

# A Death in Your Family

Legal Essentials: What to Do When a Loved One Dies

# Contents

Introduction	1
Preparing for the Death of a Loved One	2
Immediately After Someone Dies	4
Making the Funeral Arrangements	10
Next Steps to Take After the Death	13
<b>Resources</b>	<b>17</b>
Where to Get Help	17
Glossary	20
<b>About</b>	<b>22</b>
About this Publication	22

# Introduction

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*A Death in Your Family* is for people who want to know what to do when a loved one dies. It covers preparing for the death of a loved one, what to do immediately after the death, making the funeral arrangements, and where to find support.

At People's Law School, we believe accurate, plain English information can help people take action to work out their legal problems. This publication explains in a general way the law that applies in British Columbia. **It is not intended as legal advice.** For help with a specific legal problem, contact a legal professional. Some sources of legal help are highlighted in the "Where to Get Help" section.



We have tried to use clear language throughout. See the "Glossary" section for definitions of key legal terms, which are also bolded in the text.

## People's Law School

People's Law School is a non-profit society in British Columbia, dedicated to making the law accessible to everyone. We provide free education and information to help people effectively deal with the legal problems of daily life.

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# Preparing for the Death of a Loved One

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This section was last reviewed for legal accuracy by Helen Low, QC and Nicco Bautista in January 2017.

The anticipated death of a loved one is a difficult time. Here are some practical steps to help prepare everyone for what lies ahead.

## The No CPR Form

Some people approaching the natural end of their lives or suffering from a life-limiting illness decide to not have cardiopulmonary resuscitation (CPR) or other emergency medical procedures provided if their heart or lungs stop. This decision can be recorded in a “No CPR Form”. This form is a medical order that says the person has had a conversation with a healthcare professional about CPR. It tells people such as first responders, paramedics and care providers not to start CPR on behalf of the person whether they are at home, in the community or in a care facility.

The No CPR Form is available online <sup>[1]</sup> or from a healthcare professional’s office. For the No CPR Form to be valid, it must be signed by a consenting adult (either the person approaching end of life or their substitute decision maker), and their doctor or nurse practitioner.

Put the signed No CPR Form on the fridge at home so it can be easily seen. When away from home, carry the form so it’s available should it be needed.



With a signed No CPR Form, you can get a free MedicAlert® bracelet with “No CPR” engraved on it. To obtain a free bracelet, call 1-800-668-1507 or visit the MedicAlert® website <sup>[2]</sup>.

## Making arrangements with a funeral home

Making arrangements in advance with a **funeral home** helps loved ones deal with the body and arrange the funeral after death.



For information on funeral homes in your area, contact the BC Funeral Association at [www.bcfunerals.com](http://www.bcfunerals.com) <sup>[3]</sup> or 1-800-665-3899.

Once a funeral home is selected, a form called “Notification of Expected Death in the Home” can be completed. This form authorizes the funeral home to remove the body from the home without “**pronouncement of death**” by a healthcare professional. For more details, see the section “Pronouncement of death”.

The notification form is available online <sup>[4]</sup>. It is completed by the doctor of the person approaching end of life and sent to the funeral home before the death.

## Organ and tissue donation

Organ donations can help save the lives of others. A person approaching end of life, if they haven't already done so, can register as a donor with the BC Organ Donor Registry <sup>[5]</sup> administered by BC Transplant.

You can choose what organs and tissues to offer for donation. Or you can choose to donate any organs that are needed. You can also choose to donate for transplant, for research, or for educational purposes.

You don't have to be perfectly healthy to donate an organ. It's the health of a certain organ that matters. Talk with your doctor or contact BC Transplant <sup>[6]</sup> if you have questions.

## Preparing a written plan

If the person approaching end of life makes a short written plan, it helps family, friends and others respect their wishes and know what to do at the time of death.

The written plan should include:

- **Medical contacts:** How the family doctor or nurse practitioner can be reached, and who to contact if they are unavailable or cannot be reached.
- **Pronouncing death:** Who will pronounce death, if pronouncement is planned.
- **Emotional support:** Who should be called for emotional support.
- **Funeral home:** Which funeral home will be called to transport the body.



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## References

- [1] <https://www.healthlinkbc.ca/health-feature/no-cpr-form>
- [2] <https://www.medicalert.ca/nocpr/>
- [3] <http://www.bcfunerals.com/>
- [4] <http://www2.gov.bc.ca/gov/content/health/accessing-health-care/home-community-care/care-options-and-cost/end-of-life-care/expected-planned-home-deaths>
- [5] <https://register.transplant.bc.ca>
- [6] <http://www.transplant.bc.ca/>

# Immediately After Someone Dies

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**This section was last reviewed for legal accuracy by Helen Low, QC and Nicco Bautista in January 2017.**

When a loved one dies, it often catches us off guard, even if it was expected. During this difficult time, we deal with our grief along with some responsibilities.

## Who to contact

Who to contact immediately after someone dies depends on whether the death was expected or not, and whether it happens at home or in the hospital.

If a loved one dies at home and their death was unexpected, **call 911 immediately**. You should also call your family doctor.

If a loved one dies at home and their death was expected, **do not call 911, an ambulance or the police**. Call family, friends and any spiritual advisor you would like to have present.

If a loved one dies in hospital, call family, friends and any spiritual advisor you would like to have present.



If a loved one dies at home and first responders or paramedics are called, they should be shown any “No CPR Form” signed by the deceased. As explained in the section “The No CPR Form”, this form records a person’s decision to not have CPR or other emergency medical procedures provided if they stop breathing or their heart stops beating.

## Say your goodbyes

Immediately after the death, you may choose to spend some time with your deceased loved one and participate in rituals that are in keeping with your spiritual beliefs.

If your loved one died in hospital, you can spend some time in the room with them. In general, the hospital will wait for family members to say their goodbyes.

The time spent with the body immediately after death can help people deal with the grief of a loved one’s passing.

## Pronouncement of death

After someone has died, their death is “pronounced”. Pronouncing death means giving an opinion that life has ceased based on a physical assessment of the person. Under BC law, it is not required that a healthcare professional do this; a family member can do so by watching the person’s breathing and noting when breathing has stopped.

Even though not required under BC law, pronouncement of death by a healthcare professional is widely recognized as sound clinical and ethical practice for care providers. It can also provide assurance and support to family, and verify that this was an expected natural death.

As well, pronouncement of death by a healthcare professional is required before a funeral home will transport the body - unless the deceased’s doctor signed the form “Notification of Expected Death in the Home <sup>[1]</sup>”.

If a healthcare professional is to pronounce the death, contact the family doctor, nurse practitioner or community nurse. You can take the time you need. If it is late at night, you may wait until morning before calling.

## **Organ and tissue donation**

Your loved one may have made a decision to donate organs and tissue. They may have discussed those wishes with you. Or they may have left instructions in a **will**.

BC Transplant <sup>[2]</sup> oversees all aspects of organ donation and transplantation in BC. They administer the BC Organ Donor Registry <sup>[3]</sup>.

If your loved one died in hospital, the staff will look up whether they were registered as a donor in the Registry. If they were, the hospital staff will show you the deceased's donation decision.

If your loved one was not registered, the hospital staff may ask the family if they wish to have the deceased's organs and tissue donated. While not legally bound to do so, the family may wish to make this decision based on what their loved one would have wished.

If a donation takes place, the family has an opportunity to say their farewells before the organs are removed. A specialist trained in organ recovery will carefully remove organs and tissue. The body is then prepared for removal to the funeral home of choice.

Donation of organs and tissue should not cause a delay in the funeral arrangements and you will be able to have an open casket, if you wish.

## **Body donation**

Your loved one may have donated his or her body for anatomical study and medical research. The Body Donation Program at the University of British Columbia medical school accepts bodies for teaching and research purposes.

If the deceased was registered in the program, their personal representative or a healthcare professional should contact the program as soon as possible after the death, by calling 604-822-2578. For more information see the Body Donation Program website <sup>[4]</sup>.

## **Removal of the body**

Whether the death took place at home or in hospital, arrangements must be made to remove the body. There are legal requirements as to who can remove the body, where it can be moved to, and who can authorize the removal.

Only licensed funeral homes or those issued a permit by Consumer Protection BC <sup>[5]</sup> may move a body.

A body can be moved only to a place of cremation or burial, a place where a bereavement ceremony will be held, or a funeral home.

The removal must be authorized by a representative or relative of the deceased according to a priority order set out under BC law <sup>[6]</sup>. The priority order begins with the personal representative named in the deceased's will, followed by the deceased's spouse, adult children (in age descending order), adult grandchildren and so on. If the person at the top of the priority order is unavailable or unwilling to give instructions, the right to give instructions passes to the person who is next in priority.

The authorization to remove the body can be made by telephone. However, the funeral home must not dispose of the body until it receives written authorization from the representative of the deceased.

## Your loved one may have made arrangements

Your deceased loved one may have made arrangements with a funeral home, and may even have prepaid for services. They may have left instructions in a will.

If prior arrangements have not been made, contact a funeral home. For information on funeral homes in your area, contact the BC Funeral Association at [www.bcfunerals.com](http://www.bcfunerals.com)<sup>[7]</sup> or 1-800-665-3899.



If the deceased was a member of a **memorial society**, check with the funeral home to see if they have a contract with that society. If not, ask whether they will agree to provide services for the same cost as the memorial society.

## If the death happened at home

If the death happened at home, call the funeral home when you are ready. It is not necessary to call immediately; take time to call the relatives and friends you want to be with you.

If the form "Notification of Expected Death in the Home"<sup>[1]</sup> has been completed, authorizing the funeral home to transport the body without pronouncement of death by a healthcare professional, you need to wait at least one hour after the breathing has stopped before calling the funeral home to remove the body.

## If the death happened in hospital

If the death happened in hospital, provide the hospital with the name of the funeral home that has been selected. The hospital may prefer to contact the funeral home, or ask that you call the funeral home. You may be asked to sign a form authorizing release of the body from the hospital.

## Registering the death

When a person dies in British Columbia, the death must be registered with the BC Vital Statistics Agency<sup>[8]</sup>. Registration creates a legal record of the death. It also results in the issuing of a death certificate, which survivors will need to apply for benefits and to settle the legal and business affairs of the deceased.

The funeral home typically handles the death registration, which consists of these steps:

1. **A medical certificate of death is completed.** A doctor, nurse practitioner or **coroner** completes and signs a **medical certificate of death** within 48 hours after the death, and forwards it to the funeral home. The certificate states that the person has died and the cause of death. The funeral home will typically make arrangements to have the certificate completed.
2. **The funeral home obtains information about the deceased from a relative or friend.** The information includes the deceased's date and place of birth, date and place of death, name of spouse, full names and birthplaces of parents, the name of any personal representative named in their will, and the method of "disposition" of the body (burial or cremation).
3. **The funeral home registers the death.** When the funeral home has the medical certificate of death and the necessary information about the deceased, the funeral home completes a death registration form with the Vital Statistics Agency.



The funeral home will ask you how many "original" death certificates you will require. There is a cost for each original certificate: to order one directly from BC Vital Statistics<sup>[9]</sup> costs \$27. For most estates, two original death certificates should be sufficient.



After registering the death, the funeral home is provided with the requested number of original death certificates and a disposition permit.

The **death certificate** <sup>[9]</sup> is a certified extract of the information provided on the death registration. The person looking after the **estate** of the deceased will need to produce the death certificate whenever they are required to provide proof of death - for example, to cancel a driver's licence or to settle insurance policies. Some institutions will require the "original" death certificate or a notarized copy, while others will accept a regular copy. You may wish to order two originals, then have additional "certified true copies" prepared by a notary public or a lawyer if needed.

The **disposition permit** is a permit to dispose of human remains or cremated human remains. It is illegal in BC to bury or cremate a body unless you have a disposition permit.

## Common questions

### When might a coroner be involved?

If a loved one dies unexpectedly, whether at home or in hospital, a **coroner** may become involved. A coroner is an appointed official who investigates all unnatural, sudden or unexpected deaths in BC.

Anyone may report a death to the coroner, including doctors, hospitals, care homes, police, or funeral homes.

### What does a coroner do?

The coroner will investigate to determine when, where, and how the death occurred.

The coroner's investigation can end in one of three ways:

- **A determination of natural death:** The coroner may conclude that the death was due to natural causes.
- **A coroner's report:** The results of the investigation may be released in a coroner's report. This is a public document setting out the coroner's findings, including a cause of death and whenever possible, recommendations to prevent future deaths.
- **A coroner's inquest:** The coroner may hold an inquest, which is a formal court proceeding with a jury, held to publicly review the circumstances of a death. The jury hears evidence from witnesses. The coroner helps the jury maintain a fact-finding role, not a fault-finding role. A written verdict is prepared, and includes recommendations to prevent future deaths.

### How can you get a copy of a coroner's report or an inquest verdict?

Coroner's reports and inquest verdicts are public documents. For a copy of a coroner's report, contact the regional coroner office in your area <sup>[10]</sup>. For copies of jury findings and verdicts from coroner's inquests, see the Coroners Service of BC website <sup>[11]</sup>. See the "Where to Get Help" section for contact details.

### What is an autopsy?

An **autopsy** is a thorough medical examination of a body after death. It may be done to find out how or why a person has died, or to learn about a disease or injury.

An autopsy is done by a doctor called a pathologist. This type of doctor is an expert in diagnosing diseases.

The autopsy is usually carried out within 48 hours of the death. Once it is completed, the body is released to the representative of the deceased. Funeral arrangements can then go ahead.

## When is an autopsy done?

Family members may ask for an autopsy to be done after a loved one has died. This is called a requested autopsy.

Sometimes an autopsy is required by law. This is called a required autopsy.

Family members may ask for an autopsy:

- when the loved one died from a medical problem that had not been diagnosed before death
- if there are questions about a sudden death that appears to be from natural causes
- if there are concerns about genetic problems that family members may also be at risk for

Situations in which the law may require an autopsy include:

- sudden or unexpected death, such as sudden infant death syndrome (SIDS)
- death caused by an injury, including suicide, murder, an accident, drug overdose, or poisoning
- deaths that are suspicious



## Does the family have to consent to an autopsy being done?

If an autopsy is required by law, a coroner or doctor can legally have it done without the consent of the person's family or personal representative. But if the autopsy is not required by law, the family or personal representative must give their consent. Most often, a consent form must be signed in front of a witness.



The HealthLinkBC website has a tool that helps family members consider their options: "Should I Have an Autopsy Done on My Loved One?"<sup>[12]</sup>

## Who pays for an autopsy?

If an autopsy is required by law, there is no charge to the family.

If the family is requesting an autopsy, they can ask that a hospital do an autopsy on a person who died there. In some hospitals, there is no charge for this service.

Most health plans do not pay for autopsies. Make sure you understand the charges ahead of time.

## Can you get a copy of the autopsy report?

No. The written autopsy report is a private document containing personal information about the deceased.

## How can you get information about the cause of death?

The medical certificate of death contains information about the cause of death. The death certificate does not contain this information. For a certified copy of the death registration <sup>[13]</sup> - which includes the medical certificate of death - you can apply to the BC Vital Statistics Agency. There is a \$50 fee. If less than 20 years have passed since the date of death, only immediate family members and selected others can apply for this document.

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## References

- [1] <http://www2.gov.bc.ca/gov/content/health/accessing-health-care/home-community-care/care-options-and-cost/end-of-life-care/expected-planned-home-deaths>
- [2] <http://transplant.bc.ca>
- [3] <https://register.transplant.bc.ca>
- [4] <http://cps.med.ubc.ca/bodyprogram/>
- [5] <https://www.consumerprotectionbc.ca/consumer-help/looking-for-a-private-transfer/>
- [6] <http://canlii.ca/t/84mx>
- [7] <http://www.bcfunerals.com/>
- [8] <http://www.vs.gov.bc.ca/>
- [9] <http://www2.gov.bc.ca/gov/content/life-events/death-and-bereavement/death-certificates>
- [10] <http://www2.gov.bc.ca/gov/content/life-events/death-and-bereavement/coroners-service/contact-us>
- [11] <http://www2.gov.bc.ca/gov/content/life-events/death-and-bereavement/coroners-service>
- [12] <https://www.healthlinkbc.ca/health-topics/uz2102>
- [13] <http://www2.gov.bc.ca/gov/content/life-events/death-and-bereavement/death-registration/certified-copies-and-certified-electronic-extracts-of-a-death-registration>

# Making the Funeral Arrangements

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This section was last reviewed for legal accuracy by Helen Low, QC and Nicco Bautista in January 2017.

There are many decisions to make when arranging the funeral of a loved one who has died. For example:

- Where and when will the funeral be?
- Will the deceased be buried or **cremated**?
- Will there be an **obituary notice** or funeral announcement published in the paper?

Often people leave instructions about what they want, either in their will or a letter. When possible, arrangements should respect the deceased's wishes.

## Who is responsible for arranging the funeral?

If the deceased left a will, the **executor** named in the will is responsible for arranging the funeral and paying the funeral expenses from the deceased's estate.

If there is no executor, the responsibility for arranging the funeral falls to the deceased's spouse. BC law sets out a priority order <sup>[1]</sup> if there is no spouse or they are unwilling to take on the responsibility: next is the adult children of the deceased (in age descending order), followed by the adult grandchildren, a parent of the deceased, an adult sibling, an adult nephew or niece, and so on.

## Burial or cremation

By law in BC, a deceased person must be buried or cremated.

Cremation involves using extreme heat and processing to turn the body into sand-like "ashes". The ashes are placed into an urn.



## Are the deceased's wishes binding?



"In her will, our mom asked that her remains be scattered over a local pond. My siblings and I wanted to bury mom's ashes beside our dad, who died two years before. But by law, because mom had set out a preference in her will, and it wasn't unreasonable or impracticable, those wishes had to be honoured. After the funeral service, we gathered to scatter mom's ashes over the pond, as she had wished."  
– Mavis, Kelowna

Where a will or “**preneed cemetery or funeral services contract**” sets out the deceased’s wishes for burial or cremation, those wishes are binding on the person arranging the funeral. The exception is if the wishes are unreasonable or impracticable or cause hardship.

If the deceased expressed a preference in another way, such as through a letter or by telling a loved one, then those wishes are not legally binding on the person arranging the funeral.

### **If cremation is chosen**

Because cremation is irreversible and ends any ability to determine cause of death, cremation cannot take place until 48 hours has passed after the time of death.

The cremated remains are returned to the person with responsibility to arrange the funeral. As long as the ashes are treated with respect, the law does not limit what you can do with them. You can keep the ashes in an urn of your choice, bury them in a cemetery plot, or scatter them.



There are no provincial regulations that prohibit the scattering of cremated remains on land, sea or by air. Ashes can generally be scattered anywhere, but if you wish to scatter ashes on private land you should get consent from the landowner.

### **If burial is chosen**

There is no law stating a specific time-frame for burial. The timeline is usually determined by the need to secure all permits and authorizations, notify family and friends, prepare the cemetery site, and observe religious and cultural rituals.



The funeral home may suggest **embalming**, particularly if an open casket is planned or there is a delay between the death and the burial. Embalming involves using chemicals to prevent the body from decomposing. Embalming is not required by BC law.

## **The funeral service**

Funerals can celebrate the life of the deceased, provide comfort for the living, and offer a time for the community to support the bereaved family and friends.

In planning the funeral service, consider:

- **Location:** Common options include a funeral home, a church, a community facility, your home, or the home of a friend or relative.
- **Type of service:** Options include a graveside service (in which the urn or casket is buried), a memorial service or celebration of life (services without a burial), or a direct cremation or burial (a disposition without a formal ceremony).
- **Urn or marker:** If there is to be an urn or a grave marker such as a headstone, do you want to display it at the service?

Ideally, the service will reflect the lifestyle and personality of your deceased loved one.

## Funeral costs

When you meet with the funeral home to make the arrangements, make sure you know what you are purchasing and consider whether it really is what you want. While some services offered by funeral homes are legal requirements, such as registering the death, other services are optional, such as embalming or a memorial book.

Prices for funeral services vary widely. All funeral providers must display a current price list of the services and products they offer. If you ask for prices over the phone, they must provide them to you.

The funeral home should provide a written estimate of the cost of the funeral, but the final bill may be higher. The bill will cover the costs of burial or cremation, the fees for the funeral service, and the professional services of the funeral director. There will also be charges for any extras you requested, such as flowers or catering.

## Paying the funeral costs

The person who arranges the funeral is responsible for paying the bill. It is important to know where the money for the funeral will come from. Your deceased loved one may have made a preneed contract, paying for their funeral in advance. Check their personal papers to see if they did so. If they did, this should cover the whole cost of the funeral.

If you ask the funeral home for an invoice, you can take it to the financial institution where the deceased did their banking. Most banks will pay the funeral home directly from the deceased's account. The bank may wish to see a copy of the death certificate and the will, if there is one.



If you pay the funeral home's bill out of your pocket, you must wait until the estate is settled to receive reimbursement.

If the deceased served in the military and meets the financial criteria, you may be able to get help with funeral expenses from the Last Post Fund <sup>[2]</sup>. This national non-profit organization provides grants to the spouse or family of a qualifying veteran toward funeral and burial expenses when the estate cannot afford to pay. If the deceased was a child, some funeral homes have a compassionate policy for child deaths.

The BC government may assist <sup>[3]</sup> when a person dies and there is no money to pay for funeral expenses. This is available to anyone with low income in BC who has no other funds, even if they are not on income assistance. Call 1-866-866-0800.

## Cemetery costs

The cost of the funeral service does not include the cost of a cemetery lot or a memorial marker (for example, a headstone or plaque). You must arrange for these separately.

Before purchasing a memorial marker, make sure it meets the requirements of the cemetery selected. Most memorial dealers can tell you the requirements for local cemeteries.

## If you have a complaint

All funeral homes, cemeteries and crematoriums must be licensed with Consumer Protection BC <sup>[4]</sup>, which regulates the cemetery and funeral services industry in BC.

If you have a complaint about a funeral home, cemetery, or crematorium, contact Consumer Protection BC. See the "Where to Get Help" section for contact details.

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## References

- [1] <http://canlii.ca/t/84mx>
- [2] <http://www.lastpostfund.ca/EN/funeral.php>
- [3] <http://www2.gov.bc.ca/gov/content/governments/policies-for-government/bcea-policy-and-procedure-manual/general-supplements-and-programs/funeral-costs>
- [4] <https://www.consumerprotectionbc.ca>

## Next Steps to Take After the Death

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**This section was last reviewed for legal accuracy by Helen Low, QC and Nicco Bautista in January 2017.**

When a loved one dies, there are several things to take care of in addition to making the funeral arrangements. Other matters to look after include safeguarding the property the deceased left behind, notifying organizations of the death, and inquiring about survivor benefits.

### Dealing with the property left behind

If the deceased left a will, the **executor** named in the will is responsible for settling the estate of the deceased. Settling the estate involves locating the property owned by the deceased, paying any debts, the funeral costs and taxes, and then distributing the estate according to the instructions in the will.

If the loved one died without a will, a person must apply to court for permission to settle the estate.

The People's Law School publication *Being an Executor* covers the steps involved in British Columbia in dealing with an estate after a person dies.

### Locating the will

Locating the will, if the deceased left one, clarifies who has been named executor. The will may also have instructions about the deceased's wishes for organ donation, burial or cremation, and their funeral service.

The will may be in the deceased's home, in a safety deposit box, or at the office of the lawyer or notary public who drafted the will.

To check on the location of the will, you can search the Wills Registry <sup>[1]</sup> maintained by the Vital Statistics Agency. If the deceased filed a notice of their will with the Registry, the search will indicate the location of the original will.

## Safeguarding the deceased's property

The executor named in the will is responsible for protecting the **assets** until the estate is ready to be distributed. If an executor is not involved, those close to the deceased can help protect the assets.

For example:

- If the deceased's home is not occupied, make sure the home is secured, appliances turned off, and any pets are looked after. If the home is to remain vacant, tell the police.
- Make sure any vehicle owned by the deceased is locked in a safe place.
- Safeguard any wallet, purse or briefcase owned by the deceased.
- Secure the deceased's key pieces of identification, such as their social insurance card, medical card, driver's licence, and passport.

## Property that passes directly on death

Not all things owned by the deceased form part of the estate. Certain types of assets "pass outside the will".

For example, property owned jointly by the deceased and someone else automatically becomes the exclusive property of the other joint owner. If you had a joint bank account with the deceased, you can withdraw the whole amount from the account at any time. If you encounter difficulties, speak to the bank manager. Once you have the death certificate, you can have the account transferred to your name alone.



If the deceased had a bank account in their name alone, notify the bank. Banks may release small amounts of money to a surviving spouse before the estate is settled, but they are not required to do so. They will typically pay funeral expenses directly if presented with the bill.

## Who to notify of the death

You should contact organizations and government departments to notify them of the death or cancel services. For example:

- notify financial institutions where the deceased held accounts
- cancel any credit cards
- cancel any subscriptions or club memberships
- cancel any Old Age Security or Canada Pension Plan benefits <sup>[2]</sup> received by the deceased
- cancel the deceased's passport and driver's licence <sup>[3]</sup>

Usually the executor or administrator of the estate will also send a change of address to Canada Post <sup>[4]</sup> so that mail intended for the deceased goes to a safe location while they are dealing with the deceased's estate.



## Survivor's pensions and benefits

If the deceased contributed to a government or private pension, their spouse and dependents may be entitled to a survivor's pension or a death benefit. For example:

- **Canada Pension Plan (CPP) survivor's pension:** If the deceased contributed to the CPP, a survivor's pension <sup>[5]</sup> is paid to their surviving spouse or common-law partner. The survivor is responsible for applying for their monthly pension.
- **CPP children's benefits:** If the deceased made sufficient contributions to the CPP, a children's benefit <sup>[6]</sup> is paid to any surviving child under age 18 or between ages 18 and 25 if in full-time attendance at school. The child or their parent or guardian are responsible for applying for this monthly benefit.
- **CPP death benefit:** The CPP death benefit <sup>[7]</sup> is a one-time, lump-sum payment paid to the estate or a survivor of a deceased CPP contributor. If an executor or administrator is involved, they should apply for the death benefit on behalf of the estate.



With public and private pensions, the estate or the survivor is entitled to keep any cheques issued in the month the deceased passed away.

If the death was the result of a work incident, a car accident, or a crime, benefits may be available to assist the survivors:

- **Workers' compensation benefits:** If the death was the result of a work incident, benefits may be available as workers' compensation through WorkSafeBC <sup>[8]</sup>.
- **ICBC benefits:** If the death was due to a car accident, benefits are available from ICBC <sup>[9]</sup>. Regardless of who was responsible for the accident, certain funeral expenses and survivor benefits are payable.
- **Victims of crime assistance:** If the death was a result of a crime, assistance may be available to survivors from the Crime Victim Assistance Program <sup>[10]</sup>. Call 1-866-660-3888 or contact cvap@gov.bc.ca.

## Seeking bereavement support

Grieving is an important process that requires more time than people often acknowledge or allow. Support during time of bereavement can help bring healing, renewal, and hope for the future.

Family and friends can be a great source of comfort. Expressing your feelings with them can help you in the grieving process.

The BC Bereavement Helpline <sup>[11]</sup> is a free and confidential service that helps people in BC cope with grief. See the "Where to Get Help" section for contact information.

## Updating your own legal affairs

If you have lost your partner, you may need financial advice or help reorganizing your banking arrangements.

In time, you may wish to review your own will and any other personal planning arrangements such as a power of attorney, advance directive, or representation agreement. See the People's Law School publication *Power of Attorney* as well as the website Clicklaw<sup>[12]</sup>.

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## References

- [1] <http://www2.gov.bc.ca/gov/content/life-events/death-and-bereavement/wills-registry>
- [2] <https://www.canada.ca/en/services/benefits/publicpensions/cpp/cancel-cpp.html>
- [3] <http://www.icbc.com/driver-licensing/getting-licensed/Pages/cancel-retire-licence.aspx>
- [4] [https://www.canadapost.ca/web/en/products/details.page?article=forward\\_your\\_mail\\_wh&ecid=display%7Cddn%7Cml%7C225](https://www.canadapost.ca/web/en/products/details.page?article=forward_your_mail_wh&ecid=display%7Cddn%7Cml%7C225)
- [5] <https://www.canada.ca/en/services/benefits/publicpensions/cpp/cpp-survivor-pension.html>
- [6] <https://www.canada.ca/en/services/benefits/publicpensions/cpp/cpp-childrens-benefit.html>
- [7] <https://www.canada.ca/en/services/benefits/publicpensions/cpp/cpp-death-benefit.html>
- [8] <https://www.worksafebc.com/en>
- [9] <http://www.icbc.com>
- [10] <http://www2.gov.bc.ca/gov/content/justice/criminal-justice/bcs-criminal-justice-system/if-you-are-a-victim-of-a-crime/victim-of-crime/financial-assistance-benefits>
- [11] <http://www.bcbereavementhelpline.com>
- [12] <http://www.clicklaw.bc.ca/>

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# Resources

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## Where to Get Help

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This section was last reviewed for legal accuracy by Helen Low, QC and Nicco Bautista in January 2017.

### BC Bereavement Helpline

A non-profit society that helps people in BC cope with grief.

Lower Mainland: 604-738-9950

Toll-free: 1-877-779-2223

[contact@bcbh.ca](mailto:contact@bcbh.ca) <sup>[1]</sup>

[www.bcbereavementhelpline.com](http://www.bcbereavementhelpline.com) <sup>[2]</sup>

### BC Funeral Association

A non-profit, membership organization that provides information about funeral services in BC.

Toll-free: 1-800-665-3899

[info@bcfunerals.com](mailto:info@bcfunerals.com) <sup>[3]</sup>

[www.bcfunerals.com](http://www.bcfunerals.com) <sup>[4]</sup>

### BC Transplant

A provincial health agency that oversees all aspects of organ donation and transplantation in BC, including the BC Organ Donor Registry.

Lower Mainland: 604-877-2240

Toll-free: 1-800-663-6189

[info@bct.phsa.ca](mailto:info@bct.phsa.ca) <sup>[5]</sup>

[www.transplant.bc.ca](http://www.transplant.bc.ca) <sup>[6]</sup>

### Canada.ca

The section “Following a Death <sup>[7]</sup>” includes information about federal benefits available and steps to take after a loved one has died.

Toll-free: 1-800-622-6232

Toll-free TTY: 1-800-926-9105

[www.canada.ca](http://www.canada.ca) <sup>[8]</sup>

## **Consumer Protection BC**

Handles complaints about funeral homes, cemeteries, or crematoriums in BC.

Toll-free: 1-888-564-9963

[info@consumerprotectionbc.ca](mailto:info@consumerprotectionbc.ca) <sup>[9]</sup>

[www.funeralrightsbc.ca](http://www.funeralrightsbc.ca) <sup>[10]</sup>

## **Coroners Service of BC**

Appointed officials who investigate all unnatural, sudden or unexpected deaths in BC.

Lower Mainland: 604-660-7745

[CoronerRequest@gov.bc.ca](mailto:CoronerRequest@gov.bc.ca) <sup>[11]</sup>

[www2.gov.bc.ca](http://www2.gov.bc.ca) <sup>[12]</sup>

## **Last Post Fund**

A non-profit society that delivers a Veterans Affairs Canada program providing funeral and burial benefits for eligible Canadian and Allied veterans.

Toll-free: 1-800-465-7113

[info@lastpost.ca](mailto:info@lastpost.ca) <sup>[13]</sup>

[www.lastpostfund.ca](http://www.lastpostfund.ca) <sup>[14]</sup>

## **Memorial Society of BC**

A non-profit society that helps to plan funerals that are simple, dignified and affordable.

Toll-free: 1-888-816-5902

[mail@memorialsocietybc.org](mailto:mail@memorialsocietybc.org) <sup>[15]</sup>

[www.memorialsocietybc.org](http://www.memorialsocietybc.org) <sup>[16]</sup>

## **Society of Notaries Public of BC**

A notary public can assist with notarizing a death certificate and providing information about wills and estates. The Society of Notaries Public of BC offers a list of notaries in the province.

Lower Mainland: 604-681-4516

Toll-free: 1-800-663-0343

[www.notaries.bc.ca](http://www.notaries.bc.ca) <sup>[17]</sup>

## Vital Statistics Agency

A government agency responsible for the registration of deaths in British Columbia.

Victoria: 250-952-2681

Toll-free: 1-888-876-1633

[www.vs.gov.bc.ca](http://www.vs.gov.bc.ca) <sup>[18]</sup>

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## References

- [1] <mailto://contact@bcbh.ca>
- [2] <http://www.bcbereavementhelpline.com/>
- [3] <mailto://info@bcfunerals.com>
- [4] <http://www.bcfunerals.com>
- [5] <mailto://info@bct.phsa.ca>
- [6] <http://www.transplant.bc.ca/>
- [7] <https://www.canada.ca/en/employment-social-development/services/benefits/family/death.html>
- [8] <https://www.canada.ca/home.html>
- [9] <mailto://info@consumerprotectionbc.ca>
- [10] <https://www.consumerprotectionbc.ca/cemetery-funeralservice-portal>
- [11] <mailto://CoronerRequest@gov.bc.ca>
- [12] <https://www2.gov.bc.ca/gov/content/life-events/death-and-bereavement/coroners-service?keyword=coroners&keyword=service>
- [13] <mailto://info@lastpost.ca>
- [14] <http://www.lastpostfund.ca/>
- [15] <mailto://mail@memorialsocietybc.org>
- [16] <https://memorialsocietybc.org/>
- [17] <http://www.notaries.bc.ca/home/index.rails>
- [18] <http://www2.gov.bc.ca/gov/content/life-events>

# Glossary

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**This section was last reviewed for legal accuracy by Helen Low, QC and Nicco Bautista in January 2017.**

## Autopsy

A thorough medical examination of a body after death. It may be done to find out how or why a person has died, or to learn about a disease or injury.

## Assets

Property owned by a person at their death. Assets can include things such as money, land, investments, and personal possessions such as jewelry and furniture.

## Coroner

An appointed official who investigates all unnatural, sudden or unexpected deaths in BC.

## Cremation

Using extreme heat and processing to turn a body after death into sand-like "ashes".

## Death certificate

A certified extract of the registration of death. Survivors need to provide a death certificate to apply for benefits and to settle the legal and business affairs of the deceased.

## Disposition permit

A permit to dispose of human remains or cremated human remains in BC.

## Embalming

Preserving a body from decomposing after death by treating it with chemicals.

## Estate

All of the property and belongings a person owns at their death, with certain exceptions such as jointly owned property.

## Executor

The person appointed in a will to carry out the instructions in the will and settle the will-maker's affairs after they die.

## Funeral home

A business that provides funeral services for a person who has died and their families.

## Medical certificate of death

A certificate signed by a doctor, nurse practitioner or coroner within 48 hours of death stating that the person has died and the cause of death.

## Memorial society

By becoming a member of a memorial society, a person may obtain funeral services at a lower cost. Memorial societies typically negotiate fixed prices with selected funeral homes.

## Next-of-kin

A person's closest living blood relative or relatives.

## Obituary notice

A notice of the death of a person, often with a short biography.

Preneed cemetery or funeral services contract

A contract that provides for cemetery or funeral services for one or more persons who are alive at the time the contract is entered into.

Pronouncement of death

Giving an opinion that life has ceased based on a physical assessment of the person.

Will

A legal document that leaves instructions about what a person wants done with their assets and obligations after they die.

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# About

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## About this Publication

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*A Death in Your Family* is for people in British Columbia who want to know what to do when a loved one dies. It covers preparing for the death of a loved one, what to do immediately after the death, making the funeral arrangements, and where to find support. The information reflects the *Wills, Estates and Succession Act* <sup>[1]</sup>, which became law in 2014.


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- Legal review: Helen Low, QC and Nicco Bautista
- Writing, editing and layout: Drew Jackson, Elena Renderos, Gayla Reid

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### About People's Law School

People's Law School is a non-profit society in British Columbia, dedicated to making the law accessible to everyone. We provide free education and information to help people effectively deal with the legal problems of daily life.



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[www.peopleslawschool.ca](http://www.peopleslawschool.ca) <sup>[3]</sup>



## References

- [1] <http://canlii.ca/t/8mhj>
- [2] <mailto:info@peopleslawschool.ca>
- [3] <http://www.peopleslawschool.ca>