9 |
| Estate Trustee - Role - general (funeral, proving will, paying creditors, etc) - see Will Planning, Drafting and Execution - Client instructions - Appointment of Estate Trustees | 485(LR) | 9.1 |
| ESTATE TRUSTEE - SECURITY BOND | 559(L) | 2.9 |
| Estate Trustee - Security bond - amount of bond required | 559(L) | 2.9.1 |
| Estate Trustee - Security bond - application for | 559(L) | 2.9.1 |
| Estate Trustee - Security bond - Cancellation | 559(R) | 2.9.3 |
| Estate Trustee - Security bond - Order to dispense | 559(LR) | 2.9.2 |
| Estate Trustee - Security bond - Surrender by Court | 559(R) | 2.9.3 |
| Estate Trustee - Security bond - when dispensed with | 559(LR) | 2.9.2 |
| Estate Trustee - Security bond - when not required | 559(LR) | 2.9.2 |
| Estate Trustee - Security bond - when reduced | 559(LR) | 2.9.2 |
| Estate Trustee - Security bond - when required | 559(L) | 2.9 |
| ESTATE TRUSTEE - SECURITY OF ASSETS & ASSETS DETERMINATION | 549(LR)-550(L) | 1.2 |
| ESTATE TRUSTEE - TAX - CLEARANCE CERTIFICATE | 520(L)-521(L) | 2 |
| Estate Trustee - Tax - Filing returns - requirements | 529(R) | 5.4 |
| Estate Trustee - Tax - returns - filing deadline | 524(R) | 3.1.6 |
| Estate Trustee - Tax - returns - subsequent to date of death | 524(R) | 3.1.6 |
| Estate Trustee - Tax consequences of taxpayer's death - personal liability  SEE: Personal Representative | 520(L) | 2 |
| Estate Trustee - Trust Company - no security bond required | 559(L) | 2.9.1 |
| Estate Trustee - With a Will - renunciation | 553(R) | 2.3 |
| Estate Trustee compensation - what it covers - compensation is in exchange for all work done not just distribution | 571(L) | 7.3.5(a) |
| ESTATE TRUSTEE’S COMPENSATION | 570(R) | 7.3.5 |
| Estate trustee’s compensation - A lawyer/trustee can charge both fees | 572(R) | 7.3.5(g) |
| Estate trustee’s compensation - A lawyer/trustee CAN take pre-compensation for legal fees | 572(R) | 7.3.5(g) |
| Estate trustee’s compensation - Evidence | 571(L) | 7.3.5(a) |
| Estate trustee’s compensation - Lawyer acting as sole estate trustee | 572(R) | 7.3.5(g) |
| Estate trustee’s compensation - lawyer’s fees | 572(R) | 7.3.5(g) |
| Estate trustee’s compensation - lawyer’s fees - how to calculate | 573(L) | 7.3.5(i) |
| Estate trustee’s compensation - pendent lite | 572(L) | 7.3.5(f) |
| Estate trustee’s compensation - pre-taking of compensation | 572(LR) | 7.3.5(f) |
| Estate trustee’s compensation - Re Archibald (Estate) - care and management fee | 571(L) | 7.3.5(a) |
| Estate trustee’s compensation - Re Knoch | 572(LR) | 7.3.5(f) |
| Estate Trustee’s Compensation - statutory basis s. 61 Trustee Act | 570(R) | 7.3.5 |
| Estate trustee’s compensation - Subrule 74.18(10) | 573(L) | 7.3.5(i) |
| Estate trustee’s compensation - Subrule 74.18(13) | 573(L) | 7.3.5(i) |
| Estate trustee’s compensation - Surrogate Court Act s. 53 | 572(L) | 7.3.5(f) |
| Estate trustee’s compensation - Trustee Act s. 61 | 572(L) | 7.3.5(f) |
| Estate trustee’s compensation - Trustee Act s. 61(4) | 572(R) | 7.3.5(g) |
| Estate trustee’s compensation - Trustee Act s. 61(5) | 571(R) | 7.3.5(c) |
| Estate Trustee’s Compensation - trustee instructs lawyer to carry out trustee functions - compensation may be charged against trustee’s compensation - lawyer must advise trustee of what lawyer is entitled to from the estate for his work - this must be documented prior to administration of estate | 573(R) | 7.3.5(i) |
| Estate trustee’s compensation - When is a hearing required for increased costs? | 573(LR) | 7.3.5(i) |
| Estate trustee’s investment authority - trusts - wills | 491(R)-492(L) | 10.4.1 |
| Estates - Indians - Administration & Probate | 598(L) | 9 |
| Estates - Mandatory mediation - Mediator’s report | 588(LR) | 10.2 |
| Estates - Mandatory mediation - Preparation for | 588(LR) | 10.2 |
| Estates - Mandatory mediation - SEE Mandatory mediation - Estates | 587(R) | 10 |
| Estates - Mandatory mediation - Statement identifying issues in dispute | 588(L) | 10.2 |
| Estates - Mandatory mediation - Who can be mediator | 588(L) | 10.2 |
| Estates - Mandatory mediation - Who must attend | 588(L) | 10.2 |
| Estates - Mandatory mediation- Directions for conduct of mediation - r 75.1.05 | 588(L) | 10.1 |
| Estates - persons born outside of wedlock - insufficient reasonable inquiries - judicial determination | 566(L) | 5.4.3 |
| Estates - Proceedings - Costs | 588(R)-589(L) | 11 |
| Estates - Spouse - Income Tax - Definition | 527(L) | 1 |
| Estates - Tax - Residence rules - Trusts or Estates | 529(R) | 5.2 |
| Estates Act - Estate Proceedings - Limitation Periods | 589(L)-592(LR) | 12 |
| Estates Act - Estate trustee - Priority - Spouse - Includes common-law | 593(LR)-594(L) | 1 & 2.1 |
| Estates Act - Limitation periods in estate proceedings - Summary | 591(LR) | 13 |
| Estates Act - Personal representative - Priority - Spouse - Includes common-law | 593(LR)-594(L) | 1 & 2.1 |
| Estates Administration Act - Estate Proceedings - Limitation Periods | 589(L)-592(LR) | 12-12.4 & 13 |
| Estates Administration Act - Limitation periods in estate proceedings - Summary | 592(LR) | 13 |
| Even hand principle - Trusts (Impartiality) | 528(R) | 3 |
| Exception - Bare Trusts - Trustee and Agent of Beneficiary | 527(R) | 2 |
| Excess income - trusts - Accumulations Act | 493(L) | 10.4.3 |
| Exclusions - from NFP (net family property) - FLA | 535(R) | 3 |
| Excusable tainting - Qualifying spousal trusts | 522(R) | 3.1.1 |
| Execution - POA - witness | 506(L) | 6 |
| Execution of wills - remote witnessing - Covid 19 accomodations - Reopening Ontario Act | 494(R) | 11.2 |
| Executor - Spouse - Effect of Election for Equalization | 538(L) | 7.2.1 |
| Exemption (Tax) - Principal Residence | 524(R)-525(L) | 3.1.7 |
| Express Trust - Certainty of objects | 528(L) | 2 |
| Express Trust - Certainty of objects - exception - charitable trust (cy-près scheme) | 528(L) | 2 |
| Express Trust - Certainty of subject matter | 528(L) | 2 |
| Express Trust - Certainty of words | 527(R) | 2 |
| Express Trust - Definition & 2 essential features | 527(R) | 2 |
| Express Trust - three certainties - effective trusts | 527(R)-528(L) | 2 |
| Express Trust - Three Essential Characteristics (3 Certainties) | 527(R)-528(L) | 2 |
| EXPRESS TRUST  SEE ALSO: TRUSTS - EXPRESS TRUST | 527(LR) | 2 |
| Extension of time - election for equalization - no certificate of appointment of estate trustee | 537(R) | 6.3 |
| F |  |  |
| Failure to file - Election for Equalization - NFP | 537(L) | 6.1 |
| Family - Income Splitting - New Rule | 526(LR) | 3.1.9 |
| Family home - Possession of on death of spouse - Indian wills and estates | 596(R) | 6 |
| Family home or cottage - joint tenancy vs. tenancy in common - leaving to two or more children | 489(R) | 9.7 |
| Family home or cottage - leaving to stay-at-home adult child and questions to ask - wills | 489(L) | 9.7 |
| Family home or cottage - leaving to two or more children | 489(R) | 9.7 |
| Family Homes on Reserves and Matrimonial Interests or Rights Act - Indian wills and estates | 596(R), 598(R)-599(LR) | 6 & 13 |
| Family Law Act - Estate Proceedings - Limitation Periods | 589(L)-592(LR) | 12-12.4 & 13 |
| Family Law Act - Indian wills and estates - Net family property - Equalization | 598(R)-599(LR) | 13 |
| Family Law Act - Limitation periods in estate proceedings - Summary | 591(LR) | 13 |
| Family Law Act - Spousal election - Estates - Married spouses only | 593(LR)-594(L) | 1 & 2.1 |
| Family Law Act - Spouse - Definition - Estates | 593(LR)-594(L) | 1 & 2.1 |
| Farm property - intergenerational transfer - rollover - tax purposes | 522(R)-523(L) | 3.1.2 |
| Fees - power of attorney (POA) - property | 502(LR) | 3.12 |
| Fiduciary Duties - Trustee | 528(LR) | 3 |
| Fiduciary Duty - POA | 497(R) | 2 |
| Fiduciary relationship - POA | 497(R) | 2 |
| Fiduciary Relationship - Trusts | 527(LR) | 2 |
| Filing deadline - tax - returns - terminal return | 524(R) | 3.1.6 |
| Filing income tax return - Trust - T3 | 529(R) | 5.4 |
| Filing tax returns of deceased - timing | 524(R) | 3.1.6 |
| Final clearance certificate | 520(R)-521(L) | 2 |
| Final distribution - estate - releases | 568(L) | 5.6.1(d) |
| Final Distribution of Balance of Assets - Releases from Further Liability - Necessary Clearance Certificate from CRA - Advise Estate Trustee Against Further Liability - Reserve Funds - Arrangement to Surrender Existing Bonds | 569(L) | 7.2 |
| FINAL REVIEW - ensure estate trustee has completed all responsibilities - release by all beneficiaries no guarantee | 573(R) | 8 |
| Financial institution - transactions with power of attorney (POA) - multiple POAs | 500(R) | 3.6 |
| FLA - Clawback provision - None | 540(LR) | 11 |
| FLA - Election - rights of CL spouse - effects | 593(LR)-594(L) | 1 & 2.1 |
| FLA - Equalization - Ability of Court to Award Higher NFP | 536(R) | 5 |
| FLA - Equalization - Court Order against depletion of property | 540(L)-541(R) | 12 |
| FLA - Indian wills and estates - Net family property - Equalization | 598(R)-599(LR) | 13 |
| FLA - Limitation periods in estate proceedings - Summary | 591(LR) | 13 |
| FLA - NFP - calculation issues - Income Taxes at Death - assets’ pre- or post-tax value | 542(R) | 14.1.3 |
| FLA - NFP - calculation issues - Life insurance on deceased spouse’s life | 541(R) | 14.1.1 |
| FLA - NFP - definition | 535(L) | 2 |
| FLA - NFP - Effect of Election under FLA - Will Entitlements | 538(L) | 7.2 |
| FLA - NFP - Election for Equalization | 536(R) | 6 |
| FLA - NFP - Election for Equalization - application to extend time | 537(L) | 6.1 |
| FLA - NFP - Election for Equalization - Court Orders - issue of treasury shares from corporation - problems with | 540(L)-541(R) | 12 |
| FLA - NFP - Election for Equalization - Court Orders - sale of business or farm | 540(L)-541(R) | 12 |
| FLA - NFP - Election for Equalization - Court Orders - Variation Orders Permitted When | 540(L)-541(R) | 12 |
| FLA - NFP - Election for Equalization - Court Orders (enforcement of equalization order) | 540(L)-541(R) | 12 |
| FLA - NFP - Election for Equalization - effect of election - dependant's relief claim heard after equalization claim | 538(R) | 7.2.3 |
| FLA - NFP - Election for Equalization - effect of election - forfeiture of spouse as estate trustee | 538(L) | 7.2.1 |
| FLA - NFP - Election for Equalization - effect of election - generally | 538(L) | 7.1; 7.2 |
| FLA - NFP - Election for Equalization - effect of election - insurance, pension or similar plan benefits | 539(L) | 7.2.4 |
| FLA - NFP - Election for Equalization - effect of election - intestacy - surviving spouse and property outside ONT | 538(R) | 7.2.2 |
| FLA - NFP - Election for Equalization - effect of election - intestacy - surviving spouse and SLRA entitlement | 538(R) | 7.2.2 |
| FLA - NFP - Election for Equalization - Effect of election on spouse who is to be executor | 538(L) | 7.2.1 |
| FLA - NFP - Election for Equalization - electing under the will or on intestacy unaffected (no equalization) | 538(L) | 7.1 |
| FLA - NFP - Election for Equalization - election once filed - irrevocable (probably) | 537(R) | 6.3 |
| FLA - NFP - Election for Equalization - Exchange of financial info - requirements to serve & file | 540(LR) | 11 |
| FLA - NFP - Election for Equalization - Failure to File | 537(L) | 6.1 |
| FLA - NFP - Election for Equalization - failure to make it | 537(L) | 6.1 |
| FLA - NFP - Election for Equalization - filing - how, when, where election filed | 536(R) | 6.1 |
| FLA - NFP - Election for Equalization - generally | 536(R) | 6 |
| FLA - NFP - Election for Equalization - insurance proceeds + pensions & requirement to set-off | 539(L) | 7.2.4 |
| FLA - NFP - Election for Equalization - joint tenants all other property - not matrimonial home | 541(L) | 13 |
| FLA - NFP - Election for Equalization - Matrimonial Home - deemed severance - joint tenancy | 541(L) | 13 |
| FLA - NFP - Election for Equalization - Matrimonial Home - preserve right to possession | 541(L) | 13 |
| FLA - NFP - Election for Equalization - no certificate of appt of estate trustee & defer filing of election | 537(R) | 6.3 |
| FLA - NFP - Election for Equalization - Restrictions on distributions of estate | 539(R)-540(L) | 9 |
| FLA - NFP - Election for Equalization - Restrictions on distributions of estate - distribution in contravention of FLA - liability of personal representative | 540(L) | 10 |
| FLA - NFP - Election for Equalization - Restrictions on distributions of estate - election is not constructive notice to personal representative | 539(R)-540(L) | 9 |
| FLA - NFP - Election for Equalization - Restrictions on distributions of estate - when personal representative may ignore 6-month moratorium | 540(L) | 10 |
| FLA - NFP - Election for Equalization - Set-off requirement against claim | 539(L) | 7.2.4 |
| FLA - NFP - Election for Equalization - Sham dispositions of property | 540(LR) | 11 |
| FLA - NFP - Election for Equalization - Solicitor's Checklist | 545(L)-546(R) | 17 |
| FLA - NFP - Election for Equalization - Tax - Availability of Rollover for Transferred Capital Property | 543(R) | 15.1 |
| FLA - NFP - Election for Equalization - Valuation problems - do income taxes at death affect valuation? | 542(R) | 14.1.3 |
| FLA - NFP - Election for Equalization - Valuation problems - joint tenancy of property owned by spouses | 543(L) | 14.2 |
| FLA - NFP - Election for Equalization - Valuation problems - jointly held property w/ right of survivorship - remedy: spouse must account for increased share | 543(L) | 14.2 |
| FLA - NFP - Election for Equalization - who can make it | 537(L) | 6.2 |
| FLA - NFP - Election for Equalization - who can make it - Mental Incompetence | 537(L) | 6.2 |
| FLA - NFP - Election for Equalization - who can make it - Surviving Spouse - Death Within 6 months | 537(L) | 6.2 |
| FLA - NFP - Equalization - No tracing of property to 3rd parties | 540(LR) | 11 |
| FLA - NFP - Equalization claim - "one-way" only | 536(R) | 5 |
| FLA - NFP - Equalization claim - generally | 536(R) | 5 |
| FLA - NFP - Equalization claim - overpayment to surviving spouse - Set Off/Credit Mechanism | 536(R) | 5 |
| FLA - NFP - EQUALIZATION CLAIM  SEE ALSO: EQUALIZATION CLAIM  SEE ALSO: FLA - NFP - ELECTION FOR EQUAL. | 536(R) | 5 |
| FLA - NFP - excluded property | 535(R) | 3 |
| FLA - NFP - excluded property - onus of proving entitlement to exclusion | 535(R) | 3 |
| FLA - NFP - included property | 535(L) | 2 |
| FLA - NFP - Statutory Financial Information Disclosure Requirement | 540(LR) | 11 |
| FLA - NFP - Valuation - Other Income Tax Issues | 543(R) | 15 |
| FLA - NFP - Valuation - proceeds of life insurance if death | 536(L) | 4 |
| FLA - NFP - Valuation date - date before death - justification | 535(R)-536(L) | 4 |
| FLA - NFP - Valuation date - Death or Separation | 535(R) | 4 |
| FLA - NFP - Valuation date - Definition | 535(R) | 4 |
| FLA - NFP - Valuation date - simultaneous deaths | 536(L) | 4 |
| FLA - NFP  SEE ALSO: NFP | 535(L) | 2 |
| FLA - section 7 - application disclosure requirements - Exchange of financial info | 540(LR) | 11 |
| FLA - Spousal election - Estates - Married spouses only | 593(LR)-594(L) | 1 & 2.1 |
| FLA - Spouse - Definition - Estates | 593(LR)-594(L) | 1 & 2.1 |
| FLA (FAMILY LAW ACT) | 535(L) | 1 |
| FLA claim - Surviving spouse elects re: entitlement OR equalization payment | 536(R) | 6 |
| Foreign assets - power of attorney (POA) | 500(L) | 3.4 |
| Foreign assets - wills - Convention Providing a Uniform Law on the Form of an International Will | 494(R)-495 (L) | 11.3 |
| Foreign estate trustee - appointment - see Will Planning, Drafting and Execution - Client instructions - appointment of foreign estate trustee | 485(R)-486(L) | 9.1 |
| Foreign jurisdiction - assets - POA | 500(L) | 3.4 |
| Foreign law - power of attorney (POA) - property | 500(L) | 3.4 |
| Foreign law issues - POA - Personal Care | 503(L) | 4.3 |
| Foreign laws - foreign client or property - wills - see Will Planning, Drafting and Execution - Foreign Laws | 484(L) | 8 |
| Foreign property - will considerations - see Will Planning, Drafting and Execution - Foreign Laws | 484(L) | 8 |
| Foreign Social Security Benefits - Administration of Estate | 550(R)-551(L) | 1.2.8 |
| Formal wills - signing | 494(L) | 11.1 |
| Formal wills - signing requirements (s.4(1)(a) SLRA) | 494(L) | 11.1 |
| Former spouse - Bequest to | 558(R) | 2.8.2 |
| Fraud - power of attorney (POA) - giving authority | 506(L) | 6 |
| Full guardian - guardian - person - standard procedure (s. 59(1) SDA) | 511(R) | 3.4 |
| Funeral and burial instructions - authority w/ estate trustee | 487(L) | 9.4 |
| Funeral arrangements - reasonable expenses payable out of Estate | 548(R) | 1.1.3 |
| Funeral or burial instructions non-binding - lawyer’s advice to estate trustee | 548(L) | 1.1.2 |
| G |  |  |
| Gift - child’s legal spouse - anti-lapse - wills | 491(L) | 10.3.1 |
| Gifts - power of attorney (POA) - gifts to friends | 501(R) | 3.9 |
| Godelie v Public Trustee -alternative test for capacity for giving continuing POA | 499(L) | 3.2 |
| Guardian - child - appointment of  See: Custodian - child   Note: custodian of child vs. guardian of property | 515-517 | 1-6 |
| GUARDIAN - PERSON - STANDARD PROCEDURE | 510(R) | 3 |
| Guardian - person - standard procedure - affidavit of applicant and of application | 511(L) | 3.1 |
| Guardian - person - standard procedure - application record (service of) (same as for property) | 511(R) | 3.2 |
| Guardian - person - standard procedure - assistance of police officer (s. 59(3) SDA) | 511(R) | 3.4 |
| Guardian - person - standard procedure - conditions | 511(R) | 3.4 |
| Guardian - person - standard procedure - Consent to medical treatment - Health Care Consent Act | 512(R) | 5 |
| Guardian - person - standard procedure - court hearing and judgment | 511(R) | 3.4 |
| Guardian - person - standard procedure - custody & access of child | 511(R) | 3.4 |
| Guardian - person - standard procedure - full guardianship (s. 59(1) SDA) | 511(R) | 3.4 |
| Guardian - person - standard procedure - full vs. partial guardianship (ss. 59 and 60 SDA) | 511(R) | 3.4 |
| Guardian - person - standard procedure - guardian’s consent required (s. 70(2)(a) SDA) | 511(L) | 3.1 |
| Guardian - person - standard procedure - guardianship plan | 511(R) | 3.4 |
| Guardian - person - standard procedure - guardianship plan necessary (s. 70(2)(b) SDA) | 511(L) | 3.1 |
| Guardian - person - standard procedure - guardianship plan, requirement to follow it | 511(R) | 3.4 |
| Guardian - person - standard procedure - hearing and judgment | 511(R) | 3.4 |
| Guardian - person - standard procedure - initial documentation to be prepared | 511(LR) | 3.1 |
| Guardian - person - standard procedure - joint guardians (court-appointed) | 511(R) | 3.4 |
| Guardian - person - standard procedure - limitations | 511(R) | 3.4 |
| Guardian - person - standard procedure - notice of application | 511(L) | 3.1 |
| Guardian - person - standard procedure - optional third party statements (s.71(1) SDA) | 511(L) | 3.1 |
| Guardian - person - standard procedure - partial guardianship (s. 60(1)-(2) SDA) | 511(R) | 3.4 |
| Guardian - person - standard procedure - response to service of application record - same as for guardianship of property | 511(R) | 3.3 |
| Guardian - person - standard procedure - service - same as for guardianship of property | 511(R) | 3.2 |
| Guardian - person - standard procedure - service of application record (same as for property) | 511(R) | 3.2 |
| Guardian - person - standard procedure - third party statements (optional) (s. 71(1) SDA) | 511(L) | 3.1 |
| GUARDIAN - PERSON - SUMMARY PROCEDURE | 511(R)-512(L) | 4 |
| Guardian - person - summary procedure - additional requirements (s. 74 and 77 SDA) | 511(R)-512(L) | 4 |
| Guardian - person - summary procedure - application record (same as standard) | 512(LR) | 4.7-4.9 |
| Guardian - person - summary procedure - assessment procedure | 512(L) | 4.3 |
| Guardian - person - summary procedure - assessment, notice from assessors | 512(L) | 4.4 |
| Guardian - person - summary procedure - initial documentation (same as standard procedure) | 512(L) | 4.1 |
| Guardian - person - summary procedure - notice of application | 512(L) | 4.5 |
| Guardian - person - summary procedure - receipt of statements from assessors | 512(L) | 4.6 |
| Guardian - person - summary procedure - Receipt of statements from assessors (same as standard) | 512(L) | 4.6 |
| Guardian - person - summary procedure - requirements (2 assessors) | 511(R)-512(L) | 4 |
| Guardian - person - summary procedure - response to service of application record | 512(L) | 4.9 |
| Guardian - person - summary procedure - service of application record | 512(L) | 4.8 |
| Guardian - person - summary procedure - submission of material to judge by registrar | 512(R) | 4.10 |
| 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] | 512(R) | 4.10 |
| Guardian - person - summary procedure - two assessors meet w/ alleged incapable person | 512(L) | 4.2 |
| Guardian - property - standard procedure - affidavit of applicant and contents | 507(R)-508(L) | 1.1.2 |
| Guardian - property - standard procedure - appointment commencement (ss. 22(1) and 25(1) SDA) | 507(L) | 1.1.1 |
| Guardian - property - standard procedure - hearing and judgment | 508(R)-509(L) | 1.4 |
| Guardian - property - standard procedure - joint guardians | 509(L) | 1.4 |
| Guardian - property - standard procedure - judgment - costs | 509(L) | 1.4 |
| Guardian - property - standard procedure - judgment - security | 509(L) | 1.4 |
| Guardian - property - standard procedure - management plans | 508(L) | 1.1.3 |
| Guardian - property - standard procedure - management plans need not be incorporated into court judgment | 509(L) | 1.4 |
| Guardian - property - standard procedure - medical affidavits | 508(L) | 1.1.4 |
| Guardian - property - standard procedure - notice of application - personal service required on these people (ss. 69(1) and (8) SDA) | 507(LR) | 1.1.1 |
| Guardian - property - standard procedure - notice of application - specified relatives served by ordinary mail (s. 69(6) SDA) | 507(R) | 1.1.1 |
| Guardian - property - standard procedure - notice of application (s. 22(1) SDA and rr. 14.05(2)-(3)) | 507(L) | 1.1.1 |
| Guardian - property - standard procedure - Re Avery - medical affidavits | 508(L) | 1.1.4 |
| Guardian - property - standard procedure - response to service of application record | 508(R) | 1.3 |
| Guardian - property - standard procedure - service of application record - specified relatives who must be served by ordinary mail | 508(R) | 1.2 |
| Guardian - property - standard procedure -service of application record - personal service upon respondents (ss. 69(0.1)-(1) and (8)-(9) SDA) | 508(L) | 1.2 |
| GUARDIAN - PROPERTY - SUMMARY PROCEDURE | 509(LR) | 2 |
| Guardian - property - summary procedure - application record - contents | 510(L) | 2.5 |
| Guardian - property - summary procedure - application record - preparation of | 510(L) | 2.5 |
| Guardian - property - summary procedure - application record - response to (same as standard) | 510(L) | 2.7 |
| Guardian - property - summary procedure - application record - service of (same as standard) | 510(L) | 2.6 |
| Guardian - property - summary procedure - assessors - one vs. two | 509(R) | 2.2 |
| Guardian - property - summary procedure - assessors, who can be one | 509(R) | 2.2 |
| Guardian - property - summary procedure - capacity assessment | 509(R) | 2.2 |
| Guardian - property - summary procedure - conducting capacity assessment (s. 72(1) SDA) | 509(R)-510(L) | 2.3 |
| Guardian - property - summary procedure - disposition - 3 options (s. 77(3) SDA) | 510(R) | 2.9 |
| Guardian - property - summary procedure - disposition by court (s.77(3) SDA) | 510(R) | 2.9 |
| Guardian - property - summary procedure - draft judgment | 510(R) | 2.8 |
| Guardian - property - summary procedure - extra steps means this procedure is rarely used | 509(L) | 2 |
| Guardian - property - summary procedure - notice of application and affidavit (initial documents) | 509(R) | 2.1 |
| Guardian - property - summary procedure - receipt of statements from assessor and non-assessor | 510(L) | 2.4 |
| Guardian - property - summary procedure - requirements of assessor’s statements | 509(R)-510(L) | 2.3 |
| Guardian - property - summary procedure - statement of assessor (s. 72(1) SDA) | 509(R)-510(L) | 2.3 |
| Guardian - property - summary procedure - statement of non-assessor | 510(L) | 2.3 |
| Guardian - property - summary procedure - submission of material by registrar to judge (s.77 SDA) | 510(LR) | 2.8 |
| Guardian - property - summary procedure -preparation of application record | 510(L) | 2.5 |
| Guardian (custodian) - child - definition   SEE: Custodian - child   Note: custodian of child vs. guardian of property | 515-517 | 1-6 |
| GUARDIAN (OF PROPERTY) - CHILD | 516(LR) | 4 |
| Guardian (of property) - child - ability to “pass on” guardianship through testamentary appointment  Note: custodian of child vs. guardian of property | 515(L) | 1 |
| Guardian (of property) - child - Application - anyone can apply (s. 47 CLRA) | 516(R) | 4 |
| Guardian (of property) - child - Application - notice requirements - Children's Lawyer | 516(R) | 4 |
| Guardian (of property) - child - Application - procedure | 516(R) | 4 |
| Guardian (of property) - child - death - parents | 516(L) | 4 |
| Guardian (of property) - child - none appointed by the court | 516(LR) | 4 |
| Guardian (of property) - child - parents die | 516(L) | 4 |
| Guardian (of property) - child - parents die and entitled to insurance or “orphan’s” benefits | 516(L) | 4 |
| Guardian (of property) - child - Testamentary appointment | 516(R) | 4 |
| Guardian (of property) - child - Testamentary Appointment - application to court for “more permanent” order  Note: custodian of child vs. guardian of property | 515(L) | 1 |
| Guardian (of property) - child - Testamentary Appointment - court scrutiny | 516(R) | 4 |
| Guardian (of property) - child - Testamentary appointment - how possible  Note: custodian of child vs. guardian of property | 515(L) | 1 |
| Guardian (of property) - child - Testamentary Appointment - letter/memorandum of parent wishes outside will - not binding | 517(L) | 5 |
| Guardian (of property) - child - Testamentary appointment - restrictions (same as testamentary custodial appointment) | 516(R) | 4 |
| Guardian (of property) - child - Testamentary appointment - restrictions (when effective, conflicting wills, common appointments, consent of person appointed) | 516(R) | 4 |
| Guardian (of property) - child - Testamentary Appointment - Temporary - 90 days | 516(R) | 4 |
| Guardian (of property) - child - Testamentary appointment - will clause (typical) | 517(L) | 5 |
| Guardian (of property) - child - When parents die intestate or without trustee, guardian potentially required | 516(L) | 4 |
| Guardian’s consent required - guardian - person - standard procedure (s. 70(2)(a) SDA) | 511(L) | 3.1 |
| Guardians - minor children - property - wills | 487(L) | 9.3 |
| Guardians - property - minor children - wills | 487(L) | 9.3 |
| Guardians of property of minor child | 516(LR) | 4 |
| Guardianship plan - guardian - person - standard procedure - requirement to follow it | 511(R) | 3.4 |
| Guardianship plan - guardian - person - standard procedure (s. 70(2)(b) SDA) | 511(L) | 3.1 |
| Guest v Lott - Rule in Saunders v Vautier - child dictates via power of appointment - deed or will | 494(L) | 10.4.4 |
| Guidelines for release of funds to parents and guardians - Indian wills and estates | 598(R) | 12 |
| H |  |  |
| Health Care Consent Act - Consent to medical treatment - incapable persons | 512(R) | 5 |
| Health Care Consent Act - power of attorney (POA) - personal care | 502(R) | 4 |
| Hearing - guardian - person - standard procedure | 511(R) | 3.4 |
| Hearing - guardian - property - standard procedure | 508(R)-509(L) | 1.4 |
| Heirs - Application to ascertain heirs - Applications under R. 14.05(3) | 582(LR) | 5.3 |
| Henson Trust - Disabled Individuals - Requirements | 534(R) | 5.14 |
| Holographic wills - boilerplate will - will not provide context to authors intentions | 495(LR) | 11.4 |
| Holographic wills - requirements | 495(L) | 11.4 |
| Holographic wills - signing | 495(L) | 11.4 |
| Home or Cottage - Family  SEE: Family home or cottage | 488(R)-489(R) | 9.7 |
| Hope v Martin - Lawyer releasing will to other than named estate trustee | 547(R)-548(L) | 1.1.1 |
| Hourly rates - power of attorney (POA) - personal care | 505(R) | 4.10 |
| Household contents & Personal Effects - administration of estate | 550(L) | 1.2.2 |
| I |  |  |
| Iasenza v. Iasenza Estate - NFP - Election for Equalization - Revocation - limited exception | 537(L) | 6.3 |
| Inadvertent distributions - wills - drafting | 490(L) | 10.3 |
| Inadvertent tainting -Tainted spousal trust - relief under ITA | 522(R) | 3.1.1 |
| Incapable persons - consent to medical treatment - Health Care Consent Act | 512(R) | 5 |
| Incapable Persons - Limitation periods in estate proceedings - Special rules | 590(L) | 12.4 |
| Incapacity - guardian - property - standard procedure - medical affidavit | 508(L) | 1.1.4 |
| Income - Trust - Tax - Beneficiaries Taxation | 533(R) | 5.13 |
| Income - trust distributions - definition of | 533(R) | 5.12 |
| Income Splitting - adult children - loan | 525(R) | 3.1.8 |
| Income Splitting - Attribution rules - where attribution does not apply | 525(R) | 3.1.8 |
| Income Splitting - Attribution rules - where income splitting nugatory | 525(LR) | 3.1.8 |
| Income Splitting - Deemed attribution | 525(LR) | 3.1.8 |
| Income splitting - deemed disposition at fair market value - rules - property | 525(R) | 3.1.8 |
| Income Splitting - definition | 525(L) | 3.1.8 |
| Income Splitting - Indirect income splitting | 525(R) | 3.1.8 |
| Income Splitting - Indirect income splitting - Transfer or loan to a trust resulting in payment of income to beneficiary | 525(R) | 3.1.8 |
| Income Splitting - Indirect income splitting - Transfer or loan to corporation - deemed attribution | 525(R) | 3.1.8 |
| Income Splitting - Loan - non-arm’s length - attribution rules | 525(R) | 3.1.8 |
| Income Splitting - Rules preventing | 525(R) | 3.1.8 |
| Income Splitting - transfer or loan to corporation to benefit spouse, non-arm’s length minor | 525(R) | 3.1.8 |
| Income Splitting - Transfer property to trust but retain capacity to benefit - attribution rules | 525(R) | 3.1.8 |
| Income Splitting - When nugatory | 525(LR) | 3.1.8 |
| Income splitting and non-arm's length dispositions | 525(LR) | 3.1.8 |
| INCOME SPLITTING  SEE ALSO: TAX - INCOME SPLITTING | 525(LR) | 3.1.8 |
| Income Sprinkling - Tax - New Rule | 526(LR) | 3.1.9 |
| Income Tax - At Death - Impact on Equalization & NFP Valuation | 542(R) | 14.1.3 |
| Income Tax - Basic Considerations - wills - see Will Planning, Drafting and Execution - Income Tax | 484(R)-485(L) | 7 |
| Income tax - capital gains - wills - see Will Planning, Drafting and Execution - Income Tax | 484(R) | 7 |
| Income tax - charitable gifts - wills ­- see Will Planning, Drafting and Execution - Income Tax | 484(R) | 7 |
| Income Tax - RRSP/RRIFs - Estate Administration | 551(R)-552(L) | 1.2.13 |
| Income Tax - Spouse - Definition - Estates | 527(L) | 1 |
| Income tax - trusts - wills - see Will Planning, Drafting and Execution - Income Tax | 484(R)-485(L) | 7 |
| Income tax - wills - key considerations - see Will Planning, Drafting and Execution - Income Tax | 484(R)-485(L) | 7 |
| Indefeasibly vested - Tax - Rollover - spousal trust | 522(R) | 3.1.1 |
| Indefeasibly vested - transfer to spouse - rollover - tax | 522(L) | 3.1.1 |
| Indian - Appeal from Minister - Federal Court | 598(L) | 10 |
| Indian - Appeals - Standard of Review - Correctness | 598(L) | 10 |
| Indian - Definition - Extended - Mentally incompetent | 598(LR) | 11 |
| Indian - Definition - Extended - Minor | 598(R) | 12 |
| Indian - Estates - Administration & probate | 598(L) | 9 |
| Indian - Family Law Act - Net family property - Equalization - Application | 598(R)-599(LR) | 13 |
| Indian - Jurisdiction - Minister - Discretion | 595(R) | 4 |
| Indian - Jurisdiction - Provincial Courts | 595(R) | 4 |
| Indian - Mentally incompetent - Property of - Minister’s authority | 598(LR) | 11 |
| Indian - Minors - Property of - Minister's jurisdiction | 598(R) | 12 |
| Indian - Reserve land - Who may inherit | 596(LR) | 5 |
| Indian - Wills and estates - Possessory Interest in reserve land - Jurisdiction | 596(L) | 4.3 |
| Indian Act - Living Estates Program | 595(L) | 2 |
| Indian Act - Transfer of reserve land to non-member | 596(LR) | 5 |
| Indian Estates Regulations | 595(L) | 2 |
| Indian wills and estates - Administration & probate | 598(L) | 9 |
| Indian wills and estates - Administration & probate - Appeals - Standard of review - Correctness | 598(L) | 10 |
| Indian wills and estates - Administration & probate - Procedures | 598(L) | 9 |
| Indian wills and estates - Appeals | 598(L) | 10 |
| Indian wills and estates - Appeals - Jurisdiction (Fed Ct) | 598(L) | 10 |
| Indian wills and estates - Appeals - Standard of review - Correctness | 598(L) | 10 |
| Indian wills and estates - Death of spouse / CL spouse | 598(R)-599(LR) | 13 |
| Indian wills and estates - Death of spouse / CL spouse - Equalization | 598(R)-599(LR) | 13 |
| Indian wills and estates - Death of spouse / CL spouse - Matrimonial home | 598(R)-599(LR) | 13 |
| Indian wills and estates - Death of spouse / CL spouse - Net family property | 598(R)-599(LR) | 13 |
| Indian wills and estates - Death of spouse / CL spouse - Where FLA does not apply - Reserve lands | 598(R)-599(LR) | 13 |
| Indian wills and estates - Decedent Estates Program | 595(L) | 2 |
| Indian wills and estates - Family homes | 596(R) | 6 |
| Indian wills and estates - Family homes - Power of First Nations to enact laws regarding use, occupation, possession on relationship breakdown or death | 596(R) | 6 |
| Indian wills and estates - Family Homes on Reserves and Matrimonial Interests or Rights Act | 596(LR), 596(R), 598(R)-599(LR) | 5, 6 & 13 |
| Indian wills and estates - Federal government obligations | 595(L) | 2 |
| Indian wills and estates - FLA election - advising spouse | 598(R)-599(LR) | 13 |
| Indian wills and estates - Indian Act & Indian Estates Regulations | 595(L) | 2 |
| Indian wills and estates - Indian estates - Decedent Estates Program | 595(L) | 2 |
| Indian wills and estates - Intestacy | 597(LR)-598(L) | 8 |
| Indian wills and estates - Intestacy - Children - Inadequate provision for | 597(R) | 8 |
| Indian wills and estates - Intestacy - Descendants & ascendants | 597(R) | 8 |
| Indian wills and estates - Intestacy - Rules of distribution | 597(LR)-598(L) | 8 |
| Indian wills and estates - Intestacy - Surviving spouse - Includes common law | 597(L) | 8 |
| Indian wills and estates - Intestacy - Surviving spouse - Non-member of First Nation - No right of possession | 597(R) | 8 |
| Indian wills and estates - Intestacy - Surviving spouse - Right of possession of reserve land / residence | 597(LR) | 8 |
| Indian wills and estates - Jurisdiction | 595(R) | 4 |
| Indian wills and estates - Jurisdiction - Matters beyond Minister | 596(L) | 4.4 |
| Indian wills and estates - Jurisdiction - Minister - Authority | 595(R) | 4 |
| Indian wills and estates - Jurisdiction - Minister - Powers | 595(R) | 4 |
| Indian wills and estates - Jurisdiction - Reserve land | 596(L) | 4.3 |
| Indian wills and estates - Jurisdiction - Residing off reserve - Exclusion | 595(R)-596(L) | 4.1 |
| Indian wills and estates - Jurisdiction - Residing off reserve - Ordinarily residing - Factors | 595(R) | 4.1 |
| Indian wills and estates - Jurisdiction - Self-government | 595(R) | 4 |
| Indian wills and estates - Jurisdiction - Sup Ct - Where transferred from Minister | 596(L) | 4.2 |
| Indian wills and estates - Jurisdiction - Transfer from Minister to Sup Ct | 596(L) | 4.2 |
| Indian wills and estates - Living Estates Program | 595(L) | 2 |
| Indian wills and estates - Mental incompetence | 598(LR) | 11 |
| Indian wills and estates - Mental incompetence - Definition - Indian - Extended | 598(LR) | 11 |
| Indian wills and estates - Mental incompetence - Definition - Mentally incompetent Indian | 598(LR) | 11 |
| Indian wills and estates - Mental incompetence - Jurisdiction (Minister) | 598(LR) | 11 |
| Indian wills and estates - Mental incompetence - Minister’s authority over property | 598(LR) | 11 |
| Indian wills and estates - Minister - Overriding jurisdiction | 595(R), 595(R)-596(L), 596(L) | 4, 4.1, 4.3 |
| Indian wills and estates - Minors | 598(R) | 12 |
| Indian wills and estates - Minors - Definition - Indian - Extended | 598(R) | 12 |
| Indian wills and estates - Minors - Guidelines for release of funds to parents and guardians | 598(R) | 12 |
| Indian wills and estates - Minors - Minister’s liability | 598(R) | 12 |
| Indian wills and estates - Minors - Minster’s jurisdiction to administer property | 598(R) | 12 |
| Indian wills and estates - Minors and mentally incompetent - Living Estates Program | 595(L) | 2 |
| Indian wills and estates - Net family property - Equalization - FLA | 598(R)-599(LR) | 13 |
| Indian wills and estates - Reserve land | 596(LR) | 5 |
| Indian wills and estates - Reserve land - Certificate of Possession | 596(LR) | 5 |
| Indian wills and estates - Reserve land - Interests In | 596(LR) | 5 |
| Indian wills and estates - Reserve land - Nature of interest | 596(LR) | 5 |
| Indian wills and estates - Reserve land - Transfer to non-member - During owner’s life | 596(LR) | 5 |
| Indian wills and estates - Reserve land - Transfer to non-member - Indian Act | 596(LR) | 5 |
| Indian wills and estates - Reserve land - When devisee or descendant not band member | 596(LR) | 5 |
| Indian wills and estates - Who will administer estates | 598(L) | 9 |
| Indian wills and estates - Wills | 597(L) | 7 |
| Indian wills and estates - Wills - Formal requirements - Indian Act | 597(L) | 7 |
| Indian wills and estates - Wills - Formal requirements - Minister approval required | 597(L) | 7 |
| Indian wills and estates - Wills - Formal requirements - Provincial legislation does not apply | 597(L) | 7 |
| Indian wills and estates - Wills - Invalidity of | 597(L) | 7 & 8 |
| Indian wills and estates - Wills - Invalidity of - Deemed Intestacy | 597(L) | 7 & 8 |
| Indirect income splitting - transfer at less than fair market value | 525(LR) | 3.1.8 |
| Informal wills - holographic wills | 495(L) | 11.4 |
| Initial documentation - guardian - person - summary procedure | 512(L) | 4.1 |
| Initial documentation - guardian - property - summary procedure | 509(R) | 2.1 |
| Initial documentation to be prepared - guardian - person - standard procedure | 511(LR) | 3.1 |
| Insolvent estates - accepting appointment as trustee | 563(LR) | 4.5.1 |
| Insolvent estates - accepting appointment as trustee - trustee unaware that estate is insolvent | 563(LR) | 4.5.1 |
| Insolvent Estates - Appointment as estate trustee - reasons for accepting | 563(R) | 4.5.1 |
| Insolvent estates - appointment of trustee - intestacy or without estate trustee willing/able to act | 563(R) | 4.5.1 |
| Insolvent estates - creditor priority - Minister of National Revenue | 563(L) | 4.5.1 |
| Insolvent estates - person dies intestate or without estate trustee - court appointment | 563(R) | 4.5.1 |
| Insolvent estates - person dies intestate or without trustee - court appointed trustee | 563(R) | 4.5.1 |
| Insolvent estates - prior determination of insolvency - declining appointment | 563(LR) | 4.5.1 |
| Insolvent estates - settling debts - ranking of assets | 563(L) | 4.5.1 |
| Insolvent estates - trustee compensation | 563(R) | 4.5.1 |
| Insolvent estates - trustee compensation - ahead of all other unsecured creditors | 563(R) | 4.5.1 |
| Insolvent estates - trustee compensation - bankruptcy | 563(R) | 4.5.1 |
| Insolvent estates - trustee compensation - deceased undischarged bankrupt | 563(R) | 4.5.1 |
| Insolvent estates - trustee compensation - parallel estate | 563(R) | 4.5.1 |
| Insolvent estates - trustee compensation - RRSP | 563(R) | 4.5.1 |
| Insolvent estates - trustee compensation - testamentary expenses | 563(R) | 4.5.1 |
| Insolvent estates - trustee named under will - declining appointment | 563(LR) | 4.5.1 |
| Insurance Benefits - Effect on where Equalization Election - NFP - Set Off | 539(L) | 7.2.4 |
| Insurance policies - administration of estate | 550(L) | 1.2.3 |
| Inter vivos spousal trust - requirements | 531(L) | 5.9.2 |
| Inter Vivos Trust - Tax Rate | 530(L) | 5.5 |
| Inter Vivos Trust - Taxation Year | 529(R) | 5.3 |
| Interest in other estates and trusts - estate administration | 551(L) | 1.2.11 |
| Intergenerational transfer - farm property - rollover - tax purposes | 522(R)-523(L) | 3.1.2 |
| Interim Support - SLRA - Dependant support claims | 586(R) | 8.5 |
| International Wills | 494(R)-495 (L) | 11.3 |
| International wills - signing | 494(R)-495 (L) | 11.3 |
| Intestacy - Certificate of Appointment of Estate Trustee | 554(LR) | 2.4 |
| Intestacy - Certificate of Appointment of Estate Trustee - Source of Authority | 552(R) | 2.1 |
| Intestacy - CL spousal rights - No right to preferential share | 593(LR)-594(L) | 1 & 2.1 |
| Intestacy - Distribution - no immediate family - nieces and nephews - per capita | 565(L) | 5.3.6 |
| Intestacy - Distribution - no next-of-kin | 565(L) | 5.3.8 |
| Intestacy - Distribution - no spouse, no issue & no parents | 565(L) | 5.3.5 |
| Intestacy - Distribution - person born outside of wedlock - entitlement | 565(LR) | 5.4 |
| Intestacy - Distribution of Estate - person born outside of wedlock - searches at the registrar’s office | 566(L) | 5.4.2 |
| Intestacy - Distribution of Estate - persons born outside of wedlock - finding of parentage | 565(R)-566(L) | 5.4.2 |
| Intestacy - Distribution of Estate - persons born outside of wedlock - if estate trustee finds potential child born out of wedlock | 566(L) | 5.4.3 |
| Intestacy - Distribution of Estate - persons born outside of wedlock - judicial determination | 566(L) | 5.4.3 |
| Intestacy - Distribution of Estate - persons born outside of wedlock - reasonable inquiries | 565(R) | 5.4.1 |
| Intestacy - Equalization Claim - Surviving spouse forfeiture - Effect on SLRA entitlements | 538(R) | 7.2.2 |
| Intestacy - Equalization Election - SLRA or Equalization | 536(R) | 6 |
| Intestacy - Estate Trustee - appointment without will | 554(LR) | 2.4 |
| Intestacy - Indian - Children - Inadequate provision for | 597(R) | 8 |
| Intestacy - Indian - Descendants & ascendants | 597(R) | 8 |
| Intestacy - Indian - Rules of distribution | 597(LR)-598(L) | 8 |
| Intestacy - Indian - Surviving spouse - Right of possession of reserve land / residence | 597(LR) | 8 |
| Intestacy - Indian wills and estates | 597(LR)-598(L) | 8 |
| Intestacy - On invalid will - Indian wills and estates | 597(L) | 7 & 8 |
| Intestacy - Preferential share - CL spouse - No right to | 593(LR)-594(L) | 1 & 2.1 |
| Intestacy - Rights of CL spouse on | 593(LR)-594(L) | 1 & 2.1 |
| Intestacy - Spouse - Definition - SLRA | 593(LR)-594(L) | 1 & 2.1 |
| Invalid - Wills - Indian - When | 597(L) | 7 |
| Inventory - preparation of - administration of estates | 552(LR) | 1.3 |
| Investment account - Asset Administration - Requirements | 560(R) | 3.1 |
| Investment authority - trust issues | 491(R)-492(L) | 10.4.1 |
| Investment rules - Trustee Act | 492(L) | 10.4.1 |
| Irrevocable trust - definition | 528(L) | 2 |
| ITA - Definition of Spouse (includes common-law partner) | 527(L) | 1 |
| ITA - Definition of trust (not explicitly defined) | 527(L) | 2 |
| J |  |  |
| Johnson v Sand - Estate claim by same-sex spouse | 594(R) | 2.3 |
| Joint estate trustees - wills - see Will Planning, Drafting and Execution - Client instructions - Appointment of Estate Trustees - appointment of joint estate trustees | 485(R) | 9.1 |
| Joint guardians - guardian - person - standard procedure | 511(R) | 3.4 |
| Joint guardians - guardian - person - standard procedure (court-appointed) | 511(R) | 3.4 |
| Joint guardians - guardian - property - standard procedure | 509(L) | 1.4 |
| Joint ownership - transfers of property - adverse consequences - see Will Planning, Drafting and Execution - Estate administration tax - Transfers of property into joint ownership | 484(LR) | 6.1.2 |
| Joint partner trust - Deemed disposition on death | 532(R) | 5.9.3 |
| Joint partner trust - Tax - Definition | 532(R) | 5.9.3 |
| Joint Power of Attorney (POA) - Substitute Decisions Act (s.7(4)) | 499(R) | 3.3 |
| Joint property - transfer to adult children - presumption of resulting trust - see Will Planning, Drafting and Execution - Estate administration tax - Transfers of property into joint ownership | 484(LR) | 6.1.2 |
| Joint Tenancy - Administration of Estate - Asset Determination | 551(LR) | 1.2.12 |
| Joint tenancy - NFP valuation problems - Spouse Set-Off | 542(R) | 14.2 |
| Jointly held property - joint tenants - administration of estate | 551(LR) | 1.2.12 |
| Judgment - guardian - person - standard procedure | 511(R) | 3.4 |
| Judgment - guardian - property - standard procedure | 508(R)-509(L) | 1.4 |
| Jurisdiction - foreign assets in other - power of attorney (POA) | 500(L) | 3.4 |
| Jurisdiction - Indian - Minors - Minister to administer Property | 598(R) | 12 |
| Jurisdiction - Indian - Overriding over reserve land | 596(L) | 4.3 |
| Jurisdiction - Indian- Residing Off Reserve Exclusion | 595(R)-596(L) | 4.1 |
| Jurisdiction - Indian wills and estates - Matters beyond Minister | 596(L) | 4.4 |
| Jurisdiction - Indian wills and estates - Minister of Indigenous and Northern Affairs - Discretion | 595(R) | 4 |
| Jurisdiction - Indian wills and estates - Transfer from Minister to Sup Ct | 596(L) | 4.2 |
| Jurisdiction - Possessory interest in reserve land - Indian | 596(L) | 4.3 |
| K |  |  |
| L |  |  |
| Lapse - wills | 490(R) | 10.3.1 |
| Lapse - wills - Beneficiary not alive at relevant time | 490(R) | 10.3.1 |
| Lawyer - Advising Estate Trustee - communication with persons entitled to benefit | 549(L) | 1.1.5 |
| Lawyer - Duty - contacting deceased client’s family re: will | 547(R) | 1.1.1 |
| Lawyer - Duty - to advise estate trustee of any donations of organs/Use of Body (Trillium Gift of Life Network Act) | 548(R) | 1.1.4 |
| Lawyer - Duty - to advise estate trustee of responsibilities re: assets of deceased | 549(LR) | 1.2 |
| Lawyer - Duty - to advise estate trustee of terms of will | 548(L) | 1.1.2 |
| Lawyer - Obligation to Advise Client - Offence - Estate Administration Tax | 558(LR) | 2.7.2 |
| Lawyer - Offence - Estate Administration Tax - Assisting client in making false or misleading statements | 558(LR) | 2.7.2 |
| Lawyer’s advice to estate trustee - compensation for administering estate | 548(L) | 1.1.2 |
| Lawyer’s advice to estate trustee - general | 548(L) | 1.1.2 |
| Lawyer’s advice to estate trustee - matters that require immediate attention | 548(L) | 1.1.2 |
| Lawyer’s duty to advise estate trustee - funeral or burial instructions non-binding | 548(L) | 1.1.2 |
| Lay Estate Trustee - vs. Corporate Estate Trustee | 547(L) | 1.1 |
| Legacies - Abatement | 567(LR) | 5.5.5 |
| Legacies - Ademption - Definition | 567(L) | 5.5.4 |
| Legacies - Ademption - Substitute Decisions Act, 1992 - anti-ademption rule | 567(L) | 5.5.4 |
| Legacies - cash legacies - distribution of estate | 567(R) | 5.6.1(a) |
| Legacies - cash legacies - estate distribution | 567(R) | 5.6.1(a) |
| Legacies - final distributions - distribution of estate | 568(L) | 5.6.1(d) |
| Legacies - final distributions - estate distribution | 568(L) | 5.6.1(d) |
| Legacies - final distributions - release required from residuary beneficiaries | 568(L) | 5.6.1(d) |
| Legacies - interest on w/ exceptions | 567(L) | 5.5.3 |
| Legacies - minors - distribution of estate | 567(R)-568(L) | 5.6.1(c) |
| Legacies - minors - estate distribution | 567(R)-568(L) | 5.6.1(c) |
| Legacies - non-cash legacies - distribution of estate | 567(R) | 5.6.1(b) |
| Legacies - non-cash legacies - estate distribution | 567(R) | 5.6.1(b) |
| Liability - of beneficiary & estate trustee toward creditors | 562(L) | 4.3.1 |
| Liability - of personal representative  SEE: Personal Representative | 520(L)-521(L) | 2 |
| Liability - personal representative - clearance certificate | 520(R) | 2 |
| Liability - Personal Representative - Distributions in Contravention of FLA | 540(L) | 10 |
| Life Insurance on deceased’s spouse’s life | 541(R)-542(L) | 14.1.1 |
| Limitation periods - Covid 19 pandemic - Suspension of limitation periods | 591(L) | 12.6 |
| Limitation periods - Dependant support claims | 586(L) | 8.2 |
| LIMITATION PERIODS - ESTATE PROCEEDINGS | 589(L)-592(LR) | 12 |
| LIMITATION PERIODS - ESTATE PROCEEDINGS - 2003, undiscovered acts or omissions occurring before | 590(R) | 12.5 |
| LIMITATION PERIODS - ESTATE PROCEEDINGS - 2004, acts or omissions discovered before | 590(R) | 12.5 |
| Limitation periods - Estate proceedings - Basic & ultimate limitation periods | 589(R)-590(L) | 12.2 |
| Limitation periods - Estate proceedings - Basic & ultimate limitation periods - Ultimate limitation period | 589(R)-590(L) | 12.2 |
| Limitation periods - Estate proceedings - Basic limitation period - 2 years from discoverability | 589(R) | 12.2 |
| Limitation periods - Estate proceedings - Basic limitation period - Discoverability | 589(R)-590(L) | 12.2 |
| Limitation periods - Estate proceedings - Covid 19 pandemic | 591(L) | 12.6 |
| Limitation periods - Estate proceedings - Discoverability | 589(R)-590(L) | 12.2 |
| Limitation periods - Estate proceedings - Impact on will challenges - Ultimate limitation period applies - York Condo Corp No 382 v Jay-M Holdings Ltd | 590(LR) | 12.3 |
| Limitation periods - Estate proceedings - Incapable persons - Special limitation rules | 590(L) | 12.4 |
| Limitation periods - Estate proceedings - Limitation periods commencing prior to Limitations Act, 2002 - Transition provisions | 590(R) | 12.5 |
| Limitation periods - Estate proceedings - Limitation periods in other statutes | 590(LR) | 12.4 |
| Limitation periods - Estate proceedings - Limitations Act, 2002 - Introduction to | 589(LR) | 12.1 |
| Limitation periods - Estate proceedings - Limitations Act, 2002 - Schedule to - Limitations period in other statutes | 590(LR) | 12.4 |
| Limitation periods - Estate proceedings - Limitations Act, 2002 - Transition provisions - Where former limitation period not expired on January 1, 2004 | 590(R) | 12.5 |
| Limitation periods - Estate proceedings - Minors - Special limitation rules | 590(L) | 12.4 |
| LIMITATION PERIODS - ESTATE PROCEEDINGS - No limitation period unless under Limitations Act | 590(R) | 12.4 |
| Limitation periods - Estate proceedings - Real property - Real Property Limitations Act applies | 589(R) | 12.1 |
| LIMITATION PERIODS - ESTATE PROCEEDINGS - SUMMARY OF LIMITATION PERIODS | 591(LR)-592(LR) | 13 |
| LIMITATION PERIODS - ESTATE PROCEEDINGS - Transition provisions (Limitations Act, 2002) | 590(R) | 12.5 |
| Limitation periods - Estate proceedings - Ultimate limitation period - 15 years from occurrence | 589(R)-590(L) | 12.2 |
| Limitation periods - Estate proceedings - Ultimate limitation period - Applies to will challenges - York Condo Corp No 382 v Jay-M Holdings Ltd | 590(LR) | 12.3 |
| Limitation periods - SLRA - Dependant support claims | 586(L) | 8.2 |
| Limitation periods - Support - Dependants - SLRA | 586(L) | 8.2 |
| Limitation periods in Estates Act - Estate proceedings | 590(LR) | 12.4 |
| Limitation periods in Estates Administration Act - Estate proceedings | 590(LR) | 12.4 |
| Limitation periods in Family Law Act - Estate proceedings | 590(LR) | 12.4 |
| Limitation periods in Succession Law Reform Act - Estate proceedings | 590(LR) | 12.4 |
| Limitation periods in Trustee Act - Estate proceedings | 590(LR) | 12.4 |
| Limitations - guardian - person - standard procedure | 511(R) | 3.4 |
| Limitations Act, 2002 - Limitation periods in estate proceedings - SEE Limitation periods - Estate proceedings | 589(LR) | 12.1 |
| Limitations Act, 2002 - Limitation periods in estate proceedings - Summary | 592(LR) | 13 |
| Limitations Act, 2002 - Limitation periods in estate proceedings - Transition provisions | 590(R) | 12.5 |
| Liquidated debt - Contested - Claims against estate - Summary disposition of | 587(L) | 9.1 |
| Litigation administrator - Certificate of appointment of estate trustee | 553(L) | 2.2 |
| Litigation Administrator - everything | 555(LR) | 2.6 |
| Living Estates Program - Indian Act | 595(L) | 2 |
| Living Estates Program - Indian wills and estates | 595(L) | 2 |
| Living will provisions - power of attorney (POA) | 504(LR)-505(L) | 4.8 |
| Loans - power of attorney (POA) - loans from grantor’s property | 501(LR) | 3.9 |
| M |  |  |
| Management plans - guardian - property - standard procedure | 508(L) | 1.1.3 |
| Management plans - guardian - property - standard procedure - court hearing and judgment - management plan need not be incorporated into judgment | 509(L) | 1.4 |
| Mandatory mediation - Estates - Applicable proceedings | 587(R) | 10 |
| Mandatory Mediation - Estates - Confidentiality - Assurance of | 588(R) | 10.3 |
| Mandatory mediation - Estates - Directions for conduct of mediation - r 75.1.05 | 588(L) | 10.1 |
| Mandatory mediation - Estates - Jurisdictions where not required - Judge may direct mediation be conducted | 587(R) | 10 |
| Mandatory mediation - Estates - Jurisdictions where required | 587(R) | 10 |
| Mandatory mediation - Estates - Mediator’s report | 588(LR) | 10.2 |
| Mandatory mediation - Estates - Preparation for | 588(LR) | 10.2 |
| Mandatory Mediation - Estates - Preparing clients | 588(R) | 10.3 |
| MANDATORY MEDIATION - ESTATES - R. 75.1 [only applies to limited jurisdictions] | 587(R) | 10 |
| Mandatory mediation - Estates - Statement identifying issues in dispute | 588(L) | 10.2 |
| Mandatory mediation - Estates - Who can be mediator | 588(L) | 10.2 |
| Mandatory mediation - Estates - Who must attend | 588(L) | 10.2 |
| Mandatory mediation - Settlement reached - Notice of agreement | 587(LR) | 10.2 |
| Marchese v. Marchese - refusal of spouse to claim a deduction from discounted value of income tax | 542(R) | 14.1.3 |
| Marriage - Revocation of will by - CL spouses | 594(L) | 2.1 |
| Matrimonial home - Deemed Severance - joint tenancy with 3rd party - Regardless of Equalization Claim | 541(R) | 13 |
| Matrimonial home - Indian wills and estates - Death of spouse / CL spouse | 598(R)-599(LR) | 13 |
| Matrimonial home - surviving spouse right to possession | 541(R) | 13 |
| Matrimonial home or cottage - joint tenancy vs. tenancy in common - leaving to two or more children | 489(R) | 9.7 |
| Matrimonial home or cottage - leaving to two or more children | 489(R) | 9.7 |
| McDougald Estate v Gooderham - Costs in estate proceedings | 588(R)-589(L) | 11 |
| McDougald Estate v Gooderham - Estate Proceedings - Costs | 588(R)-589(L) | 11 |
| Mediation - Conduct of - Directions for | 588(L) | 10.1 |
| Mediation - Estate matters - SEE Mandatory mediation - Estates | 587(R) | 10 |
| Mediation - Estates - Preparing the client | 588(R) | 10.3 |
| Medical affidavits - general practice in guardian applications (property, standard) | 508(L) | 1.1.4 |
| Medical affidavits - guardian - property - standard procedure - incapacity | 508(L) | 1.1.4 |
| Mental Health Act - certificate indicating incapacity - power of attorney (POA) | 498(R) | 3.1 |
| Mental incapacity - continuing POA for property - Ontario statute | 497(L) | 1 |
| Mental incapacity - termination of agency - common law | 497(L) | 1 |
| Mental Incompetence - Surviving Spouse - NFP - Election for Equalization | 537(L) | 6.2 |
| Mentally incapable - guardian - property - standard procedure - appointment | 507(L) | 1 |
| Mentally incompetent Indian - Definition - Indian wills and estates | 598(LR) | 11 |
| Minister of Finance - Assessments - Estate Administration Tax - Challenges/Appeals | 557(R)-558(L) | 2.7.2 |
| Minister of Finance - Assessments by - Estate Administration Tax Act, 1998 | 557(L)-557(R) | 2.7.2 |
| Minister of Finance - Authority to Assess/Reassess - Estate Administration Tax Act, 1998 | 557(L) | 2.7.2 |
| Minister of Finance - Estate Information Return - Amendments | 557(L)-557(R) | 2.7.2 |
| Minister of Finance - Estate Information Return - Deadlines | 557(L)-557(R) | 2.7.2 |
| Minister of Indigenous and Northern Affairs - Indian wills and estates - Jurisdiction and powers | 595(R) | 4 |
| Ministry of Finance - estate information return - deadline | 557(L) | 2.7.2 |
| Minor children - appointment of custodians in will | 486(R)-487(L) | 9.2 |
| Minors - custodial appointment (permanent) - procedural requirements (non-parents) | 516(R) | 4 |
| Minors - custodial appointment (temporary) | 515(R)-516(L) | 3 |
| Minors - custody - testamentary appointment  SEE: Custodian - child | 515-517 | 1-6 |
| Minors - guardians of property | 516(LR) | 4 |
| Minors - Indian - Definition of Indian - Extended | 598(R) | 12 |
| Minors - Indian - Guidelines for release of funds to parents and guardians | 598(R) | 12 |
| Minors - Indian - Minister’s Jurisdiction to Administer Property | 598(R) | 12 |
| Minors - Indian - Property of - Minister’s liability | 598(R) | 12 |
| Minors - legacies - inability to give receipt / release | 567(R)-568(L) | 5.6.1(c) |
| Minors - Limitation periods in estate proceedings - Special rules | 590(L) | 12.4 |
| Mirror Wills - doubling-up legacies | 491(L) | 10.3.2 |
| Misrepresentation - power of attorney (POA) - giving authority | 506(L) | 6 |
| Mistake - power of attorney (POA) - giving authority | 506(L) | 6 |
| Misuse of funds - power of attorney (POA) | 501(L) | 3.9 |
| Money on deposit - Admin of estates | 550(L) | 1.2.1 |
| Moral obligation to dependants - Cummings v Cummings - SLRA - Dependant support claims | 586(R) | 8.6 |
| Mortgage investments - administration of estate | 551(L) | 1.2.10 |
| Mortgage on land - effect of distribution on | 566(R)-567(L) | 5.5.2 |
| Mortgage on land - gift recipient not entitled to discharge mortgage from estate | 566(R)-567(L) | 5.5.2 |
| Multiple attorneys - disputes - POA - personal care | 503(R) | 4.6 |
| N |  |  |
| Net Family Property - Indian wills and estates - Equalization | 598(R)-599(LR) | 13 |
| Net Family Property (“NFP”) - FLA - definition  SEE NFP | 535(L) | 2 |
| New Rule - Tax - Income Sprinkling | 526(LR) | 3.1.9 |
| Next of kin - intestacy | 565(L) | 5.3.7 |
| NFP - Ability of court to award higher NFP | 536(R) | 5 |
| NFP - Calculation Issue - Life Insurance on Deceased Spouse’s Life | 541(R)-542(L) | 14.1.1 |
| NFP - Effect of Elections - Generally | 538(L) | 7.1; 7.2 |
| NFP - Election - failure to file | 537(L) | 6.1 |
| NFP - Election - For Will or SLRA on Intestacy - Effect | 538(L) | 7.1 |
| NFP - ELECTION FOR EQUALIZATION | 536(R) | 6 |
| NFP - ELECTION FOR EQUALIZATION - COURT ORDERS | 540(L)-541(R) | 12 |
| NFP - Election for Equalization - Court Orders - against depletion of property | 540(L)-541(R) | 12 |
| NFP - Election for Equalization - Court Orders - Court will AVOID sale of business & farm | 540(L)-541(R) | 12 |
| NFP - Election for Equalization - Court Orders - Enforcement of (Broad power) | 540(L)-541(R) | 12 |
| NFP - Election for Equalization - Court Orders - issue of treasury shares from corporation - problems with | 540(L)-541(R) | 12 |
| NFP - Election for Equalization - Court Orders - Variation Orders Permitted When | 540(L)-541(R) | 12 |
| NFP - Election for Equalization - effect of election - dependant's relief claim | 538(R) | 7.2.3 |
| NFP - Election for Equalization - effect of election - generally | 538(L) | 7.1; 7.2 |
| NFP - Election for Equalization - effect of election - insurance, pension or similar plan benefits | 539(L) | 7.2.4 |
| NFP - Election for Equalization - effect of election - intestacy - surviving spouse and property OUTSIDE ONT | 538(R) | 7.2.2 |
| NFP - Election for Equalization - effect of election - intestacy - surviving spouse and SLRA entitlement | 538(R) | 7.2.2 |
| NFP - Election for Equalization - Effect of election - Removal of surviving spouse as estate trustee | 538(L) | 7.2.1 |
| NFP - Election for Equalization - Effect on Executorship | 538(L) | 7.2.1 |
| NFP - Election for Equalization - Effect on Will Entitlements | 538(L) | 7.2 |
| NFP - Election for Equalization - Exchange of financial info - No tracing of property to 3rd parties | 540(LR) | 11 |
| NFP - Election for Equalization - filing - how, when, where election filed | 536(R) | 6.1 |
| NFP - Election for Equalization - generally | 536(R) | 6 |
| NFP - Election for Equalization - insurance, pension, other benefits arising from death of spouse | 539(L) | 7.2.4 |
| NFP - Election for Equalization - irrevocable (probably) | 537(R) | 6.3 |
| NFP - ELECTION FOR EQUALIZATION - MATRIMONIAL HOME | 541(R) | 13 |
| NFP - Election for Equalization - Matrimonial Home - deemed severance - joint tenancy | 541(R) | 13 |
| NFP - Election for Equalization - Matrimonial Home - right to possession | 541(R) | 13 |
| NFP - Election for Equalization - Mental Incompetence | 537(L) | 6.2 |
| NFP - Election for Equalization - no certificate of appt of estate trustee | 537(R) | 6.3 |
| NFP - Election for Equalization - not revocable (probably) | 537(R) | 6.3 |
| NFP - Election for Equalization - Restrictions on distributions of estate | 539(R)-540(L) | 9 |
| NFP - Election for Equalization - Restrictions on distributions of estate - distribution before notice of NFP Equalization Claim - 6months period | 539(R)-540(L) | 9 |
| NFP - Election for Equalization - Restrictions on distributions of estate - distribution in contravention of FLA - liability of personal representative | 540(L) | 10 |
| NFP - Election for Equalization - Restrictions on distributions of estate - election is not constructive notice to personal representative | 540(L) | 10 |
| NFP - Election for Equalization - Restrictions on distributions of estate - when personal representative may ignore 6-month moratorium | 540(L) | 10 |
| NFP - Election for Equalization - Solicitor's Checklist | 545(L)-546(R) | 17 |
| NFP - Election for Equalization - spouse to establish entitlement | 537(R) | 6.3 |
| NFP - Election for Equalization - Surviving Spouse - Death Within 6 months | 537(L) | 6.2 |
| NFP - Election for Equalization - Tax - Availability of Rollover for Transferred Capital Property | 543(R) | 15.1 |
| NFP - Election for Equalization - Valuation problems - do income taxes at death affect valuation? | 542(R) | 14.1.3 |
| NFP - Election for Equalization - when to defer | 537(R) | 6.3 |
| NFP - Election for Equalization - who can make | 537(L) | 6.2 |
| NFP - Equalization claim - "one-way" | 536(R) | 5 |
| NFP - Equalization claim - generally | 536(R) | 5 |
| NFP - Equalization claim - overpayment to Surviving Spouse - Set Off/Credit mechanism | 536(R) | 5 |
| NFP - Excluded property | 535(R) | 3 |
| NFP - Excluded property - Onus of proving entitlement to exclusion | 535(R) | 3 |
| NFP - FLA - No Clawback Provision | 540(LR) | 11 |
| NFP - FLA - what property is included | 535(L) | 2 |
| NFP - One way entitlement - FLA | 536(R) | 5 |
| NFP - Statutory Financial Information Disclosure Requirement | 540(LR) | 11 |
| NFP - Valuation - Other Income Tax Issues | 543(R) | 15 |
| NFP - VALUATION DATE | 535(R) | 4 |
| NFP - Valuation date - date before death - justification | 535(R)-536(L) | 4 |
| NFP - Valuation date - Death or Separation | 535(R) | 4 |
| NFP - Valuation date - Definition | 535(R) | 4 |
| NFP - Valuation Date - Proceeds of Life Insurance | 536(R) | 4 |
| NFP - Valuation Date - Simultaneous Deaths | 536(L) | 4 |
| NFP (NET FAMILY PROPERTY)  SEE ALSO FLA - NFP | 535(L) | 2 |
| No beneficial ownership change - Transfer of Property - Tax - Trusts - not a taxable event | 531(L) | 5.9.1 |
| No immediate family - intestacy - distribution | 565(L) | 5.3.6 |
| No next of kin - intestacy | 565(L) | 5.3.8 |
| No spouse, no issue and no parents - intestacy | 565(L) | 5.3.5 |
| Non-member interest - Reserve land - Indian wills and estates | 596(LR) | 5 |
| Notice - of Certificate of Appointment Application - to Persons Entitled to Benefit | 549(L) | 1.1.5 |
| Notice from assessors - guardian - person - summary procedure | 512(L) | 4.4 |
| Notice of application - guardian - person - standard procedure | 511(L) | 3.1 |
| Notice of application - guardian - property - summary procedure | 509(R) | 2.1 |
| Notice of application - guardian appointment (property, standard) - (s. 22(1) SDA and rr. 14.05(2)-(3)) | 507(L) | 1.1.1 |
| Notice of application (issue) - guardian - person - summary procedure | 512(L) | 4.5 |
| Notice of contestation of claim - Claims against estate - Summary disposition - SEE Summary disposition of claims against estate | 587(L) | 9 |
| Notice to creditors - advertisement - frequency of publication | 562(R) | 4.3.4 |
| Notice to creditors - and others - debts - estate trustee | 562(L) | 4.3 |
| Notice to creditors - Due Provision for Legitimate Claims - Re Kay, Mosley v. Kay | 562(L) | 4.3.1 |
| Notice to creditors - Effect of advertisement | 562(L) | 4.3.1 |
| Notice to creditors - form of advertisement | 562(L) | 4.3.2 |
| Notice to creditors - frequency of publication | 562(R) | 4.3.4 |
| Notice to creditors - if no advertising - distribution of intestate estate | 562(L) | 4.3.1 |
| Notice to creditors - when advertising essential | 562(R) | 4.3.5 |
| Notice to creditors - when publication essential | 562(R) | 4.3.5 |
| Notice to creditors - where to publish advertisement | 562(R) | 4.3.3 |
| Notice to creditors - where to publish notice | 562(R) | 4.3.3 |
| O |  |  |
| Obligation/requirements to respect grantor wishes - POA - Personal Care | 504(LR)-505(L) | 4.8 |
| One way of entitlement - NFP | 536(R) | 5 |
| Order for support - SLRA - Dependant support claims | 586(R) | 8.7 |
| Order of preference - appointment of estate trustee - without a will | 554(LR) | 2.4 |
| Orders - Equalization - FLA - Sale of Business & Farm | 540(L)-541(R) | 12 |
| Orders - FLA - Equalization - Order Against depletion of property | 540(L)-541(R) | 12 |
| Orders - FLA - NFP - Court Orders for Enforcement of Equalization - General | 540(L)-541(R) | 12 |
| Orders - FLA - NFP - Issue of Treasury Shares from Corp. - Problems with | 540(L)-541(R) | 12 |
| Organ donation - special instructions - lawyer to advise estate trustee | 548(R) | 1.1.4 |
| Original will - storage | 495(R)-496(L) | 12 |
| Orphan’s benefits - guardians of the property of minor children | 516(L) | 4 |
| OTHER CONSIDERATIONS AFFECTING TESTATE DISTRIBUTIONS | 556(R) | 5.5 |
| Other jurisdictions - power of attorney (POA) - cannot assume authority to deal with assets | 500(L) | 3.4 |
| Ownership change - legal not beneficial - Tax - Trusts - not a taxable event | 531(L) | 5.9.1 |
| P |  |  |
| Parent entitlement - custodian - child (s. 20(1) CLRA) | 515(L) | 2 |
| Pari passu - Insolvent estates - ranking of assets | 563(LR) | 4.5.1 |
| Partial guardianship - guardian - person - standard procedure (s. 60(1)-(2) SDA) | 511(R) | 3.4 |
| PARTIAL INTESTACY - DISTRIBUTION | 564(L) | 5.3 |
| Particular Issues respecting NFP Calculations & Set - offs | 541(R) | 14, 14.1 |
| Passing accounts - accounting - Draft order | 570(R) | 7.3.4 |
| Passing accounts - accounting - Evidence | 570(L) | 7.3.4 |
| Passing accounts - accounting - Hearing / trial / appeal | 570(LR) | 7.3.4 |
| Passing accounts - accounting - statement of submission of rights - entitlements - subrule 75.07.1 | 570(R) | 7.3.4 |
| Passing Accounts - Estate planning - notices of objection - deadline where Public Guardian and Trustee or Children’s Lawyer served (30 days) | 570(L) | 7.3.3 |
| Passing Accounts - Estate planning - notices of objection - general deadline (35 days) | 570(L) | 7.3.3 |
| Passing of accounts - guardian - property - standard procedure | 509(L) | 1.4 |
| Payable to beneficiary - Trusts - definition | 533(R) | 5.12 |
| Payable to minor - Trusts - tax deduction allowance | 533(R) | 5.12 |
| Pecore v. Pecore - joint bank accounts | 551(LR) | 1.2.12 |
| Pecore v. Pecore - joint ownership - presumption of resulting trust | 551(LR) | 1.2.12 |
| Pension Benefits - Effect on where Equalization Election - NFP - Set Off against claim - (obligations) | 539(L) | 7.2.4 |
| Pensions, annuity contracts - Administration of Estate | 550(R) | 1.2.6 |
| Per stirpes - Modified - Issue and No Spouse - Definition | 565(L) | 5.3.3 |
| Perishable assets - Disposition of - Estate Trustee | 549(L) | 1.2 |
| Perpetuities - avoiding | 492(R) | 10.4.2 |
| Perpetuities - common law rule (against) | 492(LR) | 10.4.2 |
| Perpetuities - rule against - common law | 492(LR) | 10.4.2 |
| Perpetuities - successive interests | 492(LR) | 10.4.2 |
| Perpetuities Act (s. 4: post Sept. 6, 1966) - wills | 492(R) | 10.4.2 |
| PERPETUITIES  SEE ALSO: WILLS - PERPETUITIES | 492(LR) | 10.4.2 |
| Personal care - definition (POA) | 502(R) | 4 |
| Personal care - power of attorney (POA)  See also: POA - Personal Care | 502(R) | 4 |
| Personal care - substitute decision-making | 497(R)-498(L) | 2 |
| Personal care POA - best interests of incapable person analysis | 505(L) | 4.9 |
| Personal care POA - capacity assessment | 503(R)-504(L) | 4.7 |
| Personal care POA - Capacity of attorney | 502(R)-503(L) | 4.1 |
| Personal care POA - Capacity of grantor | 502(R)-503(L) | 4.1 |
| Personal care POA - Compensation (for attorney) | 505(R) | 4.10 |
| Personal care POA - conditions on when attorney can exercise powers | 503(R)-504(L) | 4.7 |
| Personal care POA - Conditions/restrictions on attorney authority | 503(R)-504(L) | 4.7 |
| Personal care POA - Disputes among co-attorneys | 503(R) | 4.6 |
| Personal care POA - execution | 503(L) | 4.2 |
| Personal care POA - foreign law issues | 503(L) | 4.3 |
| Personal care POA - form and execution | 503(L) | 4.2 |
| Personal care POA - living will | 504(LR)-505(L) | 4.8 |
| Personal care POA - Multiple appointments: disputes | 503(R) | 4.6 |
| Personal care POA - obligations to respect grantor wishes (living wills) | 504(LR)-505(L) | 4.8 |
| Personal care POA - recordkeeping | 505(L) | 4.9 |
| Personal care POA - resignation  See POA - Resignation by attorney | 503(R) | 4.4 |
| Personal care POA - restrictions/conditions on attorney authority | 503(R)-504(L) | 4.7 |
| Personal care POA - substitute decision-maker - obligation to respect grantor wishes (living wills) | 504(LR)-505(L) | 4.8 |
| Personal care POA - termination/resignation | 503(R) | 4.4 |
| Personal care POA - when attorney powers effective | 503(R)-504(L) | 4.7 |
| PERSONAL REPRESENTATIVE | 520(LR)-521(L) | 2 |
| Personal representative - CL spouse as - Estates Act | 593(LR)-594(L) | 1 & 2.1 |
| Personal representative - clearance certificate | 520(L)-521(L) | 2 |
| Personal Representative - Duty Owed to Surviving Spouse (doubt as to the nature of this duty) - Webster v Webster Estate | 544(R)-545(L) | 16 |
| Personal representative - FLA liability - Distributions in Contravention of FLA | 540(L) | 10 |
| Personal representative - general - position of the personal representative | 520(L) | 2 |
| Personal representative - liability - estate planning - FLA | 540(L) | 10 |
| Personal representative - liability - estate planning - FLA | 540(L) | 10 |
| Personal representative - liability for creditors’ claims | 520(L) | 2 |
| Personal representative - liability for payment of taxes | 520(LR)-521(L) | 2 |
| Personal representative - Priority - Spouse - Includes common-law - Estates Act | 593(LR)-594(L) | 1 & 2.1 |
| Personal representative - tax responsibilities | 520(L) | 2 |
| Personal service - guardian of property - SDA requirements (standard) (ss. 69(1) and (8)) | 507(LR) | 1.1.1 |
| Personal Trust - Definition | 534(L) | 5.13.1 |
| Personal Trust - Tax free 21 yr disposition | 534(L) | 5.13.1 |
| Personal Trust - vs. Commercial Trust | 534(L) | 5.13.1 |
| Physician’s letter - continuing POA | 498(R) | 3.1 |
| POA - accounting - passing the accounts | 502(L) | 3.11 |
| POA - affidavit of execution - witness signs | 506(L) | 6 |
| POA - attorney - accounting - property | 502(L) | 3.11 |
| POA - attorney - age of attorney - at least 18 years | 499(L) | 3.2 |
| POA - attorney - assisted dying - advice on future law | 504(R) | 4.8 |
| POA - attorney - attorney dies or becomes incapable - personal care | 503(R) | 4.4 |
| POA - attorney - attorney dies or becomes incapable - property | 500(LR) | 3.6 |
| POA - attorney - attorney resigns - personal care | 503(R) | 4.4 |
| POA - attorney - attorney resigns - property | 500(LR) | 3.6 |
| POA - attorney - authorized expenditures, gifts and loans | 501(LR) | 3.9 |
| POA - attorney - cannot dispose of assets gifted in will | 501(R) | 3.10 |
| POA - attorney - capacity - personal care | 502(R)-503(L) | 4.1 |
| POA - attorney - compensation - personal care | 505(R) | 4.10 |
| POA - attorney - compensation - property | 502(LR) | 3.12 |
| POA - attorney - conditions and restrictions on authority | 503(R)-504(L) | 4.7 |
| POA - attorney - conflict with grantor’s interests | 497(R) | 2 |
| POA - attorney - duties of an attorney for property | 501(L) | 3.8 |
| POA - attorney - foreign assets | 500(L) | 3.4 |
| POA - attorney - gifts to friends | 501(LR) | 3.9 |
| POA - attorney - large-scale gifting | 501(R) | 3.9 |
| POA - attorney - loans | 501(LR) | 3.9 |
| POA - attorney - more than one attorney - property | 499(R) | 3.3 |
| POA - attorney - multiple appointments - property | 499(R) | 3.3 |
| POA - attorney - personal care | 497(R) | 2 |
| POA - attorney - record-keeping - personal care | 505(L) | 4.9 |
| POA - attorney - standard of care - property | 502(L) | 3.11 |
| POA - attorney - statutory guardian of property | 497(L) | 1 |
| POA - Avoid combined POA forms (different tests for Care and Property) | 505(R) | 5 |
| POA - capacity of grantor - solicitor must assess | 506(L) | 6 |
| POA - Combined POA forms - avoid | 505(R) | 5 |
| POA - common law - agency relationship termination | 497(L) | 1 |
| POA - continuing power of attorney - (POA for property) | 497(R) | 1 |
| POA - copies of documents | 506(R) | 6 |
| POA - definition, rationale | 497(LR) | 1; 2 |
| POA - execution - witness | 506(L) | 6 |
| POA - existing POA - new POA can revoke existing - property | 500(R) | 3.6 |
| POA - foreign law - personal care | 503(L) | 4.3 |
| POA - fraud, duress, misrepresentation, mistake | 506(L) | 6 |
| POA - grantor - age of grantor (attorney cannot act until grantor is 18) (SDA s.4) | 499(L) | 3.2 |
| POA - grantor - assisted dying options | 504(R) | 4.8 |
| POA - grantor - capable but unavailable - property | 498(R) | 3.1 |
| POA - grantor - capacity - personal care | 502(R)-503(L) | 4.1 |
| POA - grantor - grantor dies - property | 500(L) | 3.6 |
| POA - grantor - property - establishing incapacity | 498(LR) | 3.1 |
| POA - grantor - revocation - formalities - property | 500(R) | 3.7 |
| POA - grantor - revoke appointment of attorney | 500(R) | 3.7 |
| POA - grantor - revoking continuing POA - property | 500(R) | 3.7 |
| POA - grantor - test for capacity of grantor | 499(L) | 3.2 |
| POA - grantor cannot be found - property | 498(R) | 3.1 |
| POA - in the event of incapacity - signing POA while capable | 499(L) | 3.2 |
| POA - limiting to periods of incapacity | 498(R) | 3.1 |
| POA - maintaining validity after incapacity | 498(R) | 3.1 |
| POA - mentally incapable - common law | 497(L) | 1 |
| POA - Personal Care | 502(R) | 4 |
| POA - Personal care - age requirement | 502(R)-503(L) | 4.1 |
| POA - Personal care - Assessment of capacity | 502(R)-503(L) | 4 & 4.1 |
| POA - Personal Care - assisted dying | 504(R) | 4.8 |
| POA - Personal Care - best interests of incapable person analysis | 505(L) | 4.9 |
| POA - Personal care - Capacity | 502(R)-503(L) | 4.1 |
| POA - Personal care - capacity - Partner: definition (s. 1 SDA) | 503(L) | 4.1 |
| POA - Personal care - capacity - Spouse: definition (s. 1 SDA) | 503(L) | 4.1 |
| POA - Personal Care - capacity assessment | 503(R)-504(L) | 4.7 |
| POA - Personal care - Capacity of Attorney | 503(R) | 4.1 |
| POA - Personal care - Capacity of Grantor | 502(R)-503(L) | 4.1 |
| POA - Personal Care - Compensation | 505(R) | 4.10 |
| POA - Personal Care - conditions on when attorney can exercise powers | 503(R)-504(L) | 4.7 |
| POA - Personal Care - Conditions/restrictions on attorney authority | 503(R)-504(L) | 4.7 |
| POA - Personal Care - definition | 502(R) | 4 |
| POA - Personal Care - Disputes among co-attorneys | 503(R) | 4.6 |
| POA - Personal care - Execution requirements for attorney | 503(L) | 4.2 |
| POA - Personal care - Exercising Attorney under SDA | 502(R) | 4 |
| POA - Personal Care - foreign law issues | 503(L) | 4.3 |
| POA - Personal care - form and execution | 503(L) | 4.2 |
| POA - Personal care - Grantor - capacity requirements | 502(R)-503(L) | 4.1 |
| POA - Personal Care - Health Care Consent Act (1996) | 502(R) | 4 |
| POA - Personal care - Individuals prohibited from acting as POA | 503(L) | 4.1 |
| POA - Personal Care - living will | 504(LR)-505(L) | 4.8 |
| POA - Personal Care - Multiple appointments: disputes | 503(R) | 4.6 |
| POA - Personal Care - Obligation/requirements to respect grantor wishes | 504(LR)-505(L) | 4.8 |
| POA - Personal Care - obligations to respect grantor wishes (living wills) | 504(LR)-505(L) | 4.8 |
| POA - Personal Care - recordkeeping | 505(L) | 4.9 |
| POA - Personal care - Resignation   See POA - Property - Resignation by attorney | 503(R) | 4.4 |
| POA - Personal Care - Restrictions/conditions on attorney authority | 503(R)-504(L) | 4.7 |
| POA - Personal Care - substitute decision-maker - obligation to respect grantor wishes (living wills) | 504(LR)-505(L) | 4.8 |
| POA - Personal Care - Termination | 503(R) | 4.4 |
| POA - Personal Care - Termination on death of attorney | 503(R) | 4.4 |
| POA - Personal Care - when attorney powers effective | 503(R)-504(L) | 4.7 |
| POA - Personal care - When to use | 502(R) | 4 |
| POA - Personal care - Witnesses - Alternative methods for witnessing a POA for personal care (see Chapter 35) | 503(L) | 4.2.1 |
| POA - Personal care - Witnesses - same as continuing POA | 503(L) | 4.2.1 |
| POA - Practice issues: copies of POA, held by whom | 506(R) | 6 |
| POA - Practice issues: obligations of solicitor to assess capacity | 506(L) | 6 |
| POA - Practice issues: solicitor must assess capacity of grantor | 506(L) | 6 |
| POA - Property | 498(L) | 3 |
| POA - Property - Accounting responsibilities | 502(L) | 3.11 |
| POA - Property - age requirement of attorney (18) | 499(L) | 3.2 |
| POA - Property - anti-ademption not applied for certain dispositions | 501(R) | 3.10 |
| POA - Property - Anti-ademption of willed gifts | 501(R) | 3.10 |
| POA - Property - appointing multiple attorneys | 499(R) | 3.3 |
| POA - Property - assessment of capacity (SDA s.8) | 499(L) | 3.2 |
| POA - Property - Attorney - Accounting Responsibilities | 502(L) | 3.11 |
| POA - Property - attorney - cannot dispose assets gifted in will | 501(R) | 3.10 |
| POA - Property - Attorney - compensation | 502(LR) | 3.12 |
| POA - Property - Attorney - standard of care | 502(L) | 3.11 |
| POA - Property - attorney resident in US | 500(L) | 3.5 |
| POA - Property - authorized expenditures, gifts, loans | 501(LR) | 3.9 |
| POA - Property - Banton v Banton - will substitutes via inter vivos trust not permitted | 501(R) | 3.9 |
| POA - Property - capacity - age of grantor and s.8 SDA conditions | 499(L) | 3.2 |
| POA - Property - capacity of grantor - alternative test - Godelie v Public Trustee | 499(L) | 3.2 |
| POA - Property - capacity of grantor - test | 499(L) | 3.2 |
| POA - Property - capacity of grantor, requirements (SDA s.8) | 499(L) | 3.2 |
| POA - Property - Charitable gifts by attorney (20% grantor income or a named max.) | 501(R) | 3.9 |
| POA - Property - Compensation for attorney | 502(LR) | 3.12 |
| POA - Property - Compensation for attorney - see document, or use SDA s. 40 | 502(LR) | 3.12 |
| POA - Property - Conditions on authority (i.e., subject matter, effective date) | 498(L) | 3.1 |
| POA - Property - contrary to grantor’s wishes - gifts and loans | 501(R) | 3.9 |
| POA - Property - death - termination | 500(LR) | 3.6 |
| POA - Property - declarations regarding the scope of authority | 498(R) | 3.1 |
| POA - Property - effective when | 498(LR) | 3 |
| POA - Property - events that lead to termination | 500(LR) | 3.6 |
| POA - Property - Execution - disqualified witnesses | 499(R) | 3.3 |
| POA - Property - Execution - people who cannot witness | 499(R) | 3.3 |
| POA - Property - execution requirements for attorney (i.e. 2 witnesses) | 499(R) | 3.3 |
| POA - Property - expenditures allowed vs. prohibited | 501(LR) | 3.9 |
| POA - Property - Expenditures of attorneys | 501(LR) | 3.9 |
| POA - Property - Expenditures of attorneys: dependants and legal obligations | 501(L) | 3.9 |
| POA - Property - Expenditures of attorneys: re: education, support, care | 501(L) | 3.9 |
| POA - Property - Fiduciary Duty | 502(L) | 3.11 |
| POA - Property - foreign jurisdictions - POA not assumed valid | 500(L) | 3.4 |
| POA - Property - Form and Execution | 499(LR) | 3.3 |
| POA - Property - Gifts (large-scale) - no power to make will | 501(R) | 3.9 |
| POA - Property - Gifts and loans by attorneys (deemed by SDA to be for benefit of grantor) | 501(L) | 3.9 |
| POA - Property - Gifts and loans by attorneys: limits | 501(L) | 3.9 |
| POA - Property - Gifts and loans prohibited where contrary to grantor’s wishes | 501(R) | 3.9 |
| POA - Property - grantor - age requirement (attorney cannot act until grantor is 18) (SDA s.4) | 499(L) | 3.2 |
| POA - Property - grantor - test for capacity | 499(L) | 3.2 |
| POA - Property - incapacity requirement | 498(R) | 3.1 |
| POA - Property - limitations - ambiguity | 498(L) | 3.1 |
| POA - Property - Multiple appointments - can co-exist or revoke prior POL | 500(R) | 3.6 |
| POA - Property - multiple attorneys | 499(R) | 3.3 |
| POA - Property - No power to make will (thus, no large-scale gifting) | 501(R) | 3.9 |
| POA - Property - notice to third parties re: termination | 500(LR) | 3.6 |
| POA - Property - participation of grantor | 502(L) | 3.11 |
| POA - Property - physician’s letter | 498(R) | 3.1 |
| POA - Property - principles - scope of authority (anything but make will for grantor) | 498(L) | 3.1 |
| POA - Property - resignation by attorney | 500(LR) | 3.6 |
| POA - Property - restrictions | 498(L) | 3.1 |
| POA - Property - Revocation - Protection of third parties | 500(R) | 3.7 |
| POA - Property - Revocation - Third parties | 500(R) | 3.7 |
| POA - Property - Revocation where grantor has capacity - requirements | 500(R) | 3.7 |
| POA - Property - RRSPs, RRIFs, TFSAs | 498(LR) | 3.1 |
| POA - Property - scope of authority | 498(LR) | 3.1 |
| POA - Property - Scope of authority   (anything but make will for grantor) | 498(L) | 3.1 |
| POA - Property - Standard of care - paid vs. unpaid | 502(L) | 3.11 |
| POA - Property - Standard of care (i.e. fiduciary) | 502(L) | 3.11 |
| POA - Property - Termination | 500(LR) | 3.6 |
| POA - Property - Termination - events that lead to | 500(LR) | 3.6 |
| POA - Property - Termination - resignation | 500(LR) | 3.6 |
| POA - Property - Termination on death of attorney or grantor | 500(L) | 3.6 |
| POA - Property - test for capacity of grantor | 499(L) | 3.2 |
| POA - Property - US resident attorney | 500(L) | 3.5 |
| POA - Property - When effective | 498(L) | 3 |
| POA - Property - When to use POA | 497(R) | 2 |
| POA - Property - will contents - attorney must read grantor’s will | 501(R) | 3.10 |
| POA - Property - will contents - attorney prohibited from disposing of gifted property unless... | 501(R) | 3.10 |
| POA - Property - will substitutes via inter vivos trust not permitted - Banton v Banton | 501(R) | 3.9 |
| POA - Property - Witnesses | 499(R) | 3.3 |
| POA - Property and Personal Care - Combining POAPC and POAP | 505(R) | 5 |
| POA - release of the document by a third party - property | 498(R) | 3.1 |
| POA - revocation - court authority to deny revocation - property | 500(R) | 3.7 |
| POA - Substitute Decisions Act | 497(L) | 1 |
| POA - Substitute Decisions Act - governs relationship between grantor and attorney | 497(L) | 1 |
| POA - termination - personal care | 503(R) | 4.4 |
| POA - termination of POA - property | 500(LR) | 3.6 |
| POA - transactions with a financial institution - multiple POAs | 500(R) | 3.6 |
| POA - When to use - Personal care | 502(R) | 4 |
| POA - will contents | 501(R) | 3.10 |
| POA - witness - execution | 506(L) | 6 |
| POA - witnesses - Covid 19 accomodations | 500(L) | 3.3.1 |
| POA (POWER OF ATTORNEY) | 497(L) | 1 |
| Power of appointment given to child - wills - Saunders v Vautier rule invoked - Robinson v Royal Trust Company; Guest v Lott | 494(L) | 10.4.4 |
| Power of attorney (POA) - common law of agency | 497(L) | 1 |
| Power of attorney (POA) - General power of attorney | 497(R) | 1 |
| Preference - order - appointment of Estate Trustee - without a will | 554(LR) | 2.4 |
| Preferential share - CL spouse - Intestacy | 593(LR)-594(L) | 1 & 2.1 |
| Preparing Clients - Estates - Mandatory Mediation | 588(R) | 10.3 |
| Preparing Clients - Estates - Mandatory Mediation - Confidentiality | 588(R) | 10.3 |
| Presumed deceased - Declaration of death | 584(R) | 6 |
| PRINCIPAL RESIDENCE - TAX | 524(R)-525(L) | 3.1.7 |
| Principal Residence - Tax - capital gain calculation | 524(R)-525(L) | 3.1.7 |
| Principal Residence - Tax - change in use | 525(L) | 3.1.7 |
| Principal Residence - Tax - change in use - deemed disposition and deferral | 525(L) | 3.1.7 |
| Principal Residence - Tax - designation | 524(R)-525(L) | 3.1.7 |
| Principal Residence - Tax - exemption | 524(R)-525(L) | 3.1.7 |
| Principal Residence - Tax - land included - one residence per family per year | 524(R)-525(L) | 3.1.7 |
| Principal residence - tax - rollover | 522(R) | 3.1.1 |
| Procedure - Claims against estate - Contested liquidated debt | 587(L) | 9.1 |
| Procedure - Claims against estate - Contested unliquidated debt | 587(LR) | 9.2 |
| Procedure - Dependant support claim - SLRA | 586(L) | 8.3 |
| Property - children - appointment of guardian - will | 487(L) | 9.3 |
| Property - foreign jurisdiction - wills - see Will Planning, Drafting and Execution - Foreign Laws | 484(L) | 8 |
| Property - guardians for minor | 516(LR) | 4 |
| Property - guardians for property of minor (will planning) | 487(L) | 9.3 |
| Property - minor child - no inherent right of parent or custodian to possess | 516(L) | 4 |
| Property - minor child - where no court appointment of guardian of child’s property | 516(LR) | 4 |
| Property - Net Family Property - Excluded Property | 535(R) | 3 |
| Property - substitute decision-making | 497(L) | 1 |
| Property - wills - anti-ademption rules | 488(LR) | 9.6 |
| Property Claim - Net Family Property - Definition | 535(L) | 2 |
| Property transfer - tax free - qualifying inter vivos or testamentary spousal trust | 531(L) | 5.9.2 |
| Prudent investor rule - Trustee Act requirements | 528(R) | 3 |
| Purchase of estate assets by estate trustee - Applications under R. 14.05(3) | 583(R)-584(L) | 5.5 |
| Q |  |  |
| Qualification as testamentary spousal trust - ITA s.70 | 530(LR) | 5.8.1 |
| QUALIFYING SPOUSAL TRUST | 522(LR) | 3.1.1 |
| Qualifying Spousal Trust - Farm property & intergenerational transfers - Rollover | 523(L) | 3.1.2 |
| Qualifying Spousal Trust - How to create | 522(L) | 3.1.1 |
| Qualifying Spousal Trust - Indefeasibly vested | 522(R) | 3.1.1 |
| Qualifying Spousal Trust - Key parameters | 522(L) | 3.1.1 |
| Qualifying Spousal Trust - ownership of deceased’s principal residence | 522(R) | 3.1.1 |
| Qualifying spousal trust - rollover - tax   SEE: Tax - rollover - spousal trust | 522(LR) | 3.1.1 |
| Qualifying Spousal Trust - Tainted | 522(R) | 3.1.1 |
| Qualifying Spousal Trust - Tainted - relief from ITA | 522(R) | 3.1.1 |
| Qualifying Spousal Trust - Tax - deemed realization | 522(R) | 3.1.1 |
| Qualifying Spousal Trust - Tax - when subject to tax | 522(R) | 3.1.1 |
| Qualifying Spousal Trust - vs. tainted spousal trust | 522(LR) | 3.1.1 |
| Quantum meruit - CL spouse claims against estate | 594(LR) | 2.2 |
| Questions that should not be asked of the court - Wills - Hypothetical - Abstract | 581(R)-582(L) | 5.2.1 |
| R |  |  |
| r 75.1.05 - Estates - Mandatory mediation- Directions for conduct of mediation | 588(L) | 10.1 |
| Rates - power of attorney (POA) - personal care | 505(R) | 4.10 |
| Re Avery - medical affidavits - guardian - property - standard procedure | 508(L) | 1.1.4 |
| Re Fulford - Application for advice and direction - Applications under R. 14.05(3) - due care exercise - protected from liability | 581(R)-582(L) | 5.2.1 |
| Re Wright - Application for advice and direction - Applications under R. 14.05(3) - due care exercise - protected from liability | 581(R)-582(L) | 5.2.1 |
| Real Estate - Asset Administration - "First Dealing" of property | 560(R) | 3.2 |
| Real Estate - Asset Administration - Requirements | 561(LR) | 3.2 |
| Real Estate - Asset Administration - Transfer Title to Devisee or Beneficiary - Registry Act | 560(R) | 3.2 |
| Real property - Estate proceedings - Limitation periods - Real Property Limitations Act applies | 589(R) | 12.1 |
| Reassessments - Tax - clearance certificate | 521(L) | 2 |
| Reassessments - Tax - Estate Administration Tax | 557(R)-558(L) | 2.7.2 |
| Reassessments by Minister of Finance - Estate Administration Tax | 557(R)-558(L) | 2.7.2 |
| Receipt of statements from assessor(s)/non-assessors Guardian - property - summary procedure | 510(L) | 2.4 |
| Receipts / releases - cash legacies | 567(R) | 5.6.1(a) |
| Receipts / releases - final distributions of legacies | 568(L) | 5.6.1(d) |
| RECEIPTS / RELEASES - LEGACIES | 567(R) | 5.6.1 |
| Receipts / releases - legacies - cash legacies | 567(R) | 5.6.1(a) |
| Receipts / releases - legacies - final distributions | 568(L) | 5.6.1(d) |
| Receipts / releases - legacies - minors | 567(R)-568(L) | 5.6.1(c) |
| Receipts / releases - legacies - non-cash legacies | 567(R) | 5.6.1(b) |
| Receipts / releases - legacies for minors | 567(R)-568(L) | 5.6.1(c) |
| Receipts / releases - non-cash legacies | 567(R) | 5.6.1(b) |
| Recordkeeping - POA - Personal Care | 505(L) | 4.9 |
| Renunciation - Estate Trustee, as | 553(R) | 2.3 |
| Requirements - Inter vivos spousal trust | 531(L) | 5.8.2 |
| Requirements/obligations to respect grantor wishes - POA - Personal Care (living wills) | 504(LR)-505(L) | 4.8 |
| Reserve land - Certificate of Possession - Indian wills and estates | 596(LR) | 5 |
| Reserve land - Indian wills and estates - Overriding jurisdiction | 596(L) | 4.3 |
| Reserve land - Interests in - Indian wills and estates | 596(LR) | 5 |
| Reserve land - Nature of interest - Indian wills and estates | 596(LR) | 5 |
| Reserve land - Possessory interest in - Jurisdiction - Indian wills and estates | 596(L) | 4.3 |
| Reserve land - Transfer during owner’s life - Indian wills and estates | 596(LR) | 5 |
| Reserve land - Transfer to non-member - Indian wills and estates - Indian Act | 596(LR) | 5 |
| Reserve land - When devisee or descendent not band member - Indian wills and estates | 596(LR) | 5 |
| Reserve land - Who may inherit - Indian wills and estates | 596(LR) | 5 |
| Reserve lands - Indian wills and estates - FLA does not apply | 598(R)-599(LR) | 13 |
| Reserve lands - Indian wills and estates - Net family property - Equalization - FLA | 598(R)-599(LR) | 13 |
| Residence - Tax - Trusts or Estates | 529(R) | 5.2 |
| Residence issues - Tax - Estate as trust | 524(LR) | 3.1.5 |
| Residing off reserve exclusion - Jurisdiction - Indian wills and estates | 595(R)-596(L) | 4.1 |
| Response to service of application record - guardian of person - standard procedure (same as property) | 511(R) | 3.3 |
| Response to service of application record - guardian of property - “specified relatives” | 508(R) | 1.3.2 |
| Response to service of application record - guardian of property - notice of appearance | 508(R) | 1.3.1 |
| Response to service of application record - guardian of property - standard procedure | 508(R) | 1.3 |
| Response to service of application record - guardian of property - summary procedure [same as in standard process] | 510(L) | 2.7 |
| Restrictions on distribution of estate | 539(R)-540(L) | 9 |
| Revocable trust - Definition | 528(L) | 2 |
| Revocation - power of attorney (POA) | 500(R) | 3.7 |
| Revocation of will - Marriage - CL spouses | 594(L) | 2.1 |
| Right of Survivorship - Effect on Where Equalization Election - NFP - Set Off against equaliz. claim | 539(L) | 7.2.4 |
| Rights and Things Return - filing time | 524(R) | 3.1.6 |
| Rights of CL spouse to estate | 593(LR) | 1 |
| Robinson v Royal Trust Company - Rule in Saunders v Vautier - child dictates via power of appointment - deed or will | 494(L) | 10.4.4 |
| Role - estate trustee - wills - see Will Planning, Drafting and Execution - Client instructions - Appointment of Estate Trustees | 485(L)-496(R) | 9.1 |
| Role of estate trustee - Wills - Application for advice and direction on interpretation of will | 582(L) | 5.2.2 |
| Rollover - barred by agreements made by deceased | 522(L) | 3.1.1 |
| Rollover - deferral of capital gain | 521(R) | 3.1 |
| Rollover - definition | 521(R) | 3.1 |
| Rollover - Election to Avoid spousal rollover | 523(L) | 3.1.3 |
| Rollover - exceptions to deemed realization at death | 524(LR) | 3.1  3.1.1  3.1.2 |
| Rollover - farm property (intergenerational transfer) | 522(R)-523(L) | 3.1.2 |
| Rollover - Principal Residence Exemption | 522(R) | 3.1.1 |
| Rollover - Qualifying Spousal Trust | 522(LR) | 3.1.1 |
| Rollover - spouse | 521(R)-522(LR) | 3.1  3.1.1 |
| Rollover - spouse - “indefeasibly vested” | 522(L) | 3.1.1 |
| Rollover - Tax - transfer of property in satisfaction of equalization claim | 544(L) | 15.1 |
| Rollover - Transfer to spouse | 521(R)-522(LR) | 3.1.1 |
| Rollover - Transfer to testamentary spousal trusts | 522(LR) | 3.1.1 |
| ROLLOVER  SEE ALSO: TAX - ROLLOVER | 521(LR) | 3.1 |
| RRSP - Beneficiaries - liability for income tax | 523(R) | 3.1.4 |
| RRSP - Spousal rollover (property transferred as a consequence of taxpayer's death) | 523(LR) | 3.1.4 |
| RRSP - Tax - Child/grandchild dependent upon deceased - annuity | 523(R) | 3.1.4 |
| RRSP - Tax - If receivable by estate - spouse & estate joint election for rollover | 523(LR) | 3.1.4 |
| RRSP - Tax - liability if gifted by deceased | 523(R) | 3.1.4 |
| RRSP - Tax - withholding by administrator - no requirement | 523(R) | 3.1.4 |
| RRSP - When part of estate | 523(LR) | 3.1.4 |
| RRSP  SEE ALSO: TAX - RRSP | 523(LR) | 3.1.4 |
| RRSP, RRIF, annuity - Deemed realization/disposition of capital property - tax | 519(R)-520(L) | 1.4 |
| RRSPs and RRIFs - income tax - wills - see Will Planning, Drafting and Execution - Income Tax | 485(R) | 7 |
| Rule 14.05(3) - Application for advice and direction on interpretation of will - Framing notice of application | 581(LR) | 5.2 |
| Rule 14.05(3) - Application for advice and direction on interpretation of will - Jurisdiction (Sup Ct) | 581(LR) | 5.2 |
| Rule 14.05(3) - Application for advice and direction on interpretation of will - Liability of estate trustee | 581(LR) | 5.2 |
| Rule 14.05(3) - Application for advice and direction on interpretation of will - Questions that should not be asked of the court | 581(R)-582(L) | 5.2.1 |
| Rule 14.05(3) - Application for advice and direction on interpretation of will - Questions that should not be asked of the court - Where disagreement among trustees - Re Wright / Re Fulford | 581(R)-582(L) | 5.2.1 |
| Rule 14.05(3) - Application for advice and direction on interpretation of will - Role of the estate trustee | 582(L) | 5.2.2 |
| Rule 14.05(3) - Application for advice and direction on interpretation of will - Role of the estate trustee - Disagreement among trustees | 582(L) | 5.2.2 |
| Rule 14.05(3) - Application to ascertain heirs | 582(LR) | 5.3 |
| Rule 14.05(3) - Application to ascertain heirs - Initiated by estate trustee - Order directing a reference | 582(R) | 5.3 |
| Rule 14.05(3) - Application to ascertain heirs - Initiated by individual claiming to be heir - Onus to prove | 582(R) | 5.3 |
| Rule 14.05(3) - Purchase of estate assets by estate trustee | 583(R)-584(L) | 5.5 |
| Rule 14.05(3) - Purchase of estate assets by estate trustee - Court approval - Materials required for and conditions of | 583(R)-584(L) | 5.5 |
| Rule 14.05(3) - Purchase of estate assets by estate trustee - Court approval - Without beneficiary consent | 584(L) | 5.5 |
| Rule 14.05(3) - Purchase of estate assets by estate trustee - Materials required for application - Asset valuation | 584(L) | 5.5 |
| Rule 14.05(3) - Removal and replacement of estate trustee - Application to Sup Ct | 583(L) | 5.4 |
| Rule 14.05(3) - Specific claims - Types - Purchase of estate assets by the estate trustee | 583(R)-584(L) | 5.5 |
| Rule 14.05(3) - Variation or revocation of trusts - SEE Variation of trusts | 585(R) | 7 |
| Rule 75.1 - Mandatory mediation of estate matters - SEE Mandatory mediation - Estates | 587(R) | 10 |
| Rule against perpetuities | 492(LR) | 10.4.2 |
| Rule in Saunders v Vautier | 493(R) | 10.4.4 |
| Rule in Saunders v Vautier - avoiding | 494(L) | 10.4.4 |
| Rule in Saunders v Vautier - child dictates via power of appointment - deed or will (Robinson v Royal Trust Company; Guest v Lott) | 494(L) | 10.4.4 |
| Rules of Civil Procedure - Limitation periods in estate proceedings - Summary | 592(LR) | 13 |
| S |  |  |
| Same-sex spouse - Estates - Claims against - Charter | 594(R) | 2.3 |
| Saunders v Vautier - rule | 493(R) | 10.4.4 |
| Saunders v Vautier - rule - avoiding the application of | 494(L) | 10.4.4 |
| Scope of authority - continuing POA - Substitute Decisions Act | 498(R) | 3.1 |
| Scope of authority - power of attorney (POA) | 498(LR) | 3.1 |
| Section 7 - FLA - application requirements - exchange of financial info. disclosure | 540(LR) | 11 |
| Securities - Asset Administration - Additional considerations | 560(R)-561(L) | 3.1.4 |
| Securities - Asset Administration - Additional considerations - Registered under Limited Company | 561(L) | 3.1.4 |
| Securities - Asset Administration - Additional considerations - Registered under Minor | 561(L) | 3.1.4 |
| Securities - Asset Administration - Foreign Transfer Requirements | 560(R) | 3.1.3 |
| Securities - Asset Administration - ONT Transfer Requirements | 560(R) | 3.1.1 |
| Securities - Asset Administration - Quebec Transfer Requirements | 560(R) | 3.1.2 |
| Securities - Asset Administration - Requirements | 560(R) | 3.1 |
| Securities - Asset Administration - Transfer to trustee's care | 560(L) | 3.1 |
| Securities - Debentures - Power of Attorney | 560(L) | 3.1 |
| Securities - Marketable Bonds - Power of Attorney | 560(L) | 3.1 |
| Securities - Marketable Stock - Power of Attorney | 560(L) | 3.1 |
| Securities - Transmission - Register under Estate Trustee | 560(L) | 3.1 |
| Securities - Transmission - selling securities | 560(L) | 3.1 |
| Security - guardian - property - standard procedure - judgment | 509(L) | 1.4 |
| Security Bond - Certificate of Appointment of Estate Trustee - Application | 559(L) | 2.9.1 |
| Security Bond - Certificate of Appointment of Estate Trustee - Order to dispense | 559(LR) | 2.9.2 |
| Security Bond - Certificate of Appointment of Estate Trustee - Requirements | 559(L) | 2.9.1 |
| Security Bond - Certificate of Appointment of Estate Trustee - Surrender of Bond | 559(R) | 2.9.3 |
| Security Bond - Certificate of Appointment of Estate Trustee - When reduced or dispensed with | 559(R) | 2.9.2 |
| Security Bond - Certificate of Appointment of Estate Trustee - When required | 559(L) | 2.9 |
| Self-government - Indians - Wills and estates - Jurisdiction | 595(R) | 4 |
| Service of application record - guardian - person - standard procedure (same as for property) | 511(R) | 3.2 |
| Service of application record - guardian - property - standard procedure | 508(LR) | 1.2 |
| Service of application record - guardian - property - summary procedure (same as standard procedure) | 510(L) | 2.6 |
| Service of application record - guardian of person - standard procedure (same as property) | 511(R) | 3.2 |
| Settlement of Debts - Estates Act procedures | 563(L) | 4.4 |
| Settlor - Trusts - Definition | 527(L) | 2 |
| Signing the will - formal wills | 494(L) | 11.1 |
| Signing the will - holographic wills | 495(L) | 11.4 |
| Signing the will - international wills | 494(R)-495 (L) | 11.3 |
| Simultaneous deaths - wills - mirror wills - double legacies | 491(L) | 10.3.2 |
| SLRA - Dependant - Definition - CL spouse claims against estate | 593(LR) | 1 |
| SLRA - Dependant support claims - SEE Dependant support claims | 585(R) | 8 |
| SLRA - Dependant support claims - Support amount and duration - Criteria for assessing - Moral obligation to dependant - Cummings v Cummings | 586(R) | 8.6 |
| SLRA - Limitation periods in estate proceedings - Summary | 592(LR) | 13 |
| SLRA - Spouse - Definition - CL spouse claims against estate | 593(LR)-594(L) | 1 & 2.1 |
| SLRA - Spouse - Definition - Estates | 585(R)-586(L) | 8.1 |
| Solicitor’s Responsibilities (CHECKLIST) for Equalization Claim - FLA | 545(L)-546(R) | 17 |
| Solvent estates - beneficiaries - order of payment of debt - inter se | 564(L) | 4.5.2 |
| Solvent estates - creditors paid in full | 564(L) | 4.5.2 |
| Solvent estates - Debts - Solvent estate - beneficiaries contest | 564(L) | 4.5.2 |
| Solvent Estates - settling debts - ranking beneficiaries | 564(L) | 4.5.2 |
| Spousal election - FLA - Estates - Married spouses only | 593(LR)-594(L) | 1 & 2.1 |
| Spousal rollover | 521(R)-522(LR) | 3.1.1 |
| Spousal rollover - election to avoid - tax rollover | 523(L) | 3.1.3 |
| Spousal trust - election to avoid spousal rollover - tax rollover | 523(L) | 3.1.3 |
| Spousal trust - inadvertent tainting and relief under ITA | 522(R) | 3.1.1 |
| Spousal trust - rollover - tax   SEE: Tax - rollover - spousal trust | 522(LR) | 3.1.1 |
| Spousal trust - tax free property transfer - qualifying inter vivos or testamentary spousal trust | 531(L) | 5.9.2 |
| SPOUSAL TRUST   SEE ALSO: Qualifying Spousal Trust; Tainted Spousal Trust | 522(LR) | 3.1.1 |
| Spousal Trusts - Tax - Deemed Disposition of Property at Date of Spouse’s Death - Requirements | 534(R) | 5.13.2 |
| Spouse - Common-law - Claims against estate - SEE CL spouse - Estates - Claims against | 593(R)-594(L) | 2.1 |
| Spouse - Definition - Claims - Estates - Succession Law Reform Act | 593(LR)-594(L) | 1 & 2.1 |
| Spouse - Definition - Estates - Family Law Act | 593(LR)-594(L) | 1 & 2.1 |
| Spouse - Definition - Estates - Succession Law Reform Act | 585(R)-586(L) | 8.1 |
| Spouse - Definition - Income Tax - Estates | 527(L) | 1 |
| Spouse - Definition - SLRA - Dependant support claims | 585(R)-586(L) | 8.1 |
| Spouse - definition - tax purposes | 521(R) | 3.1.1 |
| Spouse - Former - bequest to | 558(R) | 2.8.2 |
| Spouse - Intestacy - Definition - SLRA | 593(LR)-594(L) | 1 & 2.1 |
| Spouse - ITA - definition (includes CL partners) | 521(R) | 3.1.1 |
| Spouse - ITA - Definition (includes common-law and same-sex partners) | 527(L) | 1 |
| Spouse - SDA - definition - power of attorney (POA) - care | 503(L) | 4.1 |
| Standard of care - power of attorney (POA) - personal care - record-keeping | 505(L) | 4.9 |
| Standard of care - power of attorney (POA) - property | 502(L) | 3.11 |
| Standard of Review - Indian wills and estates - Appeals - Correctness | 598(L) | 10 |
| Statement of assessor/non-assessor - Guardian - property - summary procedure | 509(R)-510(L) | 2.3 |
| Statements from assessor(s)/non-assessors - receipt of - guardian - property - summary procedure | 510(L) | 2.4 |
| Statutory declaration of death | 584(LR) | 6 |
| Statutory guardian of property - SDA - powers of attorney | 497(L) | 1 |
| Statutory investing rules - Trustee Act - wills | 492(L) | 10.4.1 |
| Stone v. Stone - exchange of financial info -transfer of property by a spouse | 540(LR) | 11 |
| Storage - Wills | 495(R)-496(L) | 12 |
| Submission of material by registrar to judge - Guardian - property - summary procedure (s.77 SDA) | 510(LR) | 2.8 |
| Submission of material to judge by registrar - Guardian - person - summary procedure | 512(R) | 4.10 |
| Substitute decision-maker - obligation to respect grantor wishes - POA - Personal Care (living wills) | 504(LR)-505(L) | 4.8 |
| SUBSTITUTE DECISION-MAKERS | 512(R) | 5 |
| Substitute decision-makers - consent on behalf of incapable person | 512(R) | 5 |
| Substitute decision-makers - consent to admission to hospital or psychiatric facility (s. 24 HCCA) | 513(R) | 5.1 |
| Substitute decision-makers - ranked list of (s. 20 HCCA) | 512(R)-513(L) | 5.1 |
| Substitute decision-makers - requirements of (s. 20(2) HCCA) | 513(LR) | 5.1 |
| Substitute decision-makers - separated spouse (s. 20(8) HCCA) | 513(L) | 5.1 |
| Substitute decision-making - property and personal care | 497(R) | 2 |
| Substitute Decisions Act - guardian - incapable persons | 507(L) | 1.1.1 |
| Substitute Decisions Act - guardian of property - ss. 32-37 | 501(L) | 3.8 |
| Substitute Decisions Act - POA | 497(L) | 1 |
| Substitute Decisions Act - POA - age requirement | 499(L) | 3.2 |
| Substitute Decisions Act (1992) | 497(L) | 1 |
| Succession Law Reform Act - Dependant - Definition - CL spouse claims against estate | 593(LR) | 1 |
| Succession Law Reform Act - Dependant support claims - SEE Dependant support claims | 585(R) | 8 |
| Succession Law Reform Act - Estate Proceedings - Limitation Periods | 590(LR) | 12.4 |
| Succession Law Reform Act - Limitation periods in estate proceedings - Summary | 592(LR) | 13 |
| Succession Law Reform Act - Spouse - Definition - CL spouse claims against estate | 593(LR)-594(L) | 1 & 2.1 |
| Succession Law Reform Act as a code for distribution for intestate or partially intestate wills | 564(L) | 5.3 |
| Summary - Limitation periods in estate proceedings | 591(LR)-592(LR) | 13 |
| Summary disposition of claims against estate - Liquidated debt - Jurisdiction (Sup Ct) | 587(L) | 9.1 |
| Summary disposition of claims against estate - Liquidated debt - Procedure | 587(L) | 9.1 |
| Summary disposition of claims against estate - unliquidated debt - Order for directions | 587(LR) | 9.2 |
| Summary disposition of claims against estate - Unliquidated debt - Procedure | 587(LR) | 9.2 |
| Summary disposition procedure - guardian - property | 509(LR) | 2 |
| Support claims - Dependant - SEE Dependant support claims | 585(R) | 8 |
| Support claims - Dependant - SLRA - SEE Dependant support claims | 585(R) | 8 |
| Support Orders - Dependants - SLRA | 586(R) | 8.7 |
| Surviving Spouse - Death within 6 months - NFP - Election for Equalization | 537(L) | 6.2 |
| Surviving spouse - Indian wills and estates - Right of possession of reserve land / residence | 597(LR) | 8 |
| Surviving Spouse - Mental Incompetence - NFP - Election for Equalization | 537(L) | 6.2 |
| Suspicious circumstances - Effect on costs in estates proceedings | 589(L) | 11 |
| T |  |  |
| T1 tax return - terminal return - tax (income between Jan 1 and death) | 519(L) | 1.2 |
| T3 Trust Return - tax (day after death) | 519(L) | 1.2 |
| Tainted spousal trust - Cleansing under ITA | 522(R) | 3.1.1 |
| Tainted spousal trust - Definition - versus Qualifying Spousal Trust | 522(LR) | 3.1.1 |
| Tainting - qualifying spousal trusts - excusable | 522(R) | 3.1.1 |
| Tax - Accrual basis vs. cash basis | 519(LR) | 1.3 |
| Tax - at death and personal tax planning - basic principles (Canada taxes income) | 519(LR)-520L) | 1 |
| Tax - Attribution Rules - Trusts - Generally | 532(L) | 5.1 |
| Tax - Attribution Rules - Trusts - Loan or Transfer of Property to Trust | 532(R) | 5.1 |
| Tax - Attribution Rules - Trusts - Not applicable to testamentary dispositions | 532(L) | 5.1 |
| Tax - Attribution Rules - Trusts - Property Transferred/Loaned to person with beneficial interest | 532(L) | 5.1 |
| Tax - avoiding deemed realization on death - two ways | 521(LR) | 3.1 |
| Tax - Beneficiary - CRA may pursue claims against beneficiaries receiving funds from estate | 520(L) | 2 |
| Tax - Beneficiary - Income - Income of trust paid or payable | 533(R) | 5.12 |
| Tax - beneficiary - income - year taxable | 533(R) | 5.12 |
| Tax - Beneficiary - payable to - definition | 533(R) | 5.12 |
| Tax - Beneficiary - payable to - minors & non-discretionary trust | 533(R) | 5.12 |
| Tax - Beneficiary - right of creditor has priority to right of beneficiary | 520(L) | 2 |
| Tax - Capital loss - cannot result from deemed disposition of personal use property | 519(R)-520(L) | 1.4 |
| Tax - capital loss - deemed realization/disposition | 519(R)-520(L) | 1.4 |
| TAX - CLEARANCE CERTIFICATE | 520(L)-521(L) | 2 |
| Tax - Clearance certificate - distributions before certificate | 520(LR) | 2 |
| Tax - Clearance certificate - final clearance certificate | 520(R)-521(L) | 2 |
| Tax - clearance certificate - general | 520(R) | 2 |
| Tax - Clearance certificate - income calculation | 520(R) | 2 |
| Tax - Clearance certificate - interim clearance certificate | 520(R) | 2 |
| Tax - Clearance certificate - reassessment | 521(L) | 2 |
| Tax - Clearance certificate - when not necessary | 521(L) | 2 |
| Tax - Clearance certificate - when should be obtained | 520(R) | 2 |
| Tax - creation of two taxpayers | 519(L) | 1.2 |
| Tax - Death - Personal Representative - personal liability | 520(LR) | 2 |
| Tax - Deduction - Trusts - flow income to beneficiaries | 529(R) | 5.1 |
| TAX - DEEMED REALIZATION | 519(R)-520(L) | 1.4 |
| Tax - deemed realization - not applicable in two circumstances | 521(LR) | 3.1 |
| Tax - Deemed realization/disposition - Capital loss - where possible | 519(R) | 1.4 |
| Tax - Deemed realization/disposition of capital property - RRSP, RRIF, annuity | 519(R)-520(L) | 1.4 |
| Tax - Disposition of property at less than FMV - deemed amounts | 525(LR) | 3.1.8 |
| Tax - Dispositions - deemed amounts | 525(LR) | 3.1.8 |
| Tax - Equalization Claim - Availability of Rollover for Transferred Capital Property | 543(R) | 15.1 |
| Tax - Estate Administration - Assessments - Challenges to/Appeals | 557(R)-558(L) | 2.7.2 |
| Tax - Estate Administration - Assessments - No Clearance Certificate Mechanism | 558(L) | 2.7.2 |
| Tax - Estate Administration - Estate Trustee - Comfort letter | 558(L) | 2.7.2 |
| Tax - Estate Administration - Estate Trustee - Pays in representative capacity only | 558(L) | 2.7.2 |
| Tax - Estate Administration - No Clearance Certificate Mechanism | 558(L) | 2.7.2 |
| Tax - Estate Administration - Obligation to Creditors (paid first) | 558(R) | 2.7.2 |
| Tax - Estate Administration - Reassessments - No Clearance Certificate Mechanism | 558(L) | 2.7.2 |
| Tax - Estate Administration - Time Period for Reassessments | 557(R)-558(L) | 2.7.2 |
| Tax - Estate administration tax - Assessments by Minister of Finance | 557(L)-557(R) | 2.7.2 |
| Tax - Estate administration Tax - Estate Information Return | 557(L)-557(R) | 2.7.2 |
| Tax - Estate Administration Tax - Estate Information Return - Amendments (Additional Info) | 557(L)-557(R) | 2.7.2 |
| Tax - Estate Administration Tax - Excluded Property & Encumbrances on Real Property | 555(R)-556(L) | 2.7 |
| Tax - Estate Administration Tax - Liability for Failure to Provide Info & Making False or Misleading Statements or Omissions | 558(L) | 2.7.2 |
| Tax - Estate administration tax - Private corporation shares - multiple wills | 483(L) | 6.1.1 |
| Tax - Estate Administration Tax - Rates | 555(R)-556(L) | 2.7 |
| Tax - Estate Administration Tax - Reassessments by Minister of Finance | 557(R)-558(L) | 2.7.2 |
| Tax - Estate Administration Tax - see Will Planning, Drafting and Execution - Estate administration tax | 483(R) | 6 |
| Tax - estate administration tax - When required to be paid | 555(R) | 2.7 |
| Tax - estate administration tax - When required to be paid - exceptions (rr. 74.13(2)&(3)) | 555(R) | 2.7 |
| Tax - estate administration tax - Where application for a certificate of appointment of foreign estate trustee’s nominee as estate trustee without a will - assets included | 556(R) | 2.7 |
| Tax - estate administration tax - Where application for Ancillary or Resealing of appointment - assets included | 556(R) | 2.7 |
| Tax - Estate as trust - deadline for filing T3 | 524(R) | 3.1.6 |
| Tax - Estate as trust - opportunities for tax planning with T3 return | 524(LR) | 3.1.5 |
| Tax - Estate as trust - principles | 523(R)-524(LR) | 3.1.5 |
| Tax - Estate as trust - residence rules | 524(LR) | 3.1.5 |
| Tax - Estate as trust - rules & exceptions | 524(L) | 3.1.5 |
| Tax - Estate as trust - T3 return - income after death but before distribution | 524(LR) | 3.1.5 |
| Tax - Estate as trust - trust is conduit for income paid to beneficiaries | 524(L) | 3.1.5 |
| Tax - Estate as trust - when to file T3 return | 524(L) | 3.1.5 |
| Tax - Estate as trust - withholding tax for non-resident beneficiary | 524(R) | 3.1.5 |
| TAX - ESTATE AS TRUST  SEE ALSO: TRUSTS - TAX | 523(R)-524(LR) | 3.1.5 |
| Tax - estate of the deceased - new taxpayer | 519(L) | 1.2 |
| Tax - Family - Income Splitting | 526(LR) | 3.1.9 |
| Tax - Farm property - intergenerational transfers - Rollover criteria | 522(R)-523(L) | 3.1.2 |
| Tax - Farm property (intergenerational transfers) & qualifying spousal trust | 522(R)-523(L) | 3.1.2 |
| Tax - Final (i.e. terminal) return - filing time | 524(R) | 3.1.6 |
| Tax - Final (i.e. terminal) return (income between Jan 1 and death) - T1 | 519(L) | 1.2 |
| Tax - General Considerations - taxation at death (Canada taxes income) | 519(L) | 1.1 |
| Tax - Income splitting - Attribution - where does not apply | 525(R) | 3.1.8 |
| Tax - Income splitting - deemed attribution | 525(LR) | 3.1.8 |
| Tax - Income splitting - deemed disposition at FMV - capital property | 525(R) | 3.1.8 |
| Tax - Income splitting - definition | 525(L) | 3.1.8 |
| TAX - INCOME SPLITTING  SEE ALSO: INCOME SPLITTING | 525(LR) | 3.1.8 |
| Tax - Income Sprinkling - New Rule | 526(LR) | 3.1.9 |
| Tax - Income Tax - Definition - Spouse - Estates | 527(L) | 1 |
| Tax - Income Tax (Wills) - see Will Planning, Drafting and Execution - Income Tax | 484(R)-485(L) | 7 |
| Tax - Income Tax at Death - Impact on NFP Valuation - Equalization | 542(R) | 14.1.3 |
| Tax - Inter vivos trust - tax rate - top marginal rate | 530(L) | 5.5 |
| Tax - Inter vivos trusts - fiscal period - calendar yr | 529(R) | 5.3 |
| Tax - Liability of personal representative | 520(LR)-521(L) | 2 |
| Tax - new taxpayer (two taxpayers)- estate of the deceased | 519(L) | 1.2 |
| Tax - NFP Valuation - Property Owned by Spouses in Joint Tenancy | 543(L) | 14.2 |
| Tax - personal representative - liability | 520(LR) | 2 |
| TAX - PERSONAL REPRESENTATIVE  SEE: Personal Representative | 520(L)-521(L) | 2 |
| Tax - Principal residence - capital gain calculation | 524(R)-525(L) | 3.1.7 |
| Tax - Principal residence - change in use | 525(L) | 3.1.7 |
| Tax - Principal residence - change in use - deemed disposition and deferral | 525(L) | 3.1.7 |
| Tax - Principal residence - land included | 524(R)-525(L) | 3.1.7 |
| TAX - PRINCIPAL RESIDENCE   SEE ALSO: PRINCIPAL RESIDENCE | 524(R)-525(L) | 3.1.7 |
| Tax - Principal residence exemption - definition | 524(R)-525(L) | 3.1.7 |
| Tax - Principal residence exemption - designation | 524(R)-525(L) | 3.1.7 |
| Tax - reassessment - clearance certificate | 521(L) | 2 |
| Tax - Reassessment and final clearance certificate | 521(L) | 2 |
| Tax - Refunds - Estate administration | 556(R) | 2.7.1 |
| Tax - Refunds - estate administration - availability | 556(R) | 2.7.1 |
| Tax - Refunds - Estate Administration - court certificate issued - audit/review by Ministry of Finance (caution) | 557(L) | 2.7.1 |
| Tax - Refunds - estate administration - court certificate issued - where to submit refund request | 556(R) | 2.7.1 |
| Tax - Refunds - Estate administration - overpayment - recovery/refund | 556(R) | 2.7.1 |
| Tax - Refunds - estate administration - procedure for obtaining | 556(R) | 2.7.1 |
| Tax - Refunds - estate administration - request for refund where estate information return submitted | 556(R) | 2.7.1 |
| Tax - Refunds - estate administration - when refused | 556(R) | 2.7.1 |
| Tax - Refunds - estate administration - where to submit refund request | 556(R) | 2.7.1 |
| Tax - Returns - by estate trustee - requirements | 524(L) | 3.1.5 |
| Tax - Returns - filing deadline - return year preceding death | 524(R) | 3.1.6 |
| Tax - returns - filing deadline - Rights and Things Return | 524(R) | 3.1.6 |
| Tax - Returns - filing deadline - terminal return | 524(R) | 3.1.6 |
| Tax - Returns - filing deadline - terminal return - where qualifying spousal trust created | 524(R) | 3.1.6 |
| Tax - Rollover - Farm property - intergenerational transfers - criteria | 522(R)-523(L) | 3.1.2 |
| Tax - Rollover - Farm property & qualifying spousal trust | 522(R)-523(L) | 3.1.2 |
| Tax - Rollover - principal residence effect | 522(R) | 3.1.1 |
| Tax - Rollover - spousal trust - "indefeasibly vested" | 522(R) | 3.1.1 |
| Tax - Rollover - spousal trust - 2 key parameters | 522(L) | 3.1.1 |
| Tax - Rollover - spousal trust - deemed realization | 522(R) | 3.1.1 |
| Tax - Rollover - spousal trust - election to avoid spousal rollover | 523(L) | 3.1.3 |
| Tax - Rollover - spousal trust - how to create | 522(L) | 3.1.1 |
| Tax - Rollover - spousal trust - practical considerations | 522(LR) | 3.1.1 |
| Tax - Rollover - spousal trust - when subject to tax | 522(R) | 3.1.1 |
| Tax - Rollover - spouse - "as a consequence thereof" | 521(R)-522(L) | 3.1.1 |
| Tax - Rollover - spouse - “disclaimer, release, or surrender” | 521(R)-522(L) | 3.1.1 |
| Tax - Rollover - spouse - criteria - transfer to | 521(R)-522(L) | 3.1.1 |
| Tax - Rollover - spouse - definition of spouse | 521(R) | 3.1.1 |
| Tax - Rollover - spouse - effect | 521(R) | 3.1.1 |
| Tax - Rollover - spouse - election to avoid spousal rollover | 523(L) | 3.1.3 |
| Tax - Rollover - spouse - intestacy transfer | 521(R)-522(LR) | 3.1.1 |
| Tax - Rollover - spouse - property must be "indefeasibly vested" | 522(L) | 3.1.1 |
| Tax - Rollover - two circumstances | 521(LR) | 3.1 |
| TAX - ROLLOVER  SEE ALSO: ROLLOVER | 521(LR) | 3.1 |
| Tax - RRSP - as gift from deceased - tax liability | 523(R) | 3.1.4 |
| Tax - RRSP - child/grandchild dependant on the deceased - annuity | 523(R) | 3.1.4 |
| Tax - RRSP - receivable by estate - spouse & estate joint election for rollover | 523(LR) | 3.1.4 |
| Tax - RRSP - spousal rollover (property transferred as a consequence of taxpayer's death) | 523(LR) | 3.1.4 |
| Tax - RRSP - tax withholding by administrator - no requirement | 523(R) | 3.1.4 |
| Tax - RRSP - taxpayer's death - deemed inclusion in income of spouse | 523(R) | 3.1.4 |
| TAX - RRSP  SEE ALSO: RRSP | 523(LR) | 3.1.4 |
| Tax - T3 return - deadline for filing | 524(R) | 3.1.6 |
| Tax - T3 Trust Return (day after death) | 519(L) | 1.2 |
| Tax - Tainted spousal trust - cleansing under ITA | 522(R) | 3.1.1 |
| Tax - Tainted spousal trust - inadvertent tainting of otherwise qualifying spousal trust - ITA relief - 2 forms | 522(R) | 3.1.1 |
| TAX - TERMINAL RETURN | 524(R) | 3.1.6 |
| Tax - Terminal return - filing deadlines | 524(R) | 3.1.6 |
| Tax - terminal return (income between Jan 1 and death) - T1 | 519(L) | 1.2 |
| Tax - Terminal return where Qualifying Spousal Trust created - deadline | 524(R) | 3.1.6 |
| Tax - Testamentary Spousal Trusts - Income vs. Capital Treatment Under Trust Law | 530(R) | 5.8.1 |
| Tax - Trust - T3 Return - definition | 529(R) | 5.4 |
| Tax - Trusts - 2013 Federal Budget Proposals - Tax Rate & Calendar Year Changes | 529(LR)-530(L) | 5.8 |
| Tax - Trusts - 21-yr deemed disposition rule | 534(L) | 5.13.1 |
| Tax - Trusts - 21-yr deemed disposition rule - exception to the rule (use of personal trust) | 534(L) | 5.13.1 |
| Tax - Trusts - Alter ego - bypass probate/rollover | 532(R) | 5.9.3 |
| Tax - Trusts - Alter ego - definition | 532(R) | 5.9.3 |
| Tax - Trusts - Clearance certificate (s.159(2) ITA) | 520(L)-521(L) | 2 |
| Tax - Trusts - deductions - generally | 533(L) | 5.11 |
| TAX - TRUSTS - DEDUCTIONS  SEE ALSO: TRUSTS - TAX - DEDUCTIONS | 533(L) | 5.11 |
| Tax - Trusts - Estate Planning - Uses & Features of Trusts in | 528(R)-529(L) | 4 |
| Tax - Trusts - Filing requirements for T3 | 529(R) | 5.4 |
| Tax - Trusts - flow income to beneficiaries | 529(R) | 5.1 |
| Tax - Trusts - Income - for tax vs. for trust purposes - deduction for income to beneficiaries (ITA) | 529(LR) | 5.1 |
| Tax - Trusts - Inter vivos - taxation year | 529(R) | 5.3 |
| Tax - Trusts - Inter vivos spousal - election not to claim rollover | 531(L) | 5.8.2 |
| Tax - Trusts - Inter vivos spousal - potential rollover for capital/depreciable property | 531(L) | 5.8.1 |
| Tax - Trusts - Inter vivos spousal - requirements to qualify | 531(L) | 5.8.2 |
| Tax - Trusts - Joint Partner - Bypass Probate/Rollover | 532(R) | 5.9.3 |
| Tax - Trusts - Joint Partner Trust - Definition | 532(R) | 5.9.3 |
| Tax - Trusts - non-arm’s length transaction with taxpayer - deemed acquisition at fair market value | 531(L) | 5.9 |
| Tax - Trusts - Personal Trust - 21-yr deemed disposition rule | 534(L) | 5.13.1 |
| Tax - Trusts - Requirements for T3 - Beneficiaries | 529(R)-530(L) | 5.4 |
| Tax - Trusts - Spousal Trusts - Deemed Disposition of Property at Spouse’s Death - Requirements | 534(R) | 5.13.2 |
| Tax - Trusts - T3 Return & T3 Supplementary Forms | 529(R)-530(L) | 5.4 |
| Tax - Trusts - taxation of trusts and beneficiaries - general principles | 529(LR) | 5.1 |
| Tax - Trusts - Testamentary - definition | 530(L) | 5.7.1 |
| Tax - Trusts - Testamentary - tax rate | 530(L) | 5.5 |
| Tax - Trusts - Testamentary - taxation year | 529(R) | 5.3 |
| Tax - Trusts - Testamentary spousal - automatic rollover for capital/depreciable property - s. 70(6) of the ITA | 530(R) | 5.8.1 |
| Tax - Trusts - Testamentary spousal - reason why you might elect to forego rollover | 530(R) | 5.8.1 |
| Tax - Trusts - Testamentary spousal - requirements to qualify | 530(R) | 5.8.1 |
| TAX - TRUSTS - TESTAMENTARY SPOUSAL  SEE ALSO: TRUSTS - TAX - TESTAMENTARY SPOUSAL | 530(R) | 5.8.1 |
| Tax - Trusts - testamentary trusts - estate of deceased distinct from deceased | 529(L) | 5.1 |
| Tax - Trusts - testamentary trusts - estate's capital & terminal losses in 1st year after death applied against deceased's income | 529(L) | 5.1 |
| TAX - TRUSTS - TRANSFER/GIFT OF PROPERTY   SEE ALSO: TRUSTS - TAX - TRANSFER/GIFT OF PROPERTY TO | 531(L) | 5.9 |
| Tax - Trusts - transfer/gift of property to - consequences of - disposition and s. 69 (ITA) fair market value rules | 531(L) | 5.9 |
| Tax - Trusts - transfer/gift of property to - exception to disposition rule - Alter ego trust | 532(R) | 5.9.3 |
| Tax - Trusts - transfer/gift of property to - exception to disposition rule - Joint partner trust | 532(R) | 5.9.3 |
| Tax - Trusts - transfer/gift of property to - exception to disposition rule - No Beneficial Change of Ownership | 531(L) | 5.9.1 |
| Tax - Trusts - transfer/gift of property to - exception to disposition rule - Spousal Trusts | 532(R) | 5.9.2 |
| Tax - Trusts - trust as a conduit | 524(L) | 3.1.5 |
| Tax - Trusts - trust deemed individual - s. 104(2) ITA | 529(L) | 5.1 |
| Tax - Trusts - Trustees potential liability for unpaid taxes, interest and penalties of trust | 530(L) | 5.6 |
| Tax - Trusts - trusts excluded from qualifying as testamentary, i.e., considered inter vivos | 530(L) | 5.7.2 |
| Tax - Trusts or Estates - Residence | 529(R) | 5.2 |
| TAX - TRUSTS  SEE ALSO: TRUSTS - TAX | 529(LR) | 5 |
| Tax - Wills - trusts - key considerations | 523(R)-524(LR) | 3.1.5 |
| Tax - year of death - change to accrual basis (s. 70(1)(a) ITA) | 519(LR) | 1.3 |
| Tax liability of the estate - income tax - see Will Planning, Drafting and Execution - Income Tax | 485(L) | 7 |
| Tax Planning - trust - principles | 523(R)-524(LR) | 3.1.5 |
| Tax returns - distribution of estate - deadline for filing | 568(L) | 6.1 |
| Tax returns - distribution of estate - estate trustee’s responsibilities | 568(LR) | 6.1 |
| Tax returns - distribution of estate - GST / HST | 568(L) | 6.1 |
| Tax returns - distribution of estate - lawyer’s responsibilities | 568(LR) | 6.1 |
| Tax returns - estate - distribution - deadline for filing | 568(L) | 6.1 |
| Tax returns - estate - distribution - estate trustee’s responsibilities | 568(LR) | 6.1 |
| Tax returns - estate - distribution - GST / HST | 568(L) | 6.1 |
| Tax returns - estate - distribution - lawyer’s responsibilities | 568(LR) | 6.1 |
| Tax Returns in Administration of an Estate - basic requirements | 568(L) | 6.1 |
| Taxation Year - Beneficiary - Income from Trust | 533(R) | 5.12 |
| Taxation year - trusts | 529(R) | 5.3 |
| Tax-free - property transfer - qualifying inter vivos or testamentary spousal trust | 532(R) | 5.9.2 |
| Terminal return - tax - filing deadline | 524(R) | 3.1.6 |
| Terminal return - tax (income between Jan 1 and death) - T1 | 519(L) | 1.2 |
| Termination - POA - Personal care | 503(R) | 4.4 |
| Testamentary appointment - Custodian - child   SEE ALSO: Custodian - child - testamentary appointment | 515(LR) | 2 |
| Testamentary appointment - custodian of child | 486(R) | 9.2 |
| Testamentary appointment - guardian (of property) - child | 516(LR) | 4 |
| Testamentary appointment - guardian (of property) and custodian - child | 517(R) | 6 |
| Testamentary Appointment - letter/memorandum of parent wishes outside will - not binding | 517(L) | 5 |
| TESTAMENTARY APPOINTMENT  SEE: Custodian - child - Testamentary Appointment | 515(LR) | 2 |
| Testamentary capacity - Onus of proof | 575(L) | 1.1 |
| Testamentary capacity - Suspicious circumstances | 575(LR) | 1.1 |
| Testamentary freedom - power of attorney (POA) | 501(R) | 3.9 |
| Testamentary Spousal Trust - remarriage clause | 531(R) | 5.8.1 |
| Testamentary Spousal Trusts - Treatment & Requirements to Qualify | 530(R) | 5.8.1 |
| Testamentary Trust - 2013 Federal Budget Proposals - Taxation Changes | 529(LR)-530(L) | 5.8 |
| Testamentary Trust - Tax - Definition ITA | 530(L) | 5.7.1 |
| Testamentary Trust - Tax - Non-Testamentary Trusts - ITA | 530(L) | 5.7.2 |
| Testamentary Trust - Tax Rate - graduated rates | 530(L) | 5.5 |
| Testamentary Trust - Taxation Year | 529(R) | 5.3 |
| Testate Distribution - devise or bequest lapse | 566(R) | 5.5.1 |
| Third party statements (optional) - guardian - person - standard procedure (s. 71(1) SDA) | 511(L) | 3.1 |
| Three Certainties - for express trusts to be effective | 527(R)-528(L) | 2 |
| Transfer of Gift or Property - To Trust - Deemed Acquisition at fair market value | 531(L) | 5.9 |
| Transfer of Property - No Beneficial Ownership Change - Tax - Trusts - not a taxable event | 531(L) | 5.9.1 |
| Transfer of Property - tax free - qualifying inter vivos or testamentary spousal trust | 532(R) | 5.9.2 |
| Transfers of property - joint ownership - adverse consequences - see Will Planning, Drafting and Execution - Estate administration tax - Transfers of property into joint ownership | 484(LR) | 6.1.2 |
| Transfers of property to adult children - presumption of resulting trust - see Will Planning, Drafting and Execution - Estate administration tax - Transfers of property into joint ownership | 484(LR) | 6.1.2 |
| Transition provisions - Limitations Act, 2002 - Limitation periods in estate proceedings | 590(R) | 12.5 |
| Trustee - Definition | 527(L) | 2 |
| Trustee - Duties - alterations by legislation (higher standards) | 528(R) | 3 |
| Trustee - duties - alterations made in trust document (and limits) | 528(R) | 3 |
| Trustee - Duties & responsibilities | 528(LR) | 3 |
| Trustee - Duty of care (Fiduciary Obligation) | 528(L) | 3 |
| Trustee - Duty to act personally (Fiduciary Obligation) | 528(L) | 3 |
| Trustee - Duty to avoid conflict of interest and act solely for beneficiary (Fiduciary Obligation) | 528(LR) | 3 |
| Trustee - Fiduciary obligations | 528(LR) | 3 |
| Trustee - Maximum discretion - requirements | 528(R) | 3 |
| Trustee - Prudent investor standard - Trustee Act (higher obligation) | 528(R) | 3 |
| Trustee - Tax - Clearance Certificate - Required | 530(L) | 5.6 |
| Trustee - Tax - Filing Requirements for Returns | 529(R) | 5.4 |
| Trustee Act - Estate Proceedings - Limitation Periods | 590(LR) | 12.4 |
| Trustee Act - investment rules | 492(L) | 10.4.1 |
| Trustee Act - Limitation periods in estate proceedings - Summary | 591(LR) | 13 |
| Trustee may have his actions approved - Two ways - Present to Beneficiaries - Or to Court if beneficiary unable or hostile | 569(R) | 7.3.1 |
| TRUSTEE  SEE ALSO: TRUSTS - TRUSTEE | 527(L) | 2 |
| Trustees - Duties - Even Hand Principle (Impartiality) | 528(R) | 3 |
| TRUSTS - ALTER EGO | 532(R) | 5.9.3 |
| Trusts - Alter ego - deemed disposition on death | 532(R) | 5.9.3 |
| Trusts - Alter ego trusts - Used to Bypass Probate | 532(R) | 5.9.3 |
| Trusts - Alter ego trusts- definition | 532(R) | 5.9.3 |
| Trusts - Alter ego trusts- probate - avoidance | 532(R) | 5.9.3 |
| Trusts - attribution rules - Tax - Generally | 532(L) | 5.1 |
| Trusts - attribution rules - tax - loan or transfer of property to trust | 532(R) | 5.1 |
| Trusts - attribution rules - tax - loan/transfer property to trust - beneficially interested | 532(L) | 5.1 |
| Trusts - attribution rules - tax - not applicable to testamentary dispositions | 532(L) | 5.1 |
| TRUSTS - ATTRIBUTION RULES  SEE ALSO: ATTRIBUTION RULES - TRUSTS - TAX | 532(L) | 5.1 |
| Trusts - Bare trust - definition | 527(R) | 2 |
| Trusts - Beneficiaries - rights of | 527(R) | 2 |
| Trusts - beneficiaries at age of majority - demand distribution of trust property - Saunders v Vautier | 493(R) | 10.4.4 |
| Trusts - Beneficiary - Definition | 527(L) | 2 |
| Trusts - Cestuis que trust - Definition | 527(L) | 2 |
| Trusts - Charitable trust - Cy-pres scheme | 528(L) | 2 |
| Trusts - Cy-pres scheme | 528(L) | 2 |
| Trusts - Definition - ITA (not explicitly defined) | 527(L) | 2 |
| Trusts - Definition and Overview | 527(LR) | 2 |
| Trusts - Dual aspect - Substantive Rights & Remedy | 527(L) | 2 |
| Trusts - Establishing express trust | 527(R)-528(L) | 2 |
| Trusts - Estate - capital + terminal losses - 1st yr treatment | 529(L) | 5.1 |
| Trusts - Estate - distinct from deceased | 529(L) | 5.1 |
| Trusts - Estate - distinct from deceased - exception | 529(L) | 5.1 |
| Trusts - Estate Planning & - common uses | 528(R)-529(L) | 4 |
| Trusts - Estate planning & - unique/important features | 528(R)-529(L) | 4 |
| Trusts - Estate Trustee - Corporate vs Lay | 547(L) | 1.1 |
| Trusts - Estate Trustee - Duty to Act Personally | 547(L) | 1.1 |
| Trusts - excess income - Accumulations Act | 493(L) | 10.4.3 |
| Trusts - Express Trust - Certainty of objects | 528(L) | 2 |
| Trusts - Express Trust - Certainty of objects - exception - charitable trust | 528(L) | 2 |
| Trusts - Express Trust - Certainty of subject matter | 528(L) | 2 |
| Trusts - Express Trust - Certainty of words | 527(R) | 2 |
| Trusts - Express Trust - Establishing | 527(R)-528(L) | 2 |
| Trusts - Express Trust - Three Essential Characteristics (aka 3 Certainties) | 527(R)-528(L) | 2 |
| Trusts - Express Trust - When effective - 3 certainties | 527(R)-528(L) | 2 |
| Trusts - Express Trust vs. Trust Arising by Operation of Law | 527(LR) | 2 |
| TRUSTS - EXPRESS TRUST  SEE ALSO: EXPRESS TRUST | 527(LR) | 2 |
| Trusts - Fiduciary Relationship | 527(LR) | 2 |
| Trusts - Formation (of Express Trust) | 527(R)-528(L) | 2 |
| Trusts - Henson Trust - Individuals with Disabilities - Function & Purpose of Trust | 534(R) | 514 |
| Trusts - Henson Trusts - Individuals with Disabilities - Requirements | 534(R) | 5.14 |
| Trusts - income tax - wills - see Will Planning, Drafting and Execution - Income Tax | 484(R)-485(L) | 7 |
| Trusts - Inter vivos - fiscal period - calendar yr | 529(R) | 5.3 |
| Trusts - Inter vivos - spousal trusts | 531(L) | 5.8.2 |
| Trusts - Inter vivos - tax rate - top marginal rate | 530(L) | 5.5 |
| Trusts - Investment authority for estate trustee | 491(R)-492(L) | 10.4.1 |
| Trusts - Joint partner - deemed disposition on death | 532(R) | 5.9.3 |
| Trusts - Joint partner - probate - avoidance | 532(R) | 5.9.3 |
| Trusts - Joint partner trust - Definition | 532(R) | 5.9.3 |
| Trusts - Joint partner trust - Used to Bypass Probate | 532(R) | 5.9.3 |
| Trusts - Legal status - Not a Person (Unlike Corp) (Tax exception - ITA s. 104(2)) | 527(R) | 2 |
| Trusts - Personal trust | 534(L) | 5.13.1 |
| Trusts - power of appointment given to child - Saunders v Vautier rule invoked | 494(L) | 10.4.4 |
| Trusts - Qualifying spousal trust - "indefeasibly vested" | 522(R) | 3.1.1 |
| Trusts - Qualifying spousal trust - deemed realization death of surviving spouse | 522(R) | 3.1.1 |
| Trusts - Qualifying spousal trust - how to create | 522(L) | 3.1.1 |
| Trusts - Qualifying spousal trust - key parameters | 522(L) | 3.1.1 |
| Trusts - Qualifying spousal trust - when subject to tax | 522(R) | 3.1.1 |
| Trusts - Qualifying spousal trust & farm property | 522(R)-523(L) | 3.1.2 |
| Trusts - Revocable vs. irrevocable - definition | 528(L) | 2 |
| Trusts - Rights and things return - tax deadline for filing | 524(R) | 3.1.6 |
| Trusts - Settlor - Definition | 527(L) | 2 |
| Trusts - Spousal - basic requirements and creation | 522(L) | 3.1.1 |
| Trusts - spousal - tax free - property transfer - qualifying inter vivos or testamentary spousal trust | 531(L) | 5.9.1 |
| Trusts - Spousal - transfer of property to - tax-free basis | 522(LR) | 3.1.1 |
| Trusts - T3 return - deadline for filing | 524(R) | 3.1.6 |
| Trusts - Tainted spousal trust | 522(R) | 3.1.1 |
| Trusts - Tainted spousal trusts - cleansing under ITA | 522(R) | 3.1.1 |
| Trusts - Tax - 2013 Federal Budget Proposals - 36 month periods after death | 529(LR)-530(L) | 5.8 |
| Trusts - Tax - 2013 Federal Budget Proposals - Tax Rate & Calendar Year Changes | 529(LR)-530(L) | 5.8 |
| Trusts - Tax - 2013 Federal Budget Proposals - Testamentary Trust Tax Changes | 529(LR)-530(L) | 5.8 |
| Trusts - Tax - 21-yr deemed disposition rule | 534(L) | 5.13.1 |
| Trusts - Tax - 21-yr deemed disposition rule - exception to the rule (use of personal trust) | 534(L) | 5.13.1 |
| Trusts - Tax - Alter ego trusts - Rollover | 532(R) | 5.9.3 |
| Trusts - Tax - beneficiary - generally | 529(LR) | 5.1 |
| Trusts - Tax - beneficiary - income paid or payable to beneficiary | 533(R) | 5.12 |
| Trusts - Tax - Beneficiary Income - Year Taxable | 516(L) | 5.12 |
| Trusts - Tax - Capital gains inclusion in income for tax purposes; not included in income for trusts purposes | 531(R) | 5.8.1 |
| Trusts - Tax - capital vs. income - testamentary spousal trusts | 530(R) | 5.8.1 |
| Trusts - Tax - Clearance certificate requirement - s.159(2) ITA | 530(L) | 5.6 |
| Trusts - Tax - deadline for filing terminal return, return for preceding year - T3 | 524(R) | 3.1.6 |
| Trusts - Tax - deductions - income paid or payable to beneficiaries | 533(R) | 5.12 |
| Trusts - Tax - deductions - taxable benefit | 533(L) | 5.11 |
| TRUSTS - TAX - DEDUCTIONS  SEE ALSO: TAX - TRUSTS - DEDUCTIONS | 533(L) | 5.11 |
| Trusts - Tax - distributions - income or capital | 533(R) | 5.12 |
| Trusts - Tax - estate as trust - opportunities for tax planning with T3 return | 524(LR) | 3.1.5 |
| Trusts - Tax - estate as trust - principles | 523(R)-524(LR) | 3.1.5 |
| Trusts - Tax - estate as trust - rules & exceptions | 524(L) | 3.1.5 |
| Trusts - Tax - estate as trust - T3 return - income after death but before distribution | 524(LR) | 3.1.5 |
| Trusts - Tax - estate as trust - trust is conduit for beneficiaries | 524(L) | 3.1.5 |
| Trusts - Tax - estate as trust - when need not file T3 return | 524(LR) | 3.1.5 |
| Trusts - Tax - Filing requirements for T3 | 529(R) | 5.4 |
| Trusts - Tax - Income - for tax vs. for trust purposes - deduction for income to beneficiaries (ITA) | 529(LR) | 5.1 |
| TRUSTS - TAX - INTER VIVOS | 530(L) | 5.7.2 |
| Trusts - Tax - Inter Vivos - Definition | 530(L) | 5.7.2 |
| Trusts - Tax - Inter vivos - taxation year | 529(R) | 5.3 |
| Trusts - Tax - Inter vivos spousal - election not to claim rollover | 531(R) | 5.8.2 |
| Trusts - Tax - Inter vivos spousal - potential rollover for capital/depreciable property | 531(L) | 5.8.2 |
| Trusts - Tax - Inter vivos spousal - requirements to qualify | 531(L) | 5.8.2 |
| Trusts - Tax - Inter vivos spousal - tax consequences of not claiming the rollover | 531(L) | 5.8.2 |
| Trusts - Tax - Inter Vivos Spousal - transfer/gift of property to - consequences of - disposition and s. 69 (ITA) fair market value rules | 531(L) | 5.8.2 |
| Trusts - Tax - Joint partner trust - Rollover | 532(R) | 5.9.3 |
| Trusts - Tax - net capital losses - treatment & 104(13.2) designation | 534(L) | 5.13.1 |
| Trusts - Tax - non-arms length transaction - between taxpayer and trust | 531(L) | 5.9 |
| Trusts - Tax - Personal Trust - 21-yr deemed disposition rule | 534(L) | 5.13.1 |
| Trusts - Tax - Residence Rules - trust or estate | 529(R) | 5.2 |
| Trusts - Tax - Return year preceding death - filing deadlines | 524(R) | 3.1.6 |
| Trusts - Tax - Spousal Trusts - Deemed Disposition of Property at Date of Spouse’s Death - Requirements | 534(R) | 5.13.2 |
| Trusts - Tax - T3 Return & T3 Supplementary Forms | 529(R)-530(L) | 5.4 |
| Trusts - Tax - Terminal return - filing deadlines | 524(R) | 3.1.6 |
| TRUSTS - TAX - TESTAMENTARY | 530(L) | 5.7.1 |
| Trusts - Tax - Testamentary - definition | 530(L) | 5.7.1 |
| Trusts - Tax - Testamentary - tax rate - graduated rates | 530(L) | 5.5 |
| Trusts - Tax - Testamentary - taxation year | 529(R) | 5.3 |
| Trusts - Tax - Testamentary spousal - automatic rollover for capital/depreciable property | 530(R) | 5.8.1 |
| Trusts - Tax - Testamentary spousal - reason why you might elect to forego rollover | 530(R) | 5.8.1 |
| Trusts - Tax - Testamentary spousal - requirements to qualify | 530(R) | 5.8.1 |
| Trusts - Tax - testamentary trusts - estate of deceased distinct from deceased | 529(L) | 5.1 |
| Trusts - Tax - testamentary trusts - estate's capital & terminal losses in 1st year after death applied against deceased's income | 529(L) | 5.1 |
| TRUSTS - TAX - TESTAMENTRY SPOUSAL  SEE ALSO: TAX - TRUSTS - TESTAMENTARY SPOUSAL | 530(R) | 5.8.1 |
| Trusts - Tax - Transfer to a trust - Deemed not to be arm’s length | 531(L) | 5.9 |
| Trusts - Tax - Transfer to a trust - Non-arms length presumption | 531(L) | 5.9 |
| Trusts - Tax - transfer/gift of property to - exception to disposition rule - Alter ego trust | 532(R) | 5.9.3 |
| Trusts - Tax - transfer/gift of property to - exception to disposition rule - Joint partner trust | 532(R) | 5.9.3 |
| Trusts - Tax - transfer/gift of property to - exception to disposition rule - No Beneficial Change of Ownership | 531(L) | 5.9.1 |
| Trusts - Tax - transfer/gift of property to - exception to disposition rule - Spousal Trusts | 522(LR) | 3.1.1 |
| Trusts - Tax - trust as a conduit | 524(L) | 3.1.5 |
| Trusts - Tax - trust deemed individual - s. 104(2) ITA | 529(L) | 5.1 |
| Trusts - Tax - Trustees potential liability for unpaid taxes, interest and penalties of trust | 530(L) | 5.6 |
| Trusts - Tax - trusts excluded from qualifying as testamentary, i.e., considered inter vivos | 530(L) | 5.7.2 |
| Trusts - Tax - withholding tax for non-resident beneficiary | 524(R) | 3.1.5 |
| Trusts - Tax Rates | 530(L) | 5.5 |
| TRUSTS - TAX  SEE ALSO: TAX - ESTATE AS TRUST | 523(R)-524(LR) | 3.1.5 |
| Trusts - Terminal return where Qualifying Spousal Trust created - deadline for filing | 524(R) | 3.1.6 |
| Trusts - Testamentary - fiscal period - taxation year | 529(R) | 5.3 |
| Trusts - Testamentary - for minors - letter/memorandum of parent wishes outside will - not binding | 517(L) | 5 |
| Trusts - Testamentary - tax rate - graduated | 530(L) | 5.5 |
| Trusts - Testamentary Spousal Trusts | 530(R) | 5.8.1 |
| Trusts - Transfer of gift or property to - consequences of - disposition and s. 69 (ITA) fair market value rules | 531(L) | 5.9 |
| Trusts - Trustee - "prudent investor" (under the Trustee Act) | 528(R) | 3 |
| Trusts - Trustee - act as principal, not agent | 527(R) | 2 |
| Trusts - Trustee - act as principal, not agent - exception - bare trust | 527(R) | 2 |
| Trusts - Trustee - duties - alterations by legislation (higher standards) | 528(R) | 3 |
| Trusts - Trustee - duties - alterations made in trust document (and limits) | 528(R) | 3 |
| Trusts - Trustee - Duties - Even Hand Principle (Impartiality) | 528(R) | 3 |
| Trusts - Trustee - duties & responsibilities | 528(LR) | 3 |
| Trusts - Trustee - duty of care (fiduciary obligation) | 528(L) | 3 |
| Trusts - Trustee - duty to act personally (fiduciary obligation) | 528(L) | 3 |
| Trusts - Trustee - Duty to avoid conflict of interest and act solely for beneficiary (fiduciary obligation) | 528(LR) | 3 |
| Trusts - Trustee - maximum discretion - requirements | 528(R) | 3 |
| Trusts - Trustee - primary obligation | 527(R) | 2 |
| Trusts - trusts not a legal entity | 527(R) | 2 |
| Trusts - Variation of - SEE Variation of Trusts | 584(R)-585(R) | 7 |
| Trusts - Variation or revocation of - SEE Variation of Trusts | 584(R)-585(R) | 7 |
| Trusts - wills - estate trustee’s investment authority | 491(R)-492(L) | 10.4.1 |
| Trusts - wills - for minors - distributions and payments from trustee to custodians/guardians | 517(R) | 6 |
| Trusts issues - wills | 491(R) | 10.4 |
| Trusts- Separation of Legal and Beneficial Title | 527(L) | 2 |
| U |  |  |
| Ultimate distribution scenarios - wills | 491(R) | 10.3.3 |
| Ultimate limitation period - Estate Proceedings - Applies to will challenges - York Condo Corp No 382 v Jay-M Holdings Ltd | 590(LR) | 12.3 |
| Ultimate limitation period in estate proceedings | 589(R)-590(L) | 12.2 |
| Unjust enrichment - CL spouse claims against estate | 594(LR) | 2.2 |
| Unjust enrichment - Estates - Evidence Act | 594(LR) | 2.2 |
| Unliquidated debt - Contested - Claims against estate - Summary disposition of | 587(LR) | 9.2 |
| US resident - power of attorney (POA) | 500(L) | 3.5 |
| V |  |  |
| Validity of a will - Administration during litigation | 578(L) | 1.10) |
| Validity of a will - application for advice and direction on the interpretation of a will - rr. 14.05(3)(a) and (d) | 581(LR) | 5.2 |
| Validity of a will - applications for relief r. 14.05(3) - evidence | 580(R) | 5.1.1 |
| Validity of a will - applications for relief r. 14.05(3) - necessary material | 580(R) | 5.1.1 |
| Validity of a will - applications for relief r. 14.05(3) - notice of application - process | 580(R) | 5.1.1 |
| Validity of a will - applications for relief r. 14.05(3) - requirement to serve an application record | 580(R)-581(L) | 5.1.2 |
| Validity of a will - Applications to the court pursuant to r. 14.05(3) | 580(L) | 5.1 |
| Validity of a will - Certificate of appointment - Cannot issue a certificate of appointment unless… | 576(L) | 1.2 |
| Validity of a will - Estate bfcy can apply for directions | 576(R) | 1.4 |
| Validity of a will - Estate trustee (during litigation) must post bond | 578(L) | 1.10) |
| Validity of a will - estate trustee can seek court’s assistance on interpretation issues | 581(LR) | 5.2 |
| Validity of a will - Estate trustee does not always require a certificate of appointment in order to administer estate | 578(L) | 1.11 |
| Validity of a will - Estates Act s. 24 | 578(L) | 1.11 |
| Validity of a will - Estates Act s. 28 | 578(L) | 1.10) |
| Validity of a will - Estates Act s. 7 | 576(L) | 1.2 |
| Validity of a will - Estates Act ss. 35-37 | 578(L) | 1.10) |
| Validity of a will - file notice of objection with… | 576(L) | 1.2 |
| Validity of a will - Formal proof of testamentary instrument | 579(R) | 4 |
| Validity of a will - Formal proof of testamentary instrument - when required | 579(R) | 4 |
| Validity of a will - Grounds for challenging will’s validity | 575(L) | 1.1 |
| Validity of a will - how to commence | 575(R) | 1.1 |
| Validity of a will - if objector fails to serve and file notice of appearance … | 576(L) | 1.2 |
| Validity of a will - litigation concluded estate trustee automatically loses authority | 578(L) | 1.10) |
| Validity of a will - Motion for directions | 576(R) | 1.4 |
| Validity of a will - notice of objection (certificate of appt of estate trustee not yet obtained) | 575(R)-576(L) | 1.2 |
| Validity of a will - Notice of objection (probate not yet obtained) - objector must serve / file notice of appearance… | 576(L) | 1.2 |
| Validity of a will - Notice of objection remains effective for… | 576(L) | 1.2 |
| Validity of a will - Once certificate of estate trustee is issued, in order to challenge a will, you must… | 576(LR) | 1.3 |
| Validity of a will - Onus of proof | 575(L) | 1.1 |
| Validity of a will - Order for return of certificate (probate already obtained) | 576(LR) | 1.3 |
| Validity of a will - Order giving directions | 576(R)-577(L) | 1.5 |
| Validity of a will - Order giving directions - order before judge without a jury | 577(L) | 1.5 |
| Validity of a will - Order giving directions - the order giving directions will address procedural issues too | 577(L) | 1.5 |
| Validity of a will - Order giving directions - upon hearing the motion for directions, the court may… | 576(R)-577(L) | 1.5 |
| Validity of a will - Order to accept or refuse appointment | 578(L) | 1.11 |
| Validity of a will - orders for assistance | 578(R)-579(LR) | 3 |
| Validity of a will - orders for assistance - procedure | 578(R) | 3 |
| Validity of a will - orders for assistance - types | 578(R)-579(LR) | 3 |
| Validity of a will - procedure where a statement of claim is served | 577(L) | 1.6 |
| Validity of a will - proof in solemn form | 579(R) | 4 |
| Validity of a will - Proof of lost or destroyed will | 580(L) | 4.1 |
| Validity of a will - Request for notice of commencement of proceeding | 577(R) | 1.9 |
| Validity of a will - Revocation of certificate of appointment | 578(LR) | 2 |
| Validity of a will - Revocation of certificate of appointment - procedure | 578(R) | 2 |
| Validity of a will - Revocation of certificate of appointment - when it’s used | 578(R) | 2 |
| Validity of a will - Settlement involving a person who has submitted rights to the court | 577(R) | 1.8 |
| Validity of a will - Submission of rights to the court | 577(LR) | 1.7 |
| Validity of a will - Suspicious circumstances | 575(LR) | 1.1 |
| Validity of a will - Trustee Act s. 60 | 581(LR) | 5.2 |
| Validity of a will - Types of relief under r. 14.05(3) | 580(L) | 5.1 |
| Validity of a will - What property can be administered during litigation? | 578(L) | 1.10) |
| Valuation - FLA - NFP Equalization - Problems - do income taxes at death affect valuation? | 542(R) | 14.1.3 |
| Valuation - FLA - NFP Equalization - problems - joint tenancy | 541(R) | 13 |
| Valuation - FLA - NFP Equalization - problems - joint tenancy - remedy: unilateral severing | 541(R) | 13 |
| Valuation - NFP - Property Owned by Spouses in Joint Tenancy - Set Off | 543(L) | 14.2 |
| Valuation date - NFP - date before death - justification | 535(R)-536(L) | 4 |
| Valuation date - NFP - Death or Separation | 535(R) | 4 |
| Valuation date - NFP - Definition | 535(R) | 4 |
| Valuation Date - NFP - Simultaneous Deaths | 536(L) | 4 |
| Valuation date - Proceeds of life insurance | 541(R)-542(L) | 14.1.1 |
| Valuation of estate - SLRA - Dependant support claims - Assets included | 586(R)-587(L) | 8.8 |
| Variation of trusts - “Benefit” - Certainty of benefit not required - Prudent self-interested adult standard | 585(L) | 7 |
| Variation of trusts - “Benefit” - Meaning | 585(L) | 7 |
| Variation of trusts - Applications under R. 14.05(3)(f) | 585(R) | 7 |
| Variation of trusts - Classes of beneficiaries | 584(R) | 7 |
| Variation of trusts - Criteria for approval of variation | 585(LR) | 7 |
| Variation of trusts - Distinction between variation and resettlement - “Substratum” must still exist | 585(L) | 7 |
| Variation of trusts - Purpose of act | 584(R) | 6 |
| Variation of trusts - Types of variations approved | 585(L) | 7 |
| Variation of trusts - Types of variations approved - Benefit to the sui juris beneficiaries | 585(L) | 7 |
| Variation of trusts - Types of variations approved VARIATION OF TRUSTS - VARIATION OF TRUSTS ACT | 585(L) | 7 |
| Variation of Trusts Act | 584(R)-585(R) | 7 |
| Variation of Trusts Act - Purpose | 584(R) | 7 |
| Von Czieslik v. Ayuso - court has authority to award up to 100% of the value of NFP to spouse | 540(LR) | 11 |
| W |  |  |
| Walsh v Bona - Constitutionality of FLA spouse definition not including common-law spouses | 593(L) & 594(R) | 1 & 2.3 |
| When necessary to pass accounts - trustee may voluntarily have estate accounts audited - Or may be compelled | 569(R) | 7.3.1 |
| Will - Entitlements Under - Effect of Equalization Election | 538(L) | 7.2 |
| Will - NFP - Election for Will not NFP - Effect | 538(L) | 7.1 |
| Will - Revocation of - Marriage - CL spouses | 594(L) | 2.1 |
| Will contents - POA - Property - attorney must read grantor’s will | 501(R) | 3.10 |
| WILL CONTESTATION | 575(L)-578(L) | 1 |
| Will contestation - Administration during litigation | 578(L) | 1.10) |
| Will contestation - application for advice and direction on the interpretation of a will - rr. 14.05(3)(a) and (d) | 581(LR) | 5.2 |
| Will contestation - applications for relief r. 14.05(3) - evidence | 580(R) | 5.1.1 |
| Will contestation - applications for relief r. 14.05(3) - necessary material | 580(R) | 5.1.1 |
| Will contestation - applications for relief r. 14.05(3) - notice of application - process | 580(R) | 5.1.1 |
| Will contestation - applications for relief r. 14.05(3) - requirement to serve an application record | 580(R)-581(L) | 5.1.2 |
| Will contestation - Applications to the court pursuant to r. 14.05(3) | 580(L) | 5.1 |
| Will contestation - Certificate of appointment - Cannot issue a certificate of appointment unless… | 576(L) | 1.2 |
| Will contestation - Estate bfcy can apply for directions | 576(R) | 1.4 |
| Will contestation - Estate trustee (during litigation) must post bond | 578(L) | 1.10) |
| Will contestation - estate trustee can seek court’s assistance on interpretation issues | 581(LR) | 5.2 |
| Will contestation - Estate trustee does not always require a certificate of appointment in order to administer estate | 578(L) | 1.11 |
| Will contestation - Estates Act s. 24 | 578(L) | 1.11 |
| Will contestation - Estates Act s. 28 | 578(L) | 1.10) |
| Will contestation - Estates Act s. 7 | 576(L) | 1.2 |
| Will contestation - Estates Act ss. 35-37 | 578(L) | 1.10) |
| Will contestation - file notice of objection with… | 576(L) | 1.2 |
| Will contestation - Formal proof of testamentary instrument | 579(R) | 4 |
| Will contestation - Formal proof of testamentary instrument - when required | 579(R) | 4 |
| Will contestation - Grounds for challenging will’s validity | 575(L) | 1.1 |
| Will contestation - how to commence | 575(R) | 1.1 |
| Will contestation - if objector fails to serve and file notice of appearance … | 576(L) | 1.2 |
| Will contestation - jurisdiction - Superior Court of Justice | 575(R) | 1.1 |
| Will contestation - litigation concluded estate trustee (during litigation) automatically loses authority | 578(L) | 1.10) |
| Will contestation - Motion for directions | 576(R) | 1.4 |
| Will contestation - notice of objection (certificate of appt of estate trustee not yet obtained) | 575(R)-576(L) | 1.2 |
| Will contestation - Notice of objection (probate not yet obtained) - objector must serve / file notice of appearance… | 576(L) | 1.2 |
| Will contestation - Notice of objection remains effective for… | 576(L) | 1.2 |
| Will contestation - Once certificate of estate trustee is issued, in order to challenge a will, you must… | 576(LR) | 1.3 |
| Will contestation - Onus of proof | 575(L) | 1.1 |
| Will contestation - Order for return of certificate (probate already obtained) | 576(LR) | 1.3 |
| Will contestation - Order giving directions | 576(R)-577(L) | 1.5 |
| Will contestation - Order giving directions - order before judge without a jury | 577(L) | 1.5 |
| Will contestation - Order giving directions - the order giving directions will address procedural issues too | 577(L) | 1.5 |
| Will contestation - Order giving directions - upon hearing the motion for directions, the court may… | 576(R)-577(L) | 1.5 |
| Will contestation - Order to accept or refuse appointment | 578(L) | 1.11 |
| Will contestation - orders for assistance | 578(R)-579(LR) | 3 |
| Will contestation - orders for assistance - procedure | 578(R) | 3 |
| Will contestation - orders for assistance - types | 578(R)-579(LR) | 3 |
| Will contestation - procedure where a statement of claim is served | 577(L) | 1.6 |
| Will contestation - proof in solemn form | 579(R) | 4 |
| Will contestation - Proof of lost or destroyed will | 580(L) | 4.1 |
| Will contestation - Request for notice of commencement of proceeding | 577(R) | 1.9 |
| Will contestation - Revocation of certificate of appointment | 578(LR) | 2 |
| Will contestation - Revocation of certificate of appointment - procedure | 578® | 2 |
| Will contestation - Revocation of certificate of appointment - when it’s used | 578(R) | 2 |
| Will contestation - Settlement involving a person who has submitted rights to the court | 577(R) | 1.8 |
| Will contestation - Submission of rights to the court | 577(LR) | 1.7 |
| Will contestation - Suspicious circumstances | 575(LR) | 1.1 |
| Will contestation - Trustee Act s. 60 | 581(LR) | 5.2 |
| Will contestation - Types of relief under r. 14.05(3) | 580(L) | 5.1 |
| Will contestation - What property can be administered during litigation? | 578(L) | 1.10) |
| Will Planning, Drafting and Execution - Accumulations Act - reinvesting excess income | 493(L) | 10.4.3 |
| Will Planning, Drafting and Execution - anti-ademption rules - income tax liability | 488(R) | 9.6 |
| Will Planning, Drafting and Execution - Beneficiaries - Charities | 487(R)-488(L) | 9.5 |
| Will Planning, Drafting and Execution - beneficiaries dead (all) - ultimate distribution | 491(R) | 10.3.3 |
| Will Planning, Drafting and Execution - Charities - Beneficiaries | 487(R)-488(L) | 9.5 |
| Will Planning, Drafting and Execution - Client Communications - mental capacity - in-person communication, importance of | 478(L) | 2.1 |
| Will Planning, Drafting and Execution - Client Communications - mental capacity - in-person communication, importance of - phone calls, intermediaries not sufficient | 478(L) | 2.1 |
| Will Planning, Drafting and Execution - Client Communications - Other Considerations | 478(L)-479(L) | 2.3 |
| Will Planning, Drafting and Execution - Client Communications - Other Considerations - illiteracy, risk of | 478(R) | 2.3 |
| Will Planning, Drafting and Execution - Client Communications - Other Considerations - interpreters, risks of independent vs family | 478(L)-478(R) | 2.3 |
| Will Planning, Drafting and Execution - Client Communications - Other Considerations - plain language correspondence with client, importance of | 479(L) | 2.3 |
| Will Planning, Drafting and Execution - Client Communications - Other Considerations - third party attendance (list of risks) | 478(R)-479(L) | 2.3 |
| Will Planning, Drafting and Execution - Client Communications - Testamentary Capacity | 477(R)-478(L) | 2.1 |
| Will Planning, Drafting and Execution - Client Communications - Testamentary Capacity - “natural objects of his/her bounty”, testator understands who they are | 477(R) | 2.1 |
| Will Planning, Drafting and Execution - Client Communications - Testamentary Capacity - initial instructions from another family member where testator ailing or elderly, risks of | 478(L) | 2.1 |
| Will Planning, Drafting and Execution - Client Communications - Testamentary Capacity - mental capacity | 478(L) | 2.1 |
| Will Planning, Drafting and Execution - Client Communications - Testamentary Capacity - mental competence to give instructions | 477(L) | 2.1 |
| Will Planning, Drafting and Execution - Client Communications - Testamentary Capacity - outside expertise | 477(R)-478(L) | 2.1 |
| Will Planning, Drafting and Execution - Client Communications - Testamentary Capacity - outside professional opinion | 478(L) | 2.1 |
| Will Planning, Drafting and Execution - Client Communications - Testamentary Capacity - understand nature and extent of assets + comprehend and appreciate persons who should receive assets (“natural objects of his/her bounty”) | 477(R) | 2.1 |
| Will Planning, Drafting and Execution - Client Communications - Testamentary Capacity -mental capacity test is legal | 477(R) | 2.1 |
| Will Planning, Drafting and Execution - Client Communications - Undue Influence/Duress | 478(L) | 2.2 |
| Will Planning, Drafting and Execution - Client Communications - Undue Influence/Duress - third party attendance during instructions/signing, risk of | 478(L) | 2.2 |
| Will Planning, Drafting and Execution - Client Communications - Undue Influence/Duress - wishes of the testator | 478(L) | 2.2 |
| Will Planning, Drafting and Execution - Client Communications Generally - sufficient information in file notes - Will Challenge (“Suspicious Circumstances”, "spent will") - Vout v Hay | 477(R) | 2 |
| Will Planning, Drafting and Execution - Client Communications Generally - sufficient information in file notes re capacity and absence of undue influence or duress | 477(R) | 2 |
| Will Planning, Drafting and Execution - Client Communications Generally (List of reasons for communication) | 477(R) | 2 |
| Will Planning, Drafting and Execution - Client instructions | 485(L)-489(R) | 9 |
| Will Planning, Drafting and Execution - Client instructions - appointment of custody for minor children | 486(R) | 9.2 |
| Will Planning, Drafting and Execution - Client instructions - appointment of estate trustee - alternative trustees, when to name | 486(L) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - appointment of estate trustee - complex assets - expert trustee, need for | 486(L) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - Appointment of estate trustee - conflict of interest, risk of | 486(L) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - appointment of estate trustee - equalization payment, risk of - FLA | 486(L) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - appointment of estate trustee - expert trustee, where appropriate | 486(L) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - appointment of estate trustee - spouse loses right act as trustee by choosing equalization payment | 486(L) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - appointment of estate trustee - trust company as trustee, where appropriate | 486(L) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - appointment of estate trustee - unusual assets - expert trustee, need for | 486(L) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - Appointment of Estate Trustees | 485(L)-486(R) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - Appointment of Estate Trustees - appointment of joint estate trustees | 485(R) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - Appointment of Estate Trustees - appointment of joint estate trustees - children as joint trustees - risks, list of | 485(R) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - Appointment of Estate Trustees - appointment of joint estate trustees - risks, list of | 485(R)-486(L) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - Appointment of Estate Trustees - business partner as trustee, risks of | 486(L) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - Appointment of Estate Trustees - child as trustee, where appropriate | 486(L) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - Appointment of Estate Trustees - Estate trustee’s roles | 485(LR) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - Appointment of Estate Trustees - failure to name trustees, will not invalidated by | 486(R) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - Appointment of Estate Trustees - marital partner as trustee, where appropriate | 485(R) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - Appointment of Estate Trustees - no trustee named, will not invalidated by | 486(R) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - Appointment of Estate Trustees - Roles of trustee | 485(L)-486(R) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - Appointment of Estate Trustees -appointment, where straightforward | 485(R) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - Appointment of Estate Trustees -joint estate trustees, appointment of - see appointment of joint estate trustees | 485(R) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - appointment of foreign estate trustee | 485(R)-486(L) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - appointment of foreign estate trustee - foreign estate trustee bond, challenge of getting | 485(R)-486(L) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - appointment of foreign estate trustee - foreign estate trustee bond, requirement of | 485(R)-486(L) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - appointment of foreign estate trustee - foreign, how defined | 485(R)-486(L) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - appointment of foreign estate trustee - investment portfolio, issues with | 486(L) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - appointment of foreign estate trustee - risks of | 485(R)-486(L) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - appointment of foreign estate trustee - trading instructions, Canadian brokerages’ reluctance to take from US clients | 485(R)-486(L) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - Beneficiaries | 487(R)-488(L) | 9.5 |
| Will Planning, Drafting and Execution - Client instructions - Beneficiaries - Charitable - questions to ask and considerations | 487(R)-488(L) | 9.5 |
| Will Planning, Drafting and Execution - Client instructions - Beneficiaries - Class Gifts - questions for lawyer to ask/considerations | 487(R) | 9.5 |
| Will Planning, Drafting and Execution - Client instructions - Beneficiaries - Conditions on bequests | 488(L) | 9.5 |
| Will Planning, Drafting and Execution - Client instructions - Beneficiaries - proper description of each class | 487(R)-488(L) | 9.5 |
| Will Planning, Drafting and Execution - Client instructions - Beneficiaries - proper description of each individual | 487(R)-488(L) | 9.5 |
| Will Planning, Drafting and Execution - Client instructions - Custodian for minor children - application for permanent appointment | 486(R)-487(L) | 9.2 |
| Will Planning, Drafting and Execution - Client instructions - Custodian for minor children - CLRA | 486(R) | 9.2 |
| Will Planning, Drafting and Execution - Client instructions - Custodian for minor children - temporary vs. permanent appointment | 486(R) | 9.2 |
| Will Planning, Drafting and Execution - Client instructions - Custodians for minor children | 486(R)-487(L) | 9.2 |
| Will Planning, Drafting and Execution - Client instructions - Custodians for minor children - conflict, parents in | 486(R) | 9.2 |
| Will Planning, Drafting and Execution - Client instructions - Custodians for minor children - lack of consensus between parents, reason for no will | 486(R) | 9.2 |
| Will Planning, Drafting and Execution - Client instructions - Custodians for minor children- Testamentary Appointment is temporary (90 days) | 486(R) | 9.2 |
| Will Planning, Drafting and Execution - Client instructions - Estate Trustee - unusual assets or foreign elements/trustees | 485(R)-486(L) | 9.1 |
| Will Planning, Drafting and Execution - Client instructions - foreign estate trustee, appointment of - see appointment of foreign estate trustee | 485(R)-486(L) | 9.1 |
| Will Planning, Drafting and Execution - client instructions - funeral and burial instructions | 487(L) | 9.4 |
| Will Planning, Drafting and Execution - Client instructions - Guardians of Property of Minor Child | 487(L) | 9.3 |
| Will Planning, Drafting and Execution - Client instructions - intentions, importance of clear comprehension | 485(L) | 9 |
| Will Planning, Drafting and Execution - Client instructions - intentions, importance of faithful record | 485(L) | 9 |
| Will Planning, Drafting and Execution - Client Instructions - The Family Home/Family Cottage | 488(R)-489(R) | 9.7 |
| Will Planning, Drafting and Execution - Client Instructions - The Family Home/Family Cottage - Adult Children living in house (Considerations) | 489(L) | 9.7 |
| Will Planning, Drafting and Execution - Client Instructions - The Family Home/Family Cottage - duty of estate trustee to turn assets into income producing assets | 488(R) | 9.7 |
| Will Planning, Drafting and Execution - Client Instructions - The Family Home/Family Cottage - estate trustee obligated to sell unless instructed | 488(R) | 9.7 |
| Will Planning, Drafting and Execution - Client Instructions - The Family Home/Family Cottage - leaving home/cottage to 2 or more children - joint tenancy vs tenancy in common | 489(R) | 9.7 |
| Will Planning, Drafting and Execution - Client Instructions - The Family Home/Family Cottage - Matrimonial home or cottage - inherited by one child only | 489(L) | 9.7 |
| Will Planning, Drafting and Execution - Client Instructions - The Family Home/Family Cottage - questions to ask when leaving to minor children | 489(L) | 9.7 |
| Will Planning, Drafting and Execution - disposition of property - constraints on clients legal abilities | 488(L) | 9.6 |
| Will Planning, Drafting and Execution - disposition of property - specify object of bequest | 488(L) | 9.6 |
| Will Planning, Drafting and Execution - Doctrine of Incorporation by reference of memoranda | 490(L) | 10.2 |
| Will Planning, Drafting and Execution - Doubling of Legacies - death in quick succession | 491(L) | 10.3.2 |
| Will Planning, Drafting and Execution - Estate administration tax - avoiding estate administration tax - see reducing exposure, strategies | 483(L) | 6.1 |
| Will Planning, Drafting and Execution - Estate administration tax - debts and liabilities do not reduce value of estate | 483(L) | 6 |
| Will Planning, Drafting and Execution - Estate administration tax - excluded property | 482(R)-483(L) | 6 |
| Will Planning, Drafting and Execution - Estate administration tax - rate | 482(R) | 6 |
| Will Planning, Drafting and Execution - Estate administration tax - Reducing estate administrative tax - see reducing exposure, strategies | 483(L) | 6.1 |
| Will Planning, Drafting and Execution - Estate administration tax - reducing exposure, strategies | 483(L) | 6.1 |
| Will Planning, Drafting and Execution - Estate administration tax - reducing exposure, strategies - Multiple Wills | 483(RL) | 6.1.1 |
| Will Planning, Drafting and Execution - Estate administration tax - reducing exposure, strategies - Multiple Wills - “bad” assets require probated will to transfer | 483(RL) | 6.1.1 |
| Will Planning, Drafting and Execution - Estate administration tax - reducing exposure, strategies - Multiple Wills - Private corporation as bare trustee of unprobated will’s assets | 483(L) | 6.1.1 |
| Will Planning, Drafting and Execution - Estate administration tax - reducing exposure, strategies - Multiple Wills - Private corporation as bare trustee of unprobated will’s assets - trust declaration, importance of | 483(L) | 6.1.1 |
| Will Planning, Drafting and Execution - Estate administration tax - reducing exposure, strategies - Multiple Wills - Private corporation as nominee of unprobated will’s assets - see Private corporation as bare trustee of unprobated will’s assets | 483(L) | 6.1.1 |
| Will Planning, Drafting and Execution - Estate administration tax - reducing exposure, strategies - Multiple Wills - Private corporation shares - quorum of directors | 483(L) | 6.1.1 |
| Will Planning, Drafting and Execution - Estate administration tax - reducing exposure, strategies - Multiple Wills - Private corporation shares - shareholder voting | 483(L) | 6.1.1 |
| Will Planning, Drafting and Execution - Estate administration tax - reducing exposure, strategies - Multiple Wills - Private corporation shares - shares transfer via unprobated will | 465(R) | 6.1.1 |
| Will Planning, Drafting and Execution - Estate administration tax - reducing exposure, strategies - Multiple Wills - Shares in private corporation - see Private corporation shares | 483(R) | 6.1.1 |
| Will Planning, Drafting and Execution - Estate administration tax - reducing exposure, strategies - Multiple Wills - tax payable on probated will only, Granovsky Estate v Ontario | 483(LR) | 6.1.1 |
| Will Planning, Drafting and Execution - Estate administration tax - Transfers of property into joint ownership - adverse consequences, list of | 484(L) | 6.1.2 |
| Will Planning, Drafting and Execution - Estate administration tax - Transfers of property into joint ownership - transfer to adult child | 484(L) | 6.1.2 |
| Will Planning, Drafting and Execution - Estate administration tax - Transfers of property into joint ownership - transfer to adult child - parent’s intention, importance of documenting, Pecore v Pecore | 484(LR) | 6.1.2 |
| Will Planning, Drafting and Execution - Estate administration tax - Transfers of property into joint ownership - transfer to adult child - presumption of resulting trust, Pecore v Pecore | 484(LR) | 6.1.2 |
| Will Planning, Drafting and Execution - Estate administration tax - Transfers of property into joint ownership - unprobated will, use of | 484(R) | 6.1.2 |
| Will Planning, Drafting and Execution - Estate administration tax (formerly probate fees) | 482(R)-483(L) | 6 |
| Will Planning, Drafting and Execution - Family Home/Family Cottage - Joint tenancy vs tenants in common | 489(R) | 9.7 |
| Will Planning, Drafting and Execution - Family Home/Family Cottage - Minor surviving children | 489(L) | 9.7 |
| Will Planning, Drafting and Execution - Foreign Laws - foreign citizenship, client’s - will considerations | 485(L) | 8 |
| Will Planning, Drafting and Execution - Foreign Laws - foreign property - will considerations | 485(L) | 8 |
| Will Planning, Drafting and Execution - Foreign Laws - foreign residence, client’s - will considerations | 485(L) | 8 |
| Will Planning, Drafting and Execution - funeral and burial instructions - advice to client | 487(L) | 9.4 |
| Will Planning, Drafting and Execution - handwritten wills | 495(L) | 11.4 |
| Will Planning, Drafting and Execution - Holographic wills | 495(L) | 11.4 |
| Will Planning, Drafting and Execution - Inadvertent Distributions | 490(LR) | 10.3 |
| Will Planning, Drafting and Execution - Income Tax | 484(R)-485(L) | 7 |
| Will Planning, Drafting and Execution - Income Tax - capital gains - qualifying small business corporation shares, farm property, fishing property, may be sheltered | 484(R) | 7 |
| Will Planning, Drafting and Execution - Income Tax - capital property - deemed disposition at death | 484(R) | 7 |
| Will Planning, Drafting and Execution - Income Tax - capital property - deemed disposition every 21 years (trusts) | 485(R) | 7 |
| Will Planning, Drafting and Execution - Income Tax - capital property - deemed disposition on spouse or CL partner’s death | 484R | 7 |
| Will Planning, Drafting and Execution - Income Tax - capital property - deemed dispositions, when occurring | 484(R) | 7 |
| Will Planning, Drafting and Execution - Income Tax - capital property - transferred to surviving spouse or CL partner | 484(R) | 7 |
| Will Planning, Drafting and Execution - Income Tax - charitable beneficiary designations giving rise to tax credit | 484(R) | 7 |
| Will Planning, Drafting and Execution - Income Tax - charitable gifts | 484(R) | 7 |
| Will Planning, Drafting and Execution - Income Tax - charitable gifts giving rise to tax credit | 484(R) | 7 |
| Will Planning, Drafting and Execution - Income Tax - key considerations | 484(R)-485(L) | 7 |
| Will Planning, Drafting and Execution - Income Tax - RRSPs and RRIFs | 485(L) | 7 |
| Will Planning, Drafting and Execution - Income Tax - RRSPs and RRIFs - charitable beneficiary designations for | 484(R) | 7 |
| Will Planning, Drafting and Execution - Income Tax - tax credits, application of | 484(R) | 7 |
| Will Planning, Drafting and Execution - Income Tax - trusts | 485(L) | 7 |
| Will Planning, Drafting and Execution - Income Tax Capital gains - deemed disposition at death | 484(R) | 7 |
| Will Planning, Drafting and Execution - Income Tax Income tax - rollover | 485(L) | 7 |
| Will Planning, Drafting and Execution - Income Tax Income tax - tax liability of the estate | 485(L) | 7 |
| Will Planning, Drafting and Execution - Information Gathering | 479(L)-480(L) | 3 |
| Will Planning, Drafting and Execution - Information Gathering - Client lacking memory of documents | 479(R)-480(L) | 3 |
| Will Planning, Drafting and Execution - Information Gathering - Client recollection of documents | 479(R)-480(L) | 3 |
| Will Planning, Drafting and Execution - Information Gathering - Client unable to provide documents | 480(L) | 3 |
| Will Planning, Drafting and Execution - Information Gathering - Client unwilling to provide documents | 480(L) | 3 |
| Will Planning, Drafting and Execution - Information Gathering - detailed description of assets - persuasive rationale for (list of reasons) | 479(L) | 3 |
| Will Planning, Drafting and Execution - Information Gathering - failure to obtain info re personal and financial circumstances | 479(R) | 3 |
| Will Planning, Drafting and Execution - Information Gathering - joint accounts | 480(L) | 3 |
| Will Planning, Drafting and Execution - Information Gathering - joint accounts - client intention - equal owner | 480(L) | 3 |
| Will Planning, Drafting and Execution - Information Gathering - joint accounts - client intention - joint owner | 480(L) | 3 |
| Will Planning, Drafting and Execution - Information Gathering - joint accounts - client intention - receive remainder upon death Pecore v Pecore (SCC) | 480(L) | 3 |
| Will Planning, Drafting and Execution - Information Gathering - joint accounts - client intention - weight given to intention depends on when expressed | 480(L) | 3 |
| Will Planning, Drafting and Execution - Information Gathering - jointly held real property | 480(L) | 3 |
| Will Planning, Drafting and Execution - Information Gathering - personal circumstances - persuasive rationale for (examples of important personal circumstances on why important to collect) | 479(L)-479(R) | 3 |
| Will Planning, Drafting and Execution - Information Gathering - real property - jointly held | 480(L) | 3 |
| Will Planning, Drafting and Execution - Information Gathering - real property - jointly held - joint tenancy vs tenancy in common | 480(L) | 3 |
| Will Planning, Drafting and Execution - Information Gathering - real property - ownership documents for real property | 480(L) | 3 |
| Will Planning, Drafting and Execution - Information Gathering - real property - title documents for real property | 480(L) | 3 |
| Will Planning, Drafting and Execution - Information Gathering - reliance on info without document copy | 479(R) | 3 |
| Will Planning, Drafting and Execution - Information Gathering - reliance on info without documentary proof | 479(R) | 3 |
| Will Planning, Drafting and Execution - Information Gathering - separation agreement - ask for copy, if unwilling or unable, document and make clear client must assume risk | 479(R)-480(L) | 3 |
| Will Planning, Drafting and Execution - Intro - clear and unambiguous language | 477(L) | 1 |
| Will Planning, Drafting and Execution - Intro - clear and unambiguous language - appropriate care in descriptions of property or beneficiaries | 477(L) | 1 |
| Will Planning, Drafting and Execution - Intro - eliminate practical barriers in trustee’s administration of estate via trustee powers | 477(L) | 1 |
| Will Planning, Drafting and Execution - Intro - Facilitate through the will the trustee’s administration of estate via trustee powers | 477(L) | 1 |
| Will Planning, Drafting and Execution - Intro - future events requiring review of will | 477(LR) | 1 |
| Will Planning, Drafting and Execution - Intro - Lawyer’s Liability drafting will - Towards beneficiaries of will - for act or omission in carrying out instructions that frustrates client’s testamentary intentions. | 477(L) | 1 |
| Will Planning, Drafting and Execution - Intro - Lawyer’s Liability drafting will - Towards Client | 477(L) | 1 |
| Will Planning, Drafting and Execution - Intro - post-signing practices, prudent (list of future events) | 477(LR) | 1 |
| Will Planning, Drafting and Execution - Intro- good practice throughout retainer to use checklist so all issues are canvassed | 477(R) | 1 |
| Will Planning, Drafting and Execution - Intro- lawyer’s responsibilities (list of considerations) | 477(L) | 1 |
| Will Planning, Drafting and Execution - Mutual Wills - Absence of agreement - Mutual Wills vs Mirror Wills - See Rammage v Estate of Roussel | 482(R) | 5 |
| Will Planning, Drafting and Execution - Mutual Wills - Ask whether clients object to survivor changing will | 483(R) | 5 |
| Will Planning, Drafting and Execution - Mutual Wills - common understanding re testamentary disposition, expectation of | 482(L) | 5 |
| Will Planning, Drafting and Execution - Mutual Wills - domestic contract | 482(R) | 5 |
| Will Planning, Drafting and Execution - Mutual Wills - domestic contract - conflicts of interest [can't act for both parties] | 482(R) | 5 |
| Will Planning, Drafting and Execution - Mutual Wills - Mutual Wills doctrine | 482(R) | 5 |
| Will Planning, Drafting and Execution - Mutual Wills - written agreement, importance of | 482(R) | 5 |
| Will Planning, Drafting and Execution - Probate - see Estate administration tax | 482(R)-483(L) | 6 |
| Will Planning, Drafting and Execution - property - anti-ademption rules | 488(LR) | 9.6 |
| Will Planning, Drafting and Execution - property - prior disposition | 488(L) | 9.6 |
| Will Planning, Drafting and Execution - property - specify object of bequest | 488(L) | 9.6 |
| Will Planning, Drafting and Execution - Rule against perpetuities | 492(LR) | 10.4.2 |
| Will Planning, Drafting and Execution - SLRA s. 23 - Lapsed gift falls into residue of estate | 490(R) | 10.3.1 |
| Will Planning, Drafting and Execution - SLRA s.31 - passes on to surviving spouse of deceased beneficairy | 490(R) | 10.3.1 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - dependent support claims | 480(L) | 4 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Dependent support claims - SLRA | 480(L) | 4.1 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Dependent support claims - SLRA - assets eligible to satisfy claim, SLRA, s 72 | 480(R) | 4.1 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - dependent support claims - SLRA - criteria - “adequate provision” - moral and budgetary considerations Cummings v Cummings (OCA) introduces uncertainty | 480(R) | 4.1 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Dependent support claims - SLRA - criteria - deceased did not make “adequate provision” for claimant, lack of | 480(R) | 4.1 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Dependent support claims - SLRA - criteria - providing support to claimant | 480(R) | 4.1 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - dependent support claims - SLRA - criteria - relationship | 480(LR) | 4.1 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - dependent support claims - SLRA - criteria - right relationship to the deceased | 480(R) | 4.1 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - FLA, Part I (property rights of legal spouses), and SLRA, Part V (dependent support) | 480(L) | 4 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - matrimonial property claims | 480(L) | 4 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims ­- FLA | 480(R)-482(L) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - caveats | 482(L) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - court order to vary payment FLA, s 5(6) factors | 481(L) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - debt forgiveness, child | 482(L) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - debt forgiveness, child - caveats | 482(L) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - debt forgiveness, child - caveats - mortgage on child’s matrimonial home | 482(L) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - discretionary testamentary trust | 482(L) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - from son/daughter in-law | 481(R) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - gifts/inheritance before marriage | 482(L) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - gifts/inheritance during marriage - caveats | 482(L) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - gifts/inheritance during marriage - caveats - assets insufficient to satisfy claim | 482(L) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - gifts/inheritance during marriage - caveats - insufficient assets to satisfy claim | 482(L) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - gifts/inheritance during marriage - caveats - matrimonial homes | 482(L) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - gifts/inheritance during marriage - caveats - onus on spouse claiming exclusion | 482(L) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - gifts/inheritance during marriage excluded | 481(R) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - income from gifts/inheritance during marriage excluded | 481(R) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - inheritance/gifts during marriage - see gifts/inheritance during marriage | 481(R)-482(L) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - life interest not guard against loss of remainder | 481(L) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - life interest not protecting remainder for children | 481(L) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - marriage contract waiving right to equalization claim | 481(L) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - protecting child from | 482(L) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - self-help - excluding asset values from net family property | 481(R) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - self-help - minimizing net worth | 481(R) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - self-help - minimizing net worth - fraud, risk of Stone v Stone | 481(R) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - self-help remedy | 481(R) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - son/daughter in-law, claim by | 481(R) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - trusts, discretionary testamentary | 482(L) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - when assets valued | 481(L) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - when calculated | 481(L) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim - will entitlement forfeited if equalization chosen | 480(R) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim vs will entitlement | 480(R)-481(L) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - equalization claim vs will entitlement - pros and cons | 480(R)-482(L) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - Professional Conduct (R.3.4-5) conflict of interest, acting for both spouses, joint retainer (Substitute Decisions Act) | 481(R) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - Matrimonial property claims - FLA - will entitlement not less than equalization claim, challenge of making | 480(R)-481(L) | 4.2 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - property rights of legal spouses | 480(L) | 4 |
| Will Planning, Drafting and Execution - Statutory constraints on testamentary freedom - SLRA, Part V (dependent support), and FLA, Part I (property rights of legal spouses) | 480(L) | 4 |
| Will Planning, Drafting and Execution - Trusts - Investment Authority - Investing Rules | 492(L) | 10.4.1 |
| Will Planning, Drafting and Execution - Will Drafting - administrative provisions | 489(R) | 10.1 |
| Will Planning, Drafting and Execution - Will Drafting - Desireable to include | 489(R) | 10.1 |
| Will Planning, Drafting and Execution - Will Drafting - gift over to married child’s spouse - FLA - equalization of net family properties | 491(L) | 10.3.1 |
| Will Planning, Drafting and Execution - Will Drafting - Inadvertent Distributions - Doubling-up of Legacies (mirror wills) - caution w/ cash legacy provision | 491(L) | 10.3.2 |
| Will Planning, Drafting and Execution - Will Drafting - Inadvertent Distributions - Lapse/Anti-lapse | 490(R) | 10.3.1 |
| Will Planning, Drafting and Execution - Will Drafting - Inadvertent Distributions - Lapse/Anti-lapse - beneficiary predeceases testator | 490(R) | 10.3.1 |
| Will Planning, Drafting and Execution - Will Drafting - Inadvertent Distributions - Lapse/Anti-lapse - FLA surviving spouse set-off requirement | 491(L) | 10.3.1 |
| Will Planning, Drafting and Execution - Will Drafting - Inadvertent Distributions - Lapse/Anti-lapse - s.23 SLRA, lapsed gift falls into residue of estate | 490(R) | 10.3.1 |
| Will Planning, Drafting and Execution - Will Drafting - Inadvertent Distributions - Lapse/Anti-lapse - s.31 SLRA - passes on to surviving spouse if child predeceases | 490(R) | 10.3.1 |
| Will Planning, Drafting and Execution - Will Drafting - Inadvertent Distributions - Lawyer must take care | 490(LR) | 10.3 |
| Will Planning, Drafting and Execution - Will Drafting - Memoranda/incorporation by reference | 490(L) | 10.2 |
| Will Planning, Drafting and Execution - Will Drafting - Memoranda/incorporation by reference - Doctrine of Incorporation by reference of memoranda - Requirements | 490(L) | 10.2 |
| Will Planning, Drafting and Execution - Will Drafting - Power to purchase estate assets | 490(L) | 10.1 |
| Will Planning, Drafting and Execution - Will Drafting - when drafting can begin | 489(R) | 10 |
| Will Planning, Drafting and Execution -income tax liability - anti-ademption rules | 488(LR) | 9.6 |
| Will validity - Administration during litigation | 578(L) | 1.10) |
| Will validity - application for advice and direction on the interpretation of a will - rr. 14.05(3)(a) and (d) | 581(LR) | 5.2 |
| Will validity - applications for relief r. 14.05(3) - evidence | 580(R) | 5.1.1 |
| Will validity - applications for relief r. 14.05(3) - necessary material | 580(R) | 5.1.1 |
| Will validity - applications for relief r. 14.05(3) - notice of application - process | 580(R) | 5.1.1 |
| Will validity - applications for relief r. 14.05(3) - requirement to serve an application record | 580(R)-581(L) | 5.1.2 |
| Will validity - Applications to the court pursuant to r. 14.05(3) | 580(L) | 5.1 |
| Will validity - Certificate of appointment - Cannot issue a certificate of appointment unless… | 576(L) | 1.2 |
| Will validity - Estate beneficiary can apply for directions | 576(R) | 1.4 |
| Will validity - Estate trustee (during litigation) must post bond | 578(L) | 1.10) |
| Will validity - estate trustee can seek court’s assistance on interpretation issues | 581(LR) | 5.2 |
| Will validity - Estate trustee does not always require a certificate of appointment in order to administer estate | 578(L) | 1.11 |
| Will validity - Estates Act s. 24 | 578(L) | 1.11 |
| Will validity - Estates Act s. 28 | 578(L) | 1.10) |
| Will validity - Estates Act s. 7 | 576(L) | 1.2 |
| Will validity - Estates Act ss. 35-37 | 578(L) | 1.10) |
| Will validity - file notice of objection with… | 576(L) | 1.2 |
| Will validity - Formal proof of testamentary instrument | 579(R) | 4 |
| Will validity - Formal proof of testamentary instrument - when required | 579(R) | 4 |
| Will validity - Grounds for challenging will’s validity | 575(L) | 1.1 |
| Will validity - how to commence | 575(R) | 1.1 |
| Will validity - litigation concluded estate trustee (during litigation) automatically loses authority | 578(L) | 1.10) |
| Will validity - Motion for directions | 576(R) | 1.4 |
| Will validity - notice of objection (certificate of appt of estate trustee not yet obtained) | 575(R)-576(L) | 1.2 |
| Will validity - Notice of objection (probate not yet obtained) - objector must serve / file notice of appearance… | 576(L) | 1.2 |
| Will validity - Notice of objection remains effective for… | 576(L) | 1.2 |
| Will validity - Once certificate of estate trustee is issued, in order to challenge a will, you must… | 576(LR) | 1.3 |
| Will validity - Onus of proof | 575(L) | 1.1 |
| Will validity - Order for return of certificate (probate already obtained) | 576(LR) | 1.3 |
| Will validity - Order giving directions | 576(R)-577(L) | 1.5 |
| Will validity - Order giving directions - order before judge without a jury | 577(L) | 1.5 |
| Will validity - Order giving directions - the order giving directions will address procedural issues too | 577(L) | 1.5 |
| Will validity - Order giving directions - upon hearing the motion for directions, the court may… | 576(R)-577(L) | 1.5 |
| Will validity - Order to accept or refuse appointment | 578(L) | 1.11 |
| Will validity - orders for assistance | 578(R)-579(LR) | 3 |
| Will validity - orders for assistance - procedure | 578(R) | 3 |
| Will validity - orders for assistance - types | 578(R)-579(LR) | 3 |
| Will validity - procedure where a statement of claim is served | 577(L) | 1.6 |
| Will validity - proof in solemn form | 579(R) | 4 |
| Will validity - Proof of lost or destroyed will | 580(L) | 4.1 |
| Will validity - Request for notice of commencement of proceeding | 577(R) | 1.9 |
| Will validity - Revocation of certificate of appointment | 578(LR) | 2 |
| Will validity - Revocation of certificate of appointment - procedure | 578(R) | 2 |
| Will validity - Revocation of certificate of appointment - when it’s used | 578(R) | 2 |
| Will validity - Settlement involving a person who has submitted rights to the court | 577(R) | 1.8 |
| Will validity - Submission of rights to the court | 577(LR) | 1.7 |
| Will validity - Suspicious circumstances | 575(LR) | 1.1 |
| Will validity - Trustee Act s. 60 | 581(LR) | 5.2 |
| Will validity - Types of relief under r. 14.05(3) | 580(L) | 5.1 |
| Will validity - What property can be administered during litigation? | 578(L) | 1.10) |
| Wills - Accumulations - description of | 493(L) | 10.4.3 |
| Wills - Accumulations Act - 21 year rule | 493(L) | 10.4.3 |
| Wills - Accumulations Act - income tax treatment as of 2016 | 493(R) | 10.4.3 |
| Wills - Accumulations Act - Violation - section 1(6) - pass as though on intestacy | 493(LR) | 10.4.3 |
| Wills - affidavit of execution | 494(R) | 11.1 |
| Wills - all beneficiaries dead - ultimate distribution | 491(R) | 10.3.3 |
| Wills - Anti-lapse - gift to child’s legal spouse or issue | 491(L) | 10.3.1 |
| Wills - Anti-lapse rule - avoided by contrary intention | 490(R)-491(L) | 10.3.1 |
| Wills - Application for advice and direction - declaratory judgements | 581(R)-582(L) | 5.2.1 |
| Wills - Application for advice and direction - Estate trustee - Liability - Relief from | 581(LR) | 5.2 |
| Wills - Application for advice and direction - Framing notice of application | 581(LR) | 5.2 |
| Wills - Application for advice and direction - Questions that should not be asked of the court | 581(R)-582(L) | 5.2.1 |
| Wills - Application for advice and direction - Role of the estate trustee | 582(L) | 5.2.2 |
| Wills - Application to ascertain heirs - Applications under R. 14.05(3) | 582(LR) | 5.3 |
| Wills - Application to ascertain heirs - Initiated by estate trustee - Order directing a reference | 582(R) | 5.3 |
| Wills - Application to ascertain heirs - Initiated by individual claiming to be heir - Onus to prove | 582(R) | 5.3 |
| Wills - appointment without - estate trustee | 554(LR) | 2.4 |
| Wills - avoiding violation of Accumulations Act | 493(L) | 10.4.3 |
| Wills - beneficiaries at age of majority - demand distribution of trust property - Saunders v Vautier | 493(R) | 10.4.4 |
| Wills - beneficiaries dead (all) - ultimate distribution | 491(R) | 10.3.3 |
| Wills - Bequest - to Witness - when void | 558(R) | 2.8.1 |
| Wills - Bequest to former spouse | 558(R) | 2.8.2 |
| Wills - Challenge of - Limitation periods - Summary of limitation periods | 591(LR)-592(LR) | 13 |
| Wills - Challenge of - Limitation periods - Transition provisions (Limitations Act, 2002) | 590(R) | 12.5 |
| Wills - Challenge of - Limitation periods in estate proceedings - SEE Limitation periods - Estate proceedings | 590(LR) | 12.3 |
| Wills - Challenge of Will - Costs in estate proceedings | 588(R)-589(L) | 11 |
| Wills - Claims against estate - Summary disposition of - SEE Summary disposition of claims against estate | 587(L) | 9 |
| Wills - Court may order document valid as will | 495(R) | 11.5 |
| Wills - Court validation of improperly executed wills - s.21.1 SLRA | 495(R) | 11.5 |
| Wills - Covid 19 - remote witnessing | 494(R) | 11.2 |
| Wills - Declaration of death | 584(LR) | 6 |
| Wills - Declaration of death - Circumstances where declaration can be obtained | 584(R) | 6 |
| Wills - demand distribution of trust property - beneficiaries at age of majority - Saunders v Vautier | 493(R) | 10.4.4 |
| Wills - Dependant support claims - SEE Dependant support claims | 585(R) | 8 |
| Wills - Divorce - disentitlement | 558(R)-559(L) | 2.8.2 |
| Wills - Divorce - gifts revoked unless contrary intention | 558(R)-559(L) | 2.8.2 |
| Wills - do-it-yourself | 495(LR) | 11.4 |
| Wills - double legacies - avoiding | 491(L) | 10.3.2 |
| Wills - Estate trustee - Purchase of estate assets by | 583(R)-584(L) | 5.5 |
| Wills - Estate trustee - Removal and replacement of - Order | 583(L) | 5.4 |
| Wills - FLA claim - election - if equalization payment chosen by surviving spouse, will entitlement forfeited | 536(R) | 6 |
| Wills - FLA claim - Surviving spouse elects re: entitlement OR equalization payment | 536(R) | 6 |
| Wills - Formal requirements - Indian - Provincial legislation does not apply | 597(L) | 7 |
| Wills - Formalities - Substantial Compliance | 495(R) | 11.5 |
| Wills - Former spouse - bequest to | 558(R)-559(L) | 2.8.2 |
| Wills - Gift - To Former Spouse | 558(R)-559(L) | 2.8.2 |
| Wills - Gift - To Witness - when void | 558(R) | 2.8.1 |
| Wills - holograph requirements | 495(L) | 11.4 |
| Wills - holographic wills - signing | 495(L) | 11.4 |
| Wills - income tax - RRSPs and RRIFs - see Will Planning, Drafting and Execution - Income Tax | 485(L) | 7 |
| Wills - Indian - Declared void - When | 597(L) | 7 |
| Wills - Indian - Intestacy | 597(LR)-598(L) | 8 |
| Wills - Indian - Intestacy - Children - Inadequate provision for | 597(R) | 8 |
| Wills - Indian - Intestacy - Descendants & ascendants | 597(R) | 8 |
| Wills - Indian - Intestacy - Rules of distribution | 597(LR)-598(L) | 8 |
| Wills - informal - holographic wills | 495(L) | 11.4 |
| Wills - International conventions - international wills | 494(R)-495 (L) | 11.3 |
| Wills - international wills - signing | 494(R)-495 (L) | 11.3 |
| Wills - Internet precedent - handwritten portion only valid | 495(LR) | 11.4 |
| Wills - Intestacy - Rollover - spousal | 521(R)-522(LR) | 3.1.1 |
| Wills - Invalid - Indian - When | 597(L) | 7 |
| Wills - investment authority - trusts | 491(R)-492(L) | 10.4.1 |
| Wills - Lawyer - Release to Deceased’s Family - (Hope v Martin) | 547(R)-548(L) | 1.1.1 |
| Wills - Lawyer- Will Released to Persons Not a Named Estate Trustee - (Hope v Martin) | 547(R)-548(L) | 1.1.1 |
| Wills - Lawyer’s Duty - Estate Trustee - Two or More Estate Trustees | 548(L) | 1.1.2 |
| Wills - Liability for tax - personal representative  SEE: Personal Representative | 520(LR) | 2 |
| Wills - living will provisions - power of attorney (POA) | 504(LR)-505(L) | 4.8 |
| Wills - Locating a will - Prior to Election for Equalization | 537(R) | 6.3 |
| Wills - Mandatory mediation of estate matters - SEE Mandatory mediation - Estates | 587(R) | 10 |
| Wills - original - storage | 495(R)-496(L) | 12 |
| Wills - Perpetuities - avoiding | 493(L) | 10.4.2 |
| Wills - Perpetuities - common law rule | 492(LR) | 10.4.2 |
| Wills - Perpetuities - successive interests | 492(R) | 10.4.2 |
| Wills - Perpetuities Act (s.4: post Sept. 6, 1966) | 492(R) | 10.4.2 |
| Wills - power of appointment given to child - Saunders v Vautier rule invoked - Robinson v Royal Trust Company; Guest v Lott | 494(L) | 10.4.4 |
| Wills - power of attorney (POA) | 501(R) | 3.9 |
| Wills - power of attorney (POA) | 501(R) | 3.10 |
| Wills - power of attorney (POA) - property | 498(L) | 3 |
| Wills - Presumed deceased - declaration | 584(R) | 6 |
| Wills - Presumed deceased - Declaration of death | 584(R) | 6 |
| Wills - Purchase of estate assets by estate trustee - Applications under R. 14.05(3) | 583(R)-584(L) | 5.5 |
| Wills - Purchase of estate assets by estate trustee - Asset valuation | 584(L) | 5.5 |
| Wills - Purchase of estate assets by estate trustee - Court approval - Materials required for and conditions of | 583(R) | 5.5 |
| Wills - Purchase of estate assets by estate trustee - Court approval - Without beneficiary consent | 584(L) | 5.5 |
| Wills - RRSPs and RRIFs - income tax - see Will Planning, Drafting and Execution - Income Tax | 485(L) | 7 |
| Wills - rule against perpetuities | 492(LR) | 10.4.2 |
| Wills - Rule in Saunders v Vautier | 493(R) | 10.4.4 |
| Wills - Rule in Saunders v Vautier - avoiding | 494(L) | 10.4.4 |
| Wills - Search for | 547(R)-548(L) | 1.1.1 |
| Wills - signing - Affidavit of Execution | 494(R) | 11.1 |
| Wills - signing - formal wills | 494(L) | 11.1 |
| Wills - signing - holograph wills | 495(L) | 11.4 |
| Wills - signing - international wills | 494(R)-495 (L) | 11.3 |
| Wills - Specific claims - Rule 14.05(3)(a) - Purchase of estate assets by estate trustee | 583(R)-584(L) | 5.5 |
| Wills - Specific claims - Rule 14.05(3)(a)(b) & (d) - Application to ascertain heirs | 582(LR) | 5.3 |
| Wills - Specific claims - Rule 14.05(3)(f) - Variation of trusts | 585(R) | 7 |
| Wills - statutory investing rules - Trustee Act | 492(L) | 10.4.1 |
| Wills - Storage | 495(R)-496(L) | 12 |
| Wills - Storage - presumed destroyed if not found | 495(R) | 12 |
| Wills - Substantial Compliance | 495(R) | 11.5 |
| Wills - Summary disposition of claims against estate - SEE Summary disposition of claims against estate | 587(L) | 9 |
| Wills - testamentary appointments - drafting considerations | 517(L) | 5 |
| Wills - trusts - beneficiaries at age of majority - demand distribution of trust property - Saunders v Vautier | 493(R) | 10.4.4 |
| Wills - Trusts - Estate trustee’s investment authority | 491(R)-492(L) | 10.4.1 |
| Wills - trusts - excess income - Accumulations Act | 493(L) | 10.4.3 |
| Wills - Trusts - For minors - Estate trustee may pay up to $35K to custodian/guardian | 517(R) | 6 |
| Wills - Trusts - For minors - generally, only “appointed” trustee can possess and spend trust resources on behalf of minor child | 517(R) | 6 |
| Wills - Trusts - For minors - generally, only trustee can possess and spend trust resources on behalf of minor child | 517(R) | 6 |
| Wills - trusts - power of appointment given to child - Saunders v Vautier rule invoked | 494(L) | 10.4.4 |
| Wills - trusts issues | 491(R) | 10.4 |
| Wills - Ultimate distribution | 491(R) | 10.3.3 |
| Wills - Variation of trusts - Applications under R. 14.05(3) - SEE Variation of trusts | 585(R) | 7 |
| Wills - Variation of trusts - Criteria for court approval of variation - SEE Variation of trusts | 585(LR) | 7 |
| Wills - witness - bequest to - when void | 494(R) | 11.1 |
| Wills - witness - not beneficiaries | 494(R) | 11.1 |
| Witness - POA - execution | 506(L) | 6 |
| Witness - to Will - Bequest to - When Void | 558(R) | 2.8.1 |
| Witness - When Beneficiary - bequest void if undue influence | 558(R) | 559(L) |
| Witnesses - alternative methods - Covid-19 - remote witnessing of wills | 494(R) | 11.2 |
| Witnesses - Bequest to | 494(R) | 11.1 |
| Witnesses - POA - alternative methods - Covid 19 | 500(L) | 3.3.1 |
| Witnesses - POA - persons disqualified | 499(R) | 3.3 |
| Witnesses - signing wills - formal | 494(L) | 11.1 |
| Witnesses - will signing - should not be beneficiaries | 494(R) | 11.1 |
| X |  |  |
| Y |  |  |
| York Condominium Corp No 382 v Jay-M Holdings Ltd - Limitations periods in estate proceedings - Ultimate limitation period applies to will challenges | 590(LR) | 12.3 |
| Z |  |  |