

Wills and Estates Collection

Legal Essentials: Planning for Aging and
Dealing with Death in British Columbia

Contents

Articles

Introduction to this Collection	1
---------------------------------	---

Part 1: Planning for Aging	4
-----------------------------------	----------

Power of Attorney	5
--------------------------	----------

Introduction	5
Why Make a Power of Attorney	6
Enduring Powers of Attorney	10
Making a Power of Attorney	12
Ending a Power of Attorney	13
Where to Get Help	14
Glossary	16

Writing Your Will	18
--------------------------	-----------

Introduction	18
What Is a Will?	19
Making Your Will	20
Appointing an Executor	23
After Making Your Will	25
Where to Get Help	26
Glossary	28

Part 2: Dealing with Death	30
-----------------------------------	-----------

A Death in Your Family	31
-------------------------------	-----------

Introduction	31
Preparing for the Death of a Loved One	32
Immediately After Someone Dies	34
Making the Funeral Arrangements	39
Next Steps to Take After the Death	43
Where to Get Help	46
Glossary	48

Being an Executor	50
--------------------------	-----------

Introduction	50
--------------	----

Being Asked to Be an Executor	51
Ten Steps to Being an Executor	54
Probating the Will	61
Where to Get Help	64
Glossary	66

References

Article Sources and Contributors	68
Image Sources, Licenses and Contributors	69

Introduction to this Collection


Wills and Estates Collection brings together four titles from People's Law School on planning for aging and dealing with death:

- **Power of Attorney** tells you how a **power of attorney** can be used to give someone the legal power to take care of financial and legal matters for you. It explains the types of power of attorney, who can be an attorney, what powers and responsibilities the attorney has, and how to end a power of attorney.
- **Writing Your Will** explains how to leave instructions in a **will** for what you want done with your property and obligations after you die. It describes what is involved in making a will, what to consider in appointing an **executor** (the person responsible for carrying out the instructions in the will), and what to do after making your will.
- **A Death in Your Family** deals with 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.
- **Being an Executor** is for people who have been appointed as executor in a will. It covers the steps involved in dealing with an estate after a person dies, including the procedure to **probate** the will (a court procedure that confirms the will is legally valid).



The information in this collection **applies in British Columbia, Canada**, and reflects the *Wills, Estates and Succession Act* ^[1], which became law in 2014.

Copyright & Disclaimer

 *Wills and Estates Collection* © People's Law School is, except for the images, licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 2.5 Canada Licence.

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, Canada**. **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" sections.

The cases we refer to are not always real but show a typical situation. We have included them to help you think about how to deal with your own situation.

Acknowledgements

Reviewers

The information in *Wills and Estates Collection* has been reviewed for legal accuracy by:



Helen Low, KC, Fasken Martineau
DuMoulin LLP

fasken.com^[2]

Helen Low, KC is a lawyer with Fasken Martineau DuMoulin LLP^[2] in Vancouver. She practises primarily as a wills, estates and trusts lawyer. She assists clients when contentious disputes arise in respect of wills, trusts, inheritances, powers of attorneys and elderly and incapable family members. She also advises clients on estate planning, business succession planning, including drafting wills, trusts, personal planning documents and other agreements, to help families and business owners transfer their assets to their intended beneficiaries without future disputes. Since 2007, she has been an adjunct professor at UBC's Faculty of Law teaching wills and estate law. In 2014, Helen was appointed Queen's Counsel to recognize her expertise, reputation and contribution in the profession.

Helen helped review *A Death in Your Family*, *Being an Executor*, and *Writing Your Will*.



Kevin Smith, Barrister & Solicitor

Kevin Smith is a retired lawyer, having worked for several years with Seniors First BC^[3] (formerly BC Centre for Elder Advocacy and Support) in Vancouver. A graduate of Osgoode Hall Law School, he has an LLM in Elder Law from the Center for Excellence in Elder Law at Stetson University. Prior to joining Seniors First BC, he worked as a legal aid lawyer in Ontario for 30 years, including as the Clinic Director of Parkdale Community Legal Services, a community clinic associated with Osgoode. His work with Seniors First BC focused on elder abuse matters including financial abuse and financial exploitation, capacity issues, issues in seniors housing and residential care, and pension appeals.



Nicco Bautista is a lawyer at BMO Wealth Management in Vancouver, BC, where he prepares estate plans for clients. The plans, which include wills and trusts, balance business and tax planning, estate and family litigation exposure, and other complex issues such as charitable giving and planning for family members with special needs. He previously practiced as a wealth management lawyer with Fasken Martineau DuMoulin, where he prepared estate plans, assisted clients on estate administration matters, and assessed estate accounts on behalf of beneficiaries.

Nicco helped review *A Death in Your Family*.

Nicco Bautista, BMO Wealth Management

bmo.com^[4]

Other Contributors

Also reviewing content were Hassan El Masri and Joan Letendre, notaries public practicing in British Columbia.

Writing, editing and layout support was provided by Drew Jackson, Elena Renderos, Jaime Burford, and Gayla Reid.

This publication was made possible through the financial support of the Law Foundation of BC, the Notary Foundation of BC, the Department of Justice Canada, and the Province of British Columbia.

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. Visit us online at www.peopleslawschool.ca^[5].

References

[1] <http://canlii.ca/t/8mhj>

[2] <http://www.fasken.com/helen-low/>

[3] <http://www.seniorsfirstbc.ca>

[4] <https://www.bmo.com/main/wealth-management>

[5] <http://www.peopleslawschool.ca>

Part 1: Planning for Aging

Power of Attorney

Introduction


Power of Attorney tells you how a power of attorney can be used to give someone the authority to take care of your financial and legal affairs. It explains the types of power of attorney, who can be an attorney, their powers and responsibilities as attorney, and how to end such an arrangement.

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.



Image via www.istock.com

Copyright & disclaimer

 *Power of Attorney*, © People's Law School is, except for the images, made available under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International Licence.

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, Canada**. 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.

Contributors & acknowledgements

Contributors to this publication:

- Legal review: Kevin Smith
- Writing, editing and layout: Veronica Lorimer, Drew Jackson, Bruce Grierson, and Elena Renderos

This publication was made possible through the financial support of the Law Foundation of BC ^[1], the Notary Foundation of BC ^[2], the Department of Justice Canada, and the Province of British Columbia.

About People's Law School



People's Law School is a non-profit society in British Columbia, Canada 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.

Contact us at info@peopleslawschool.ca ^[3] or visit us online at peopleslawschool.ca ^[5].

References

- [1] <http://www.lawfoundationbc.org/>
- [2] <http://www.notaryfoundationofbc.ca/>
- [3] <mailto:info@peopleslawschool.ca>

Why Make a Power of Attorney

This information applies to British Columbia, Canada. Last reviewed for legal accuracy by Kevin Smith in March 2019.

A **power of attorney** is a legal document. It gives someone you trust the power to look after your legal and financial affairs. This might include paying bills, depositing or withdrawing money from your bank account, investing your money, or selling your home.

The person you give this power to is called the **attorney**. In this case “attorney” doesn’t mean “lawyer.” It simply means the person you’ve chosen to be your decision-maker.

Why you should consider a power of attorney

A power of attorney is a simple and inexpensive way to plan ahead. The power you give to your attorney can be limited to a single decision, or it can extend more broadly. There are different types of powers of attorney.



A power of attorney is different from a will. A will helps others distribute your possessions after your death. A power of attorney helps you plan out the management of your affairs **during your lifetime**.

With a **general power of attorney**, your attorney can manage your affairs while you are **still mentally capable of managing your own affairs, but physically unable**. This may be a good option if you have mobility issues or are ill. You can give your attorney broad powers to do almost anything with your finances and property.



“I was diagnosed with chronic fatigue syndrome in the fall. Sure, I could still calculate how much I owe the credit card company, if you asked me to. But I just don’t have the energy to juggle my everyday finances. Now is a time to focus on my health.”
– Akira, South Burnaby

If you prefer, you can restrict your attorney’s powers to a **specific task or time period**. This is called a **limited power of attorney** (also called a **specific power of attorney**). It’s often used by people who can’t manage their affairs because they’re injured or away travelling.



“My house is on the market. My father got sick and I had to make a last-minute trip to Germany. I prepared a limited power of attorney so my niece Sara could sign the papers if my home sells while I’m gone. The authority ends when I come home from my trip.”
– Walter, Victoria

With an **enduring power of attorney**, you can **plan in advance for any future incapacity**. A family member, or someone else of your choice, is entrusted to manage your financial affairs if you can’t. Their authority to act for you can start right away, and then continue — or “endure” — after you are mentally incapable, whether due to illness or an accident or age-related decline. For more, see the section Enduring Power of Attorney.



"My husband's in a coma — he had an accident at work. We have a joint bank account, so I can still pay the bills. But the car insurance is due and the insurance company won't let me renew it. They say it's because our car is in his name. So, on top of everything else, I've got a car I can't drive and two young kids. If we'd thought to prepare enduring powers of attorney, I could have easily renewed the insurance."

— Anita, Burnaby

A power of attorney can be set up so that it doesn't become active until something triggers it. This is called a **springing power of attorney**. The triggering event might be that two physicians have declared you mentally incapable. At that point, your attorney can take over your affairs.

Both an enduring power of attorney and a springing power of attorney can be **limited** to a specific purpose or time period.



A power of attorney deals only with your financial and legal affairs. You can choose someone to help you make your **health care and personal care decisions** if you become incapable by signing a **representation agreement**.

You can still make decisions

You needn't worry that drawing up a power of attorney will immediately strip you of the ability to run your own life. Your attorney can't override decisions you make while you're mentally capable. And even if you become incapable, your attorney has a legal duty to encourage your involvement, as much as possible, in any decision-making that affects you.

You need to be “mentally capable” to sign a power of attorney

To make a decision for yourself or to take an action (like signing a document), the law says you must be “**mentally capable**.” Generally, this means you have to demonstrate you understand what you're doing and the consequences of your actions.

It's important to appreciate mental capability in the following two contexts:

1. **You must be mentally capable at the time you sign the power of attorney.** You have to understand that you're giving your attorney the power to deal with your financial and legal affairs. There is a specific six-part capacity test (see the section on Enduring Power of Attorney), and special rules for signing an enduring power of attorney.
2. **Mental capability also matters at the moment the power of attorney is used.** For example, a general power of attorney can no longer be used when the person who prepared it can't manage their own legal and financial affairs. But an enduring power of attorney can continue to be used even after someone is mentally incapable.



Even if someone can't sign a power of attorney, they may still be able to prepare a standard representation agreement (commonly known as a section 7 representation agreement). With it, a trusted person can help make their routine financial and legal decisions (and it can cover health care and personal care decisions too). It's often used as a last resort if someone hasn't done other planning.

Choosing your attorney

Choosing your attorney is an important decision, and it's not always easy. Your attorney will have significant powers and responsibilities.

Most people ask a family member or close friend to be their attorney. You can also ask a lawyer, a **notary public**, a private trust company, or the **Public Guardian and Trustee**.

Important things to consider when choosing an attorney include the following:

- **Trust.** The most important thing is to choose someone you trust. Your attorney will have access to all of your money and property. You need to be confident they won't misuse their power.
- **Ability.** The law says the person you choose needs to understand the responsibilities involved. Think about how complex your finances are, and choose someone you know can deal with them.
- **Loyalty.** Will the person you choose ensure your needs and wishes — not theirs — come first? Take the time to talk with your candidate about what you want and would expect of them. Make sure they're comfortable making decisions for you.
- **Age and proximity.** Your attorney must be at least 19 years old. They *can* be someone who lives outside the province, but that's not always recommended. Think about what you're asking your attorney to do. It's often more convenient if they live close by.



If you name only one attorney, it's important to consider also naming an alternate who will take over if something happens to your first attorney. You need to clearly describe the circumstances in which an alternate may take over.

There are two restrictions on who can be appointed attorney. You cannot appoint:

1. a caregiver who is paid to provide you with personal or health care services, or
2. an employee at a facility where you live if the facility provides personal or health care services.

These restrictions don't apply if the person providing the care is your child, parent, or spouse.

You can pay your attorney

If you choose to pay your attorney, your power of attorney document must authorize the fee and set the rate.

Even if you don't agree to pay them, your attorney is entitled to be paid back for any reasonable out-of-pocket expenses.

If a trust company or the Public Guardian and Trustee is your attorney, they'll charge fees.

The attorney's powers and responsibilities

When you create a power of attorney, you give someone the legal right to take care of **financial and legal matters** for you. This often includes paying bills and managing bank accounts. It can include bigger things like investing your money, insuring your car, or selling your assets.

With a **general power of attorney**, you can give your attorney broad powers to do anything with your property and money that you can't do for yourself. Or you can restrict your attorney's power with a **limited power of attorney**.



Nidus Personal Planning Resource Centre and Registry ^[1] offers a fact sheet on the **general and specific** authorities you can give to your attorney under an enduring power of attorney. Talk to a lawyer or notary if you have questions about what powers you want to give to your attorney.

What you can do to prevent misuse of your power of attorney

There are things you can do to ensure your power of attorney isn't abused. You can choose to:

- Talk to a friend, family member, community advocate, or legal professional before preparing a power of attorney.
- Name more than one person. Make sure the people you name will work well together to make decisions on your behalf.
- Put limits on the power you give your attorney. You can require the attorney to keep records of your finances and show you those records regularly.
- Appoint a monitor to oversee the activities of your attorney.
- Give the power of attorney document to someone else you trust, and tell them when to give it to the attorney.
- Insist that your attorney get legal advice about their responsibilities.
- Learn about an **attorney's responsibilities**. The attorney is like your agent. They must:
 - act honestly, in good faith, and in your best interests,
 - not take any personal benefit from your assets,
 - keep accurate records of any financial activities, and
 - keep your affairs separate from their own.



You and your attorney can learn about an attorney's responsibilities in the publication *Managing Someone Else's Money*.

There are special requirements relating to real estate

If you own real estate, you may want your attorney to be able to sell it or otherwise handle it. Anyone who owns their own home should consider this. If you want your attorney to be able to deal with real estate, here are a few things you should know:

1. **You need to have a lawyer or a notary public prepare the document.** You must sign the power of attorney in the presence of a lawyer or notary, and the lawyer or notary must also sign.
2. **Your power of attorney must use the exact name that's listed on your property with the Land Title Office.** For instance, if the name on the property deed is "Chung Hon Lee," you can't use "C.H. Lee" in the power of attorney. Do a search through the Land Title Office if you're not sure what name you used.
3. **You must register the power of attorney at the Land Title Office and pay the registration fee.** Check with the office to make sure your power of attorney meets the requirements as soon as you've prepared it.
4. **Your attorney can't sell or transfer your property to themselves.** If you want to include that power, it has to be specifically written in. Discuss this with your lawyer or notary.
5. **A power of attorney for real estate ends automatically in three years.** This applies unless it's an enduring power of attorney or you say in the power of attorney "Section 56 of the *Land Title Act* does not apply."

Preparing the power of attorney

Most people go to a notary public or a lawyer to prepare their power of attorney. If you have a complicated or unusual situation, it's best to get professional help. Phone around and compare prices. You should be able to get free quotes. See the Where to Get Help section for help finding a legal professional.

You *must* go to a notary public or lawyer if you want:

- The power of attorney to be recognized at the Land Title Office (see above).
- Your attorney to have the power to sell your vehicle or renew its insurance. In this case, your power of attorney will need to be **notarized**.



You can choose when you want your power of attorney to start. A power of attorney can be written so that your attorney has the legal authority to act as soon as it's signed. However, this doesn't mean it has to be used immediately. Make sure your attorney knows when you want them to act.



Power of Attorney © People's Law School is, except for the images, licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International Licence.

References

[1] <http://www.nidus.ca>

Enduring Powers of Attorney

This information applies to British Columbia, Canada. Last reviewed for legal accuracy by Kevin Smith in March 2019.

An **enduring power of attorney** allows you to appoint someone you trust to make financial and legal decisions for you in case you become mentally incapable. This doesn't stop you from managing your own affairs as long as you're capable of making your own decisions. An enduring power of attorney can be used when you are mentally incapable, while a general power of attorney cannot.

Why you should consider an enduring power of attorney

None of us know when illness or accident or cognitive impairment will strike. You may one day be in a position where you're unable to handle your own financial affairs. In that case, someone may need to step in to continue managing them for you. Even day-to-day decisions about money can become difficult. It's wise to consider in advance who you'd like to handle your financial decisions — big and small — for you.

Nobody, not even your spouse, has the automatic right to step in and manage your legal and financial affairs. If you don't put plans in place, the court may have to appoint someone to make decisions for you, or the Public Guardian and Trustee may step in.



"Last year, I found my husband Dave lying on the kitchen floor. He'd had a stroke. It was so sudden. Dave was smart with our money. A lot of it was tied up in investments — in his name. I was shocked that the bank wouldn't let me access his money. After all, I need the money to help to care *for him*. They said I didn't have authority — I'm his wife — isn't that enough?"
— Patrice, Surrey



An enduring power of attorney can be limited to dealing with specific matters, such as managing a bank account. It can also be limited to a specific time period.

There are other tools you can use to plan for your future care

In BC, an enduring power of attorney is the most common document used to give another person the authority to handle your financial and legal affairs if you become mentally incapable. But there are other options you can put in place to plan for future incapacity.

For in-depth discussion on planning for your future care and the planning options that are available to you, visit the People's Law School website at peopleslawschool.ca ^[1].

Preparing an enduring power of attorney

Who can prepare an enduring power of attorney

The law says you can make an enduring power of attorney if you're at least 19 years of age and are **mentally capable** of understanding the nature and consequences of the power of attorney.

The law presumes you are capable unless you've demonstrated that you're not. The way you communicate isn't a factor in deciding whether you are capable.

The *Power of Attorney Act* ^[2] says you must understand the nature and consequences of all of the following six factors to be capable of making an enduring power of attorney:

1. The obligations you owe to your dependants (such as children).
2. The property you own and its approximate value.
3. That your property may decrease in value if your attorney doesn't manage it carefully.
4. That your attorney will be able to do anything with your property that you could do if you were capable, except make a will.
5. That your attorney might misuse their authority.
6. That you can revoke the enduring power of attorney while you are mentally capable.

A notary public or lawyer can help

It's a good idea to ask a lawyer or notary public to help you prepare your enduring power of attorney. You can talk with them about what an attorney can do. They can also help you with rules about the gifts, loans, and donations an attorney can make on your behalf.



The BC government has an enduring power of attorney form available online on their Incapacity Planning webpage ^[3]. You don't have to use this form, but it will give you an idea of how to make a power of attorney.

Signing the enduring power of attorney

You must sign and date the enduring power of attorney and have the signing witnessed by two witnesses. The witnesses must also sign and date the power of attorney in front of you.

If the witness is a notary public or a lawyer, you only need one witness.

Your attorney must also sign the enduring power of attorney in front of two witnesses. Your attorney doesn't have to sign at the same time as you.

The following people can't witness a signature:

- the person you're appointing as attorney
- a spouse, child, or parent of the attorney
- anyone employed by the attorney, unless you are appointing a lawyer, notary public, the Public Guardian and Trustee, or a financial institution.



You can **choose to register** your enduring power of attorney (and other documents) with the Nidus Personal Planning Registry^[1]. You can share the documents with others (such as banks, your attorney, and other family members).

When an enduring power of attorney can be used

Enduring powers of attorney usually give the attorney authority to start acting right away. But you can continue to manage your financial and legal affairs as long as you are capable. You may want your attorney to help you with complicated matters only — or not at all. It's your choice. You can tell your attorney you only want them to start acting when you really need help.

To a reasonable extent, your attorney must foster your independence and encourage your involvement in any decision-making that affects you.



Power of Attorney © People's Law School is, except for the images, licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International Licence.

References

[1] <http://peopleslawschool.ca>

[2] https://www.canlii.org/en/bc/laws/stat/rsbc-1996-c-370/latest/rsbc-1996-c-370.html#sec12_smooth

[3] <http://gov.bc.ca/incapacityplanning>

Making a Power of Attorney

This information applies to British Columbia, Canada. Last reviewed for legal accuracy by Kevin Smith in March 2019.

Is a power of attorney made in one province okay in another?

It's likely the power of attorney made in one province will be recognized in another. It may not be effective in dealing with all real estate matters. You should ask a lawyer or notary about the validity of the power of attorney in your situation.

If I prepared a power of attorney ten years ago, is it still good?

Yes. However, check it over to make sure that it will do what you want and that it's still accurate. It's a good idea to review all your financial affairs every two or three years. Addresses change, and so do people's lives. Stay up to date.



Power of Attorney © People's Law School is, except for the images, licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International Licence.

Ending a Power of Attorney

This information applies to British Columbia, Canada. Last reviewed for legal accuracy by Kevin Smith in March 2019.

A **limited power of attorney** ends when the job it describes is done, or on the date it specifies. For example, if you gave your attorney power to sell a piece of property, the power of attorney ends when the property is sold.

A **general power of attorney** automatically ends in each of these circumstances:

1. If you become mentally incapable, unless you have an enduring power of attorney clause.
2. If your attorney dies, unless you name an alternate or more than one attorney.
3. If you die.
4. If a **committee of estate** is appointed to make legal and financial decisions for you.

You can cancel your power of attorney

You can revoke — that is, cancel — your power of attorney at any time as long as you are mentally capable. You must put your decision in writing. The written decision is called a **notice of revocation**.

You must give a signed and dated copy of the written notice of revocation to each attorney appointed in your power of attorney. Send a copy of the revocation notice to any organizations, companies, or individuals your attorney deals with. Keep a copy of the notice of revocation for your own records.

The revocation generally takes effect **when it is given** to everyone who needs to receive it. Or you can specify a future date when it should take effect.



Nidus Personal Planning Resource Centre and Registry^[1] provides a sample notice of revocation and more information on how to revoke a power of attorney.

Your attorney can quit

If your attorney wants to resign, they must say so in writing. The written decision is called a **notice of resignation**. They must give the written notice of resignation to you (as the person who appointed them) and to any other attorneys named in the power of attorney.

If you're incapable of making decisions at the time your attorney is resigning, the attorney must also give the notice of resignation to your spouse, near relative, or close friend.

You'll need to notify any organizations, companies, or individuals that the attorney deals with if they resign.



Nidus Personal Planning Resource Centre and Registry^[1] provides a sample notice of resignation and more information on how an attorney can resign.

A new power of attorney doesn't automatically cancel the old one

You can also cancel a power of attorney by saying so in a new power of attorney replacing it. But be aware that more than one power of attorney can be in effect at the same time. If you want to be sure you have only one power of attorney in play, when you prepare a new power of attorney, write at the beginning:

"I revoke any and all powers of attorney I have previously made."



Beware of signing a power of attorney provided by your bank, which may revoke your own power of attorney and undo your careful incapacity planning.

If someone misuses your power of attorney

Misusing a power of attorney is a crime. If your attorney abuses his or her power, cancel the power of attorney immediately and then seek legal advice. You may be able to sue your attorney to get back any money or property that has been taken.

If you're incapable and can't cancel your power of attorney, you or someone else can call the Public Guardian and Trustee ^[1] or a **designated responder**, and report the situation. They will investigate.



Power of Attorney © People's Law School is, except for the images, licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International Licence.

References

[1] <http://www.trustee.bc.ca>

Where to Get Help

This information applies to British Columbia, Canada. Last reviewed for legal accuracy by Kevin Smith in March 2019.

Access Pro Bono

Volunteer lawyers provide free legal advice to qualifying persons who cannot obtain legal aid or afford a lawyer.

Lower Mainland: 604-878-7400

Toll-free: 1-877-762-6664

accessprobono.ca ^[1]

Alzheimer Society of BC

Provides information and support to families, individuals, and caregivers to alleviate the personal and social consequences of Alzheimer's disease and other dementias.

alzheimerbc.org ^[2]

Clicklaw

A website offering one-stop access to legal information, education and help for British Columbians from trusted organizations.

clicklaw.bc.ca ^[3]

Lawyer Referral Service

A service of Access Pro Bono, offering referrals to lawyers who can provide a free 15-minute consultation.

Lower Mainland: 604-687-3221

Toll-free: 1-800-663-1919

lawyerreferral@accessprobono.ca ^[4]

www.lrsbc.org ^[5]

Law Students' Legal Advice Program Clinics

Law students from the University of British Columbia offer free legal help with some legal matters, including wills, powers of attorney, and representation agreements for people with low incomes.

604-822-5791

lslap.bc.ca ^[6]

Ministry of Health

Provides information about planning for incapacity, including an enduring power of attorney form.

gov.bc.ca/incapacityplanning ^[3]

Nidus Personal Planning Resource Centre and Registry

Provides detailed information about enduring powers of attorney and other planning documents.

info@nidus.ca

nidus.ca ^[1]

Public Guardian and Trustee of BC

This public body can investigate the misuse of a power of attorney where the adult has become mentally incapable. It also provides financial management and legal decision-making for vulnerable adults.

604-660-4444

trustee.bc.ca ^[1]

Self Counsel Press

Self Counsel Press publishes do-it-yourself guides on legal topics for BC, including a *Power of Attorney Kit*.

self-counsel.com ^[7]


Society of Notaries Public of BC

A notary public can help with making a power of attorney. 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

notaries.bc.ca ^[8]

 *Power of Attorney* © People's Law School is, except for the images, licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International Licence.

References

- [1] <http://www.accessprobono.ca>
- [2] <http://www.alzheimerbc.org>
- [3] <http://www.clicklaw.bc.ca>
- [4] <mailto:lawyerreferral@accessprobono.ca>
- [5] <http://www.lrsbc.org>
- [6] <http://www.lslap.bc.ca>
- [7] <http://www.self-counsel.com>
- [8] <http://www.notaries.bc.ca>

Glossary

This information applies to British Columbia, Canada. Last reviewed for legal accuracy by Kevin Smith in March 2019.

Attorney

A person legally appointed or empowered to act on behalf of another.

Certificate of incapability

A certificate issued by a provincial health authority after a medical and functional assessment that finds an adult is mentally incapable.

Committee of estate

A person or body (such as the Public Guardian and Trustee^[1]) appointed to make legal and financial decisions for someone who is mentally incapable and cannot manage their own affairs. A committee is appointed by the court, with the exception of the Public Guardian and Trustee, who can automatically become committee after a **certificate of incapability** is issued.

Designated responder

A person from a local health authority or community agency who will follow up with reports of abuse or neglect of a vulnerable adult. The Public Guardian and Trustee^[1] has an online list of designated responders.

Enduring power of attorney

A legal document that enables an adult to appoint another person to make financial and legal decisions for them, and specifies that the appointment continues — or “endures” — in the event the adult becomes mentally incapable.

General power of attorney

A power of attorney that gives general powers to the attorney for an unlimited period of time while the adult is mentally capable of managing their own affairs. It ends if the adult becomes mentally incapable.

Limited power of attorney

A power of attorney that limits the attorney’s powers to a specific task or a specific period of time — for example, to sign papers completing the sale of a specific property.

Notarized

When a notary public puts his or her seal on a document to confirm that a person signed the document in front of the notary.

Notary public

A legal professional authorized to provide certain non-contentious legal services to the public. For example, a notary public can create wills and powers of attorney, and notarize signatures on documents.

Notice of resignation

A written statement by an attorney to resign from their appointment under a power of attorney.

Notice of revocation

A written statement by an adult given to their attorney revoking (that is, cancelling) the authority granted to the attorney under a power of attorney.

Power of attorney

A legal document that enables an adult to give another person (or more than one person) the authority to make financial and legal decisions for them.

Public Guardian and Trustee

A public body established by law to protect the interests of British Columbians who lack legal capacity to protect their own interests.

Representation agreement

A legal document to authorize someone to assist an adult or act on their behalf for health and personal care matters. It can also cover routine financial and legal matters.

Springing power of attorney

A power of attorney that only becomes effective when an event happens, such as a finding that the adult is mentally incapable.



Power of Attorney © People's Law School is, except for the images, licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International Licence.

Writing Your Will

Introduction

Preparing Your Will is for people who are preparing a will in British Columbia. It explains how to prepare a will, what to consider in appointing an executor, and next steps after the will is finished. The information reflects the *Wills, Estates and Succession Act* ^[1], which became law in 2014.

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.


 *Preparing Your Will* © People's Law School is, except for the images, licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International Licence.



Image via www.flickr.com

What Is a Will?

This information applies to British Columbia, Canada. Last reviewed for legal accuracy by Stephen Hsia in January 2019.

A **will** is a legal document that explains what you want done with your property after you die.

A will makes your wishes clear

A will helps ensure the things you own go to the people you want to have them. It gives you some control over what happens to your **estate** after you're gone. Preparing a will lets you choose an **executor**. This is a person who carries out the instructions in the will. If you're a parent, you can also appoint a guardian to care for any children under age 19 after your death.



"I've decided I need to prepare a will. My sisters both want me to leave my opal ring to them. It belonged to our mother and is a family heirloom. Unless I put in writing who the ring should go to, I just know there'll be a fight about it later."
— Maria, Nanaimo

A will helps those you leave behind

A will is a map for those you leave behind. Having a clear statement of your wishes helps your loved ones feel confident they're carrying those wishes out. Knowing your intentions will save them time, stress, and money at a difficult time.

What happens when you die without a will

Without a will, your successors will effectively be left guessing about what you would have wanted. With no proof of your wishes, the law kicks in. Your property is divvied up according to rules set out in the *Wills, Estates and Succession Act*.

The law may not reflect your wishes about who you want to inherit your property. For example:

- If you have a **spouse** but no children, your estate will pass to your spouse.
- If you have a spouse *and* children — all of whom are also your spouse's children — your spouse will get the first \$300,000 of your estate and half of what's left over. The other half will be divided equally among your children.
- If you have no spouse or children, your estate will be distributed to descendants, parents, or other relatives. If no relatives can be found, the estate will go to the government.

If you die without a will, someone may need to apply to court to become administrator of the estate. Once approved, the administrator has the authority to distribute your **assets**. The administrator is often your spouse or adult child. If no one steps forward, the **Public Guardian and Trustee** may apply to become administrator.

You don't have to prepare a will

Under the law, you don't have to prepare a will. But it's a good idea. Preparing a will helps ensure fairness, accuracy, and peace of mind all around. It makes sure your wishes are respected and your loved ones are taken care of.



"My sister Susan died without a will. A year before, she told me what she wanted done with the things she owned. Her car was supposed to go to me. But without a will, there's no way to prove it. So everything is going to her daughter, Amy."
— Janet, Vernon



Preparing Your Will © People's Law School is, except for the images, licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International Licence.

Making Your Will

This information applies to British Columbia, Canada. Last reviewed for legal accuracy by Stephen Hsia in January 2019.

You can prepare a will on your own, or have a lawyer or a notary public help you. Even if your will is simple, there are rules that must be followed for it to be valid.

Legal requirements for a will

If a will isn't valid, a court may not grant probate and your wishes may not be honoured.

For a will to be valid, it must be **in writing** — either typed or handwritten. It must have the **date** on it. It must also be signed by the will-maker and **two witnesses**. They must both be present and sign the will in front of you.

Who can prepare a will

The person preparing a will is referred to as the **will-maker**. The will-maker must:

- Be age 16 or over.
- Be mentally capable of making a will.
- Freely agree with what the will says when they sign it. If it's proven in court that someone pressured the will-maker to sign a will, the will won't be valid.

When you should prepare a will

You can prepare a will at any time. But it's especially sensible to do so **when you marry** or **start a family**. If you want to leave your belongings to the special people in your life, it's a good idea to have a will.



Try to prepare a will when you're still in good health. By law, you need to be mentally capable of making a will. If it's proven you weren't mentally capable of making a will, the will could be challenged.

You need to be **mentally capable of making a will** for it to be legal. You must understand:

- The nature and effect of the will.
- In a general way, the extent of the property you own that can be distributed through the will.
- How property will be distributed.
- The implications for the people who are to receive property, as well as the legal and moral claims of other people you haven't named who may nonetheless have an interest. For example, if you leave your child out of the will, do

you appreciate the effect of that decision?

Your capability can be affected by illness, an accident, or drugs.

Elements of a will

Typically, a will has several sections:

- **Appointing an executor:** The first section of the will appoints the executor. This person is responsible for carrying out the instructions in the will. The will should specify what the executor can do.
- **Distribution of the estate:** The will says who receives your **assets** and personal belongings, and under what conditions. The people to whom you give assets are called **beneficiaries**. You can give people specific **gifts** of property or cash. The amount left over after debts and taxes are paid and specific gifts are distributed is called the **residue** of the estate. In the will, you say who gets the residue, and how much.
- **Minors:** In your will, you should name a **guardian** for any minor children you have and provide some money for the guardian to cover the costs of raising children. You should also create a **trust** for gifts you leave to your minor children. Otherwise, their share of the estate may need to be paid to the Public Guardian and Trustee, who will hold their share in trust until they turn 19.
- **Other details:** The will can include other details, as you wish, and depending on your circumstances.
- **Signatures:** The last section of the will includes the signatures of the will-maker and witnesses.

Your will should be specific in its details

Your instructions in the will should be crystal clear. Say exactly who the beneficiaries are, by name. Avoid vague statements like: “I wish to leave everything to my ‘best friend’ or ‘my cousins.’”



“I have no spouse or children of my own. I want to leave my belongings to my niece after my death. In my will, I wrote her full name and relationship to me: ‘...to give the residue of my estate to my niece, Ada Chen....’”
– Lin, Vancouver

You don’t need to write down every item you own. You only need to be specific if you want to give a particular asset (such as your home or an item of sentimental value) to a particular person.



“I want my son Michael to get my grandfather’s gold watch which was handed down to me. In my will, I included that gift: ‘...to transfer my Omega gold watch to my child, Michael Cortez...’ I left out any mention of my other watches or jewelry, as they weren’t special in any way.”
– Paulo, North Vancouver

What your will does not include

A will doesn’t deal with everything you own. For example, it doesn’t cover property you own in **joint tenancy** with someone else, such as a home or joint bank account. When you die, any property you own as a joint tenant usually becomes the property of the surviving joint tenant(s). In most cases, this property isn’t included in your estate. It’s said to “pass outside the will.” On the other hand, your share of property you own with someone in tenancy-**in-common** *will* be included in your estate.

If you’ve designated a specific **beneficiary** to receive proceeds from certain assets, this asset won’t be included in your estate, either. Common examples are life insurance policies or retirement benefit plans. When you die, the bank or trust company transfers the asset, or pays it out, to the beneficiary you named.



The proceeds of life insurance policies and benefit plans do not form part of your estate. Even so, you can choose to name (or designate) a beneficiary of these kinds of assets either in your will, or in the policy itself. What happens if you change your mind and want a different person to receive the proceeds? Any new designation you make will replace any designations you made earlier.

Who you can leave your estate to

You're generally free to leave your estate to whomever you want. However, your **spouse** or child can dispute your will in court if they feel you haven't adequately provided proper maintenance and support.

The court can modify a will in the interest of fairness. The court considers factors such as the financial circumstances of the person challenging the will (and of the other beneficiaries), the size of the estate, and the relationship between the will-maker and their spouse or child.

Separated spouses cannot dispute your will. Other relatives who are left out also generally have no claim.



If you want to leave a spouse or child out of your will, explain this in a separate document or letter you keep with your will. You need to show that you've at least considered them and your obligation to provide for them. This doesn't guarantee they won't receive something if they dispute the will in court. If you're considering this option, you should seek legal advice.

Wishes for funeral services, burial, or cremation

Most wills don't cover details relating to the funeral service, burial, or cremation. Some do. You should discuss your preferences with your executor or family. Be aware that any wishes you express about your desired **funeral or memorial service** will not be binding on the executor, even if expressed in your will.

If you write your preference for **burial or cremation** in your will, that preference is binding on the executor — except if following it would be unreasonable, impracticable, or cause hardship. The same applies if you set out your preference in a contract for cemetery or funeral services. If you express your preference in another way, such as through a letter or simply telling a loved one, then that preference is *not* legally binding.



Preparing Your Will © People's Law School is, except for the images, licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International Licence.

Appointing an Executor

This information applies to British Columbia, Canada. Last reviewed for legal accuracy by Stephen Hsia in January 2019.

The **executor** is the person you name to carry out the instructions in your will.

The role of the executor

Your executor locates all of your property, pays any debts and funeral costs, prepares the final tax return, and distributes the rest of the estate as the will specifies.

Your executor may need to **probate** the will. This is a legal process that confirms the will is legally valid. To apply for probate, the executor needs to submit the will and certain forms to court. If everything's in order, the court issues a grant to the executor. Now the executor can legally deal with the estate assets.

Estates that involve a small amount of money (under \$25,000) may not need to go through probate. It's up to the outside parties who hold your assets (such as a bank) whether they'll give the executor those assets without a grant.

What to consider when choosing your executor

Most people ask a family member or close friend to be their executor. You can also ask a lawyer, a **notary public**, a private trust company, or the Public Guardian and Trustee.

Important qualities to look for when choosing an executor include:

- **Willingness:** The person you're thinking of appointing should confirm that they're willing to take on the job.
- **Trust and familiarity:** An executor should be someone you trust to carry out your wishes. It's best if they're familiar with your situation.
- **Time and ability:** Being an executor takes time, energy, and attention to detail. The job will be more demanding if your affairs are complicated — for example, if you have a lot of investments or debts, or if the will includes a **trust**. It helps if the person you choose is organized and a good communicator.

Other factors to consider in choosing an executor

Also keep in mind that:

- Your executor should be someone who's likely to outlive you. It's not recommended to appoint someone under age 19. If they aren't yet 19 when you die, probate may be delayed.
- Your executor *can* be someone who lives outside the province, but this isn't ideal either. All procedures to settle the estate will be done in British Columbia. So it's more convenient if the executor lives close by.
- It's simplest to appoint someone who lives in Canada. There are significant tax consequences, for example, if the executor is living outside the country.



Image via www.istockphoto.com



It's very important to name at least one alternate (that is, a backup) executor in your will. If the first choice isn't able or willing to act, the alternate can step up.

You can name more than one person to act as executor

Two or more people can be appointed to act jointly as your executors. Generally, they'll have to make decisions and act together. They'll have to agree on many things, such as the selling price of your home or who gets the family photo albums. If one of them dies, the other may be able to act alone, if your will allows it.

If you choose three executors, your will should be clear on what happens if they disagree. You can include in the will a "majority rule clause." In that case, if there's a disagreement, the executors can vote and the majority decides. Or you may insist all decisions be made unanimously.



If you're thinking of appointing more than one executor, consider if they'd be a good team. You should discuss your wishes with all of them, preferably together.

How you can make the job easier for your executor

You can help your executor by taking these steps:

- **Register your will**, and tell your executor where the original will is kept. It should be easy for them to access.
- **Keep an up-to-date, detailed record** of everything you own and owe. For example, record your bank accounts, retirement benefit plans, insurance policies, real estate, and pension benefits. Note any items owned in **joint tenancy** or that name a specific **beneficiary**. The executor won't have to manage these assets.
- **Explain your plans** to family members, the beneficiaries, or anyone who may be legally entitled to a share of the estate. Talking with them now may prevent problems later.
- **Review your will** and your choice of executor every few years, and consider updating it when your circumstances change.



Preparing Your Will © People's Law School is, except for the images, licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International Licence.

After Making Your Will

This information applies to British Columbia, Canada. Last reviewed for legal accuracy by Stephen Hsia in January 2019.

You can change your will after you've prepared it

You should consider updating your will whenever your circumstances or wishes change. You can prepare a new will at any time. Or you can change the existing one by signing a separate document, called a **codicil**.

To be legal, the codicil has to meet the same requirements as a will. For example, it must be in writing, dated, and signed by you and two witnesses. You don't have to use the same two witnesses you used for your will. The codicil must refer to the will (and previous codicils) it's amending.

You can cancel your will

You can revoke, that is cancel, your will. You could simply destroy the original will, with the intention of cancelling it. However, it is better to make a written declaration revoking your will. This document must be signed the same way you signed your will — by you with two witnesses looking on, and signing it themselves.

A new will normally cancels any previous will. Even so, it's common practice to include a **revocation clause** at the beginning of a will:

"I hereby revoke all my prior wills and codicils."

Getting married or divorced

Neither marriage nor divorce of the will-maker cancels a will. The exception is if you married before March 31, 2014 (after which, there was a change in the law), and made a will before you got married. The law says your will would have been cancelled when you got married, unless the will said it was made in contemplation of your marriage.

If you had a spouse at the time you made your will, and later separated from your spouse, your will is treated as if your spouse died before you. That is, any gift you left them will not be effective. As well, if you named your ex-spouse as your executor, the appointment would no longer be effective.

 *Preparing Your Will* © People's Law School is, except for the images, licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International Licence.

Where to Get Help

This information applies to British Columbia, Canada. Last reviewed for legal accuracy by Stephen Hsia in January 2019.

Access Pro Bono

In-person clinic staffed by volunteer lawyers to help low-income seniors (ages 55+) and people with terminal illnesses prepare a will.

604-424-9600

accessprobono.ca/willsclinic ^[1]

Clicklaw

Online resource offers one-stop access to legal information, education, and help for British Columbians from trusted organizations. Select the topic "Wills & Estates" ^[2].

clicklaw.bc.ca ^[3]

Law Students' Legal Advice Program Clinics

Law students from the University of British Columbia offer free assistance to qualifying clients with some legal matters, including preparing some simple wills. The manual used by law students has a chapter on "Wills and Estate Planning" ^[3] that includes sample clauses for making a will.

604-822-5791

lslap.bc.ca ^[6]

Lawyer Referral Service

Service offering referrals to lawyers who can provide a half-hour consultation for \$25. The lawyer will not be able to prepare a will for you in this time, but can answer initial questions you may have.

Lower Mainland: 604-687-3221

Toll-free: 1-800-663-1919

Nidus Personal Planning Resource Centre and Registry

Nonprofit charitable organization that provides information, education, and support for people to prepare and use representation agreements and enduring powers of attorney.

info@nidus.ca

nidus.ca ^[1]

Public Guardian and Trustee of British Columbia

Government office that may agree to be appointed executor in a will in appropriate circumstances. They may also administer an estate when the executor is unable or unwilling to do so.

700 - 808 West Hastings Street

Vancouver, BC V6C 3L3

604-660-4444

trustee.bc.ca ^[1]

Self Counsel Press

Publisher of do-it-yourself guides on legal topics, including some guides on preparing a will in Canada.

self-counsel.com ^[7]

Society of Notaries Public of BC

A notary public can help you prepare a will. 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

notaries.bc.ca ^[8]

 *Preparing Your Will* © People's Law School is, except for the images, licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International Licence.

References

[1] <http://www.accessprobono.ca/willsclinic>

[2] <http://www.clicklaw.bc.ca/global/search?f=Wills+%26+estates>

[3] <http://www.clicklaw.bc.ca/resource/1736>

Glossary

This information applies to British Columbia, Canada. Last reviewed for legal accuracy by Stephen Hsia in January 2019.

Advance directive

Written instructions about what health care a person wants or does not want in the future if a decision needs to be made and they're incapable of making it.

Assets

Anything a person owns that has value. Assets can include things such as money, land, investments, and personal belongings such as jewelry and furniture.

Beneficiary

A person who is to receive money or property in a will, benefit plan, or insurance policy.

Codicil

A legal document made after a will that changes some conditions in the will.

Estate

All of the property and belongings a person owns upon their death, with some exceptions. The estate does not include property owned with someone else jointly (such as a joint bank account) or property that has a designated beneficiary (such as an insurance policy).

Executor

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

Gift

A voluntary transfer of property from one person to another, with no expectation of payment or reward.

Joint tenancy

A way that property can be owned where each owner has the same interest in and an equal right to use the property. Usually, when one joint tenant dies, their share automatically passes to the other joint tenants.

Notary public

A legal professional authorized to provide certain non-contentious legal services to the public. For example, a notary public can prepare wills and powers of attorney, and notarize signatures on documents.

Power of attorney

A legal document that enables an adult to give another person (or more than one person) the authority to make financial and legal decisions for them.

Probate

A legal procedure to confirm that a will is valid and can be acted on. It allows financial institutions and others to rely on the will as being the last will made by the deceased.

Public Guardian and Trustee

A public body established by law to protect the interests of British Columbians who lack legal capacity to protect their own interests.

Representation agreement

A legal document to authorize someone to assist an adult or act on their behalf for health and personal care matters. It can also cover routine financial and legal matters.

Residue

Whatever is left over in an estate after the executor pays all the debts and expenses and distributes any specific gifts.

Spouse

Person the will-maker was married to, or lived with in a marriage-like relationship for at least the two years prior to the will-maker's death.

Tenancy-in-common

A way property can be owned where each owner holds a separate and distinct interest in the property. When a tenant-in-common dies, their share of the property is included in their estate.

Trust

A form of possession of property in which a person (the trustee) holds property for the benefit of another person (the beneficiary).

Will

A legal document that gives instructions about who should receive the property of the will-maker after they die, and on what conditions.

Will-maker

A person who prepares and signs a will.



Preparing Your Will © People's Law School is, except for the images, licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International Licence.

Part 2: Dealing with Death

A Death in Your Family

Introduction

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.



Image via www.istock.com

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.



A Death in Your Family © People's Law School is, except for the images, licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International Licence.

Preparing for the Death of a Loved One

This information applies to British Columbia, Canada. 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 ^[1] 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 ^[2].

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 ^[3] 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 ^[4]. 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 ^[5] 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 ^[6] 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.



 *A Death in Your Family* © People's Law School is, except for the images, licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International Licence.

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

This information applies to British Columbia, Canada. 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 ^[4]”.

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 ^[1] oversees all aspects of organ donation and transplantation in BC. They administer the BC Organ Donor Registry ^[5].

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 ^[2].

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 ^[3] 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 ^[4]. 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^[3] 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"^[4] 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^[5]. 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^[6] 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** ^[6] 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 ^[7]. For copies of jury findings and verdicts from coroner's inquests, see the Coroners Service of BC website ^[7]. 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



Image via www.istockphoto.com

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?”^[8]

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.

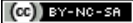
Most health plans do not pay for autopsies. Make sure you understand the charges ahead of time.

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 ^[9] — 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.

 *A Death in Your Family* © People's Law School is, except for the images, licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International Licence.

References

- [1] <http://transplant.bc.ca>
- [2] <http://cps.med.ubc.ca/bodyprogram/>
- [3] <https://www.consumerprotectionbc.ca/consumer-help/looking-for-a-private-transfer/>
- [4] <http://canlii.ca/t/84mx>
- [5] <https://gov.bc.ca/vitalstatistics>
- [6] <https://www2.gov.bc.ca/gov/content/life-events/death/death-certificates>
- [7] <https://www2.gov.bc.ca/gov/content/life-events/death/coroners-service>
- [8] <https://www.healthlinkbc.ca/health-topics/uz2102>
- [9] <https://www2.gov.bc.ca/gov/content/life-events/death/death-registration/certified-copies-and-certified-electronic-extracts-of-a-death-registration>

Making the Funeral Arrangements

This information applies to British Columbia, Canada. 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 ^[4] 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.



Image via www.istockphoto.com

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^[1]. 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 ^[2] 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 ^[3], 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.

 *A Death in Your Family* © People's Law School is, except for the images, licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International Licence.

References

[1] <http://www.lastpostfund.ca/EN/funeral.php>

[2] <http://www2.gov.bc.ca/gov/content/governments/policies-for-government/bcea-policy-and-procedure-manual/general-supplements-and-programs/funeral-costs>

[3] <https://www.consumerprotectionbc.ca>

Next Steps to Take After the Death

This information applies to British Columbia, Canada. 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 ^[1] 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 ^[2] received by the deceased
- cancel the deceased's passport and driver's licence ^[3]

Usually the executor or administrator of the estate will also send a change of address to Canada Post ^[4] 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 ^[5] 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 ^[6] 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 ^[7] 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.



Image via www.istockphoto.com

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 ^[8].
- **ICBC benefits:** If the death was due to a car accident, benefits are available from ICBC ^[9]. 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 ^[10]. 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 ^[11] 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 ^[12].

 A *Death in Your Family* © People’s Law School is, except for the images, licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International Licence.

References

- [1] <https://www2.gov.bc.ca/gov/content/life-events/death/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
- [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/>

Where to Get Help

This information applies to British Columbia, Canada. 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 ^[1]

bcbh.ca ^[2]

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 ^[3]

bcfunerals.com ^[4]

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 ^[5]

transplant.bc.ca ^[6]

Canada.ca

The section “Following a Death ^[6]” 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

canada.ca ^[7]

Consumer Protection BC

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

Toll-free: 1-888-564-9963

info@consumerprotectionbc.ca ^[8]

consumerprotectionbc.ca ^[9]

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 ^[10]

gov.bc.ca/coroners ^[11]

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 ^[12]

lastpostfund.ca ^[13]

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 ^[14]

memorialsocietybc.org ^[15]

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

notaries.bc.ca ^[16]

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

gov.bc.ca/vitalstatistics ^[17]

References

- [1] <mailto://contact@bcbh.ca>
- [2] <http://www.bcbh.ca/>
- [3] <mailto://info@bcfunerals.com>
- [4] <http://www.bcfunerals.com>
- [5] <mailto://info@bct.phsa.ca>
- [6] <https://www.canada.ca/en/employment-social-development/services/benefits/family/death.html>
- [7] <https://www.canada.ca/home.html>
- [8] <mailto://info@consumerprotectionbc.ca>
- [9] <https://www.consumerprotectionbc.ca/consumer-help/consumer-information-funeral-rights/>
- [10] <mailto://CoronerRequest@gov.bc.ca>
- [11] <https://gov.bc.ca/coroners>
- [12] <mailto://info@lastpost.ca>
- [13] <http://www.lastpostfund.ca/>
- [14] <mailto://mail@memorialsocietybc.org>
- [15] <https://memorialsocietybc.org/>
- [16] <http://www.notaries.bc.ca/home/index.rails>
- [17] <http://gov.bc.ca/vitalstatistics>

Glossary

This information applies to British Columbia, Canada. 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.



A Death in Your Family © People's Law School is, except for the images, licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International Licence.

Being an Executor

Introduction

Being an Executor is for people who have been appointed as executor in a will. It covers the steps involved in British Columbia in dealing with an estate after a person dies, including the procedure to probate the will. The information reflects the *Wills, Estates and Succession Act* ^[1], which became law in 2014.

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.


 *Being an Executor* © People's Law School is, except for the images, licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International Licence.



Image via www.istock.com

Being Asked to Be an Executor

This information applies to British Columbia, Canada. Last reviewed for legal accuracy by Stephen Hsia in March 2019.

An **executor** is the person named in a **will** to carry out the instructions in the will.

What the executor does

When the person who makes a will (the **will-maker**) dies, their property and possessions form their **estate**. The executor administers the estate by locating all of the will-maker's property, paying any debts, the funeral costs and taxes, and then distributing the rest of the estate according to the instructions in the will.

Being an executor can be a demanding job

Acting as an executor can be relatively easy if the estate is simple; for example, if the estate consists of a car, a house, some personal belongings, and a bank account. But the job of executor can become challenging for many reasons.

Your job as an executor may be more difficult if:

- there are many people named in the will to receive gifts of money or property,
- the will-maker has a lot of **assets** or **debts**,
- the will-maker owns a business,
- the will includes a **trust**, or
- the will is challenged by someone who feels they have not received a fair share.



Image via www.istockphoto.com

You don't have to act as executor

If someone asks you to be their executor and you don't want to do the job, you can say no.

And you still have the option to say no once a will-maker has died, even if you said yes to being executor while they were alive. If you haven't started dealing with any of the estate assets, you can decline — that is, **renounce** — your appointment as executor. You can do this by signing a form called a notice of renunciation. This form will need to be filed in court when someone applies for **probate** or administration.



“After my brother died, I found out that he had named me executor. I was honoured — but I’ll admit, it came as a surprise. I love my brother, but I didn’t want the job. I knew the whole process would be too difficult and stressful. For one thing, I’m 78 years old. And I live in a different province. So I signed a notice of renunciation form, and the alternate executor took over.”
— Brandon, Edmonton

If two people are named as co-executors, one of the co-executors can turn down the job. The co-executor who has decided not to act will still need to file the notice of renunciation form. Or one executor can apply for probate and the **grant of probate** can reserve the right of the others to apply later.

If you renounce, and a co-executor is not named in the will:

- The alternate executor can take over. This is someone named in a will in case the executor is unable (or unwilling) to act.
- If there is no alternate named in the will, someone will have to apply to court to become **administrator**. The process is similar to the process to probate the will. The administrator will need to deal with the estate in accordance with the will.

If you've already started dealing with estate assets, you are legally bound to continue

However, if you've already started dealing with any estate assets, you're legally bound to continue until you are **discharged** of your duties by court order.

Examples of dealing with an asset include paying debts or changing the insurance on a house. Doing these things is considered **intermeddling** with the estate, and you must continue administering the estate until the court discharges you of your responsibility.

If you decide to act as executor, you can get help

It takes time, energy, and careful attention to detail to be an executor. Many executors do the work themselves. However, you can get help from friends and family members.

You can also choose to hire a lawyer or an accountant to help you, particularly if the estate is complex in any way. The fees they charge are paid out of the estate, as long as the fees are reasonable.

Many executors hire a lawyer to guide them through the **probate** process. Typically, executors hire a lawyer to handle any **business interests** left behind by the will-maker. Most executors hire an accountant to prepare the tax returns; some hire an accountant to prepare the estate accounts.



Image via www.istockphoto.com

As executor, you're legally responsible for the estate

As the executor, it's your responsibility to make the decisions, watch over everything, and keep accurate records. Even if you get help from others, at the end of the day, **you are legally responsible for the estate**. If you don't do the job properly, you could be personally liable.

There are some expenses and fees you can claim

The executor can pay themselves back from the estate for any expenses they paid for while administering the estate. Examples of out-of-pocket expenses are search fees, photocopying, and postage.

An executor can claim a fee for their time and effort. Sometimes the will says what the executor's fee is. If the will doesn't set out a fee, the executor may take up to:

- 5% of the gross value of the estate,
- 5% of the income of the estate (money earned by estate property after the will-maker dies, such as rent), and
- 0.4% per year, based on the average value of the estate under management, for a care and management fee.

The amount that the court will allow an executor to claim depends on how much work was involved and whether the executor paid for professional help or did it on their own.

An executor who is named as a **beneficiary** in the will may claim a fee *in addition* to what the will gives them as a gift, unless the will says otherwise. Sometimes the will leaves the executor a special gift (such as jewelry, money, or real estate) for doing the job of executor. In such a case, the executor can claim a fee as well, but only if the will says so. The executor may prefer to take a gift rather than a fee because a fee is taxable but a gift under the will is not.

If there is more than one executor, the fee is split, but not always equally — it depends on who does the most work.

Often an executor doesn't accept a fee. This is common if the executor is a spouse, family member, or close friend of the will-maker.



"I was the executor of Mom's will. She'd distributed most of her things before she died, so it was quite a simple job. I didn't take a fee for being executor because it was for family and it didn't take up too much of my time. In the end, there actually wasn't enough money in Mom's estate to cover all of the gifts she'd made."

— Hayley, Comox Valley

There can be more than one executor

There may be more than one executor named in a will to act at the same time. If there is, the co-executors must act jointly. Neither is the "lead" executor. The co-executors have to agree on many things, from the selling price of the house to who will get the family photo albums.

If co-executors can't agree, they can't deal with the relevant asset. For example, if one executor wants to sell the house and the other disagrees, the house can't be sold. If co-executors have serious disagreements, they'll need to resolve the conflict by contacting a lawyer or going to court. If the administration of the estate stalls because the co-executors disagree, the beneficiaries may also go to court and seek removal of the executors for failing to act appropriately.

An executor's role ends when the court formally discharges them

In general, it can take about one year to complete the work of executor for a straightforward estate. This is commonly referred to as the "executor's year."

That said, there is no strict time when the responsibilities of the executor are finished. The executor remains responsible for looking after the estate, even after the estate property has been distributed to the beneficiaries under the will. If assets or debts turn up years later, the executor will still be legally responsible for dealing with them.




Image via www.istockphoto.com

An executor needs to go to court to pass their accounts and to be discharged as executor. Their role is only finished once this happens.

If you agree to being someone's executor

If you agree to act as an executor, make sure you have a current copy of the will. Keep it in a safe place where you can find it easily. And make sure you know where the *original* will is kept. Ask the will-maker to give you a list of all of their assets and debts. Down the road, your job will be easier if this list is kept up to date.

 *Being an Executor* © People's Law School is, except for the images, licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International Licence.

Ten Steps to Being an Executor

This information applies to British Columbia, Canada. Last reviewed for legal accuracy by Stephen Hsia in March 2019.

When the person who makes a will dies, their **executor** carries out the instructions in the will. Learn the main steps involved.

The executor's role, in a nutshell

When the will-maker dies, the executor's responsibilities include:

- safeguarding the property left behind,
- paying for the funeral arrangements,
- locating the property, also known as **assets** of the estate,
- paying any **debts** and taxes, and
- distributing what remains of the estate to the people named in the will (the **beneficiaries**).

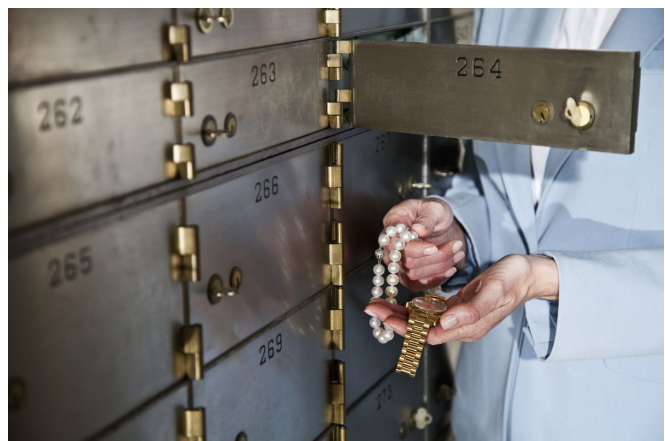


Image via www.istockphoto.com



The executor is bound to act for the good of the estate, even though they may also be a beneficiary. The executor must put the interests of the estate before their own personal interests. As a **trustee**, the executor is accountable to the beneficiaries. For example, as executor, you must keep records and give all beneficiaries a final statement of accounts.

Step 1. Find the will

The first step is to locate the will.

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

If you need to look in a **safety deposit box** for the original will, make an appointment with the bank. You'll need a key to the box, your own identification, and a copy of the death certificate. If you can't find the key, the bank may permit the box to be drilled open for a charge.

If the will is in the safety deposit box and names you as executor, the bank will let you take the will. With a bank representative, you must make a list of the contents of the box and leave the list in the box before you remove any contents. You'll need a copy of this list if you probate the will.

How to search the Wills Registry

If you still can't find the will, you can do a search of the Wills Registry ^[1] by submitting a completed application form and fee to the Vital Statistics Agency. If a lawyer isn't assisting you, you'll need to provide a copy of the death certificate. You'll be provided with a **certificate of wills search**. You'll need a copy of this certificate if the will needs to be probated.

See the Vital Statistics Agency website for the application form, the current fee, and instructions. Their contact information is:

Vital Statistics Agency

Victoria: 1-250-952-2681

Toll-free: 1-888-876-1633

Web: gov.bc.ca/vitalstatistics ^[17]

Getting a copy of the death certificate

Some outside parties may need you to produce a copy of the death certificate before they will deal with you. You can get a copy of the death certificate from the funeral services provider or order one from the Vital Statistics Agency. See the Vital Statistics Agency website ^[6] for the application form, the current fee, and instructions. If you want to deal with more than one institution at a time, you can order more than one death certificate.

After locating the will

Once the will is in your hands, you'll need to confirm:

- If there are instructions about the will-maker's wishes for organ donation, burial or cremation, and their funeral or memorial service.
 - Whether you need to probate the will. If so, you'll need the **original** will.
 - That the will you have is the most recent one. People can make multiple wills over their lifetime.
 - If you're named as the executor.
-

Step 2. Confirm the validity of the will

Once you're confident you have the original and most recent version of the will, you'll have to make sure it's valid. A will might be invalid if:

- **It was not properly signed or witnessed:** For example, a will must be signed at the end by the will-maker in front of two witnesses present at the same time.
- **The will-maker didn't have the legal capacity to make a will:** To make a will in BC, a person must be age 16 or over and mentally capable of making a will.
- **The will-maker was under duress or subject to undue influence:** A will or a gift in a will may be invalid if the will-maker was dominated by or dependent upon another person who persuaded the will-maker to leave them something in the will.



If you have concerns about the validity of the will, or a reasonable belief that a newer will exists, it's important to seek legal advice before taking any further steps with the estate. A court may be able to rectify — that is, correct or amend — certain flaws in a will.

Step 3. Protect the assets

As the executor, you're holding assets for the beneficiaries. So it's your responsibility to make sure the assets are safe and properly insured. For example:

- Search for cash, jewelry, securities, and other valuables. Arrange for their safekeeping.
- Lock up the deceased's residence, if no one's living in it. If it's vacant and not being supervised, tell the police.
- Check on the insurance of the home and any vehicles. Check the insurance expiry dates. If the deceased lived alone, check the vacancy provisions to ensure that the coverage continues — most home insurance is cancelled automatically if the home is vacant for more than 30 days.

There are other things you should do right away

Other steps you should take to protect the assets include:

- Notify financial institutions where the deceased held accounts on their death.
- Cancel any credit cards.
- Cancel any subscriptions and redirect mail to a safe location.
- Apply for Canada Pension Plan death benefits.
- If the deceased owned a business, arrange for its ongoing management.
- If the will includes a **trust**, take steps to ensure that the assets that form part of the trust are properly invested or kept in a safe place.



A **trust** is a part of the estate that is set aside in the will for a beneficiary, often a minor child, on certain terms. Many wills name the executor as the trustee as well. The trustee is responsible for:

- making sure that all of the trust assets are properly invested or kept in a safe place,
- filing annual trust tax returns, and
- making payments to the beneficiary of the trust as instructed by the will.

Step 4. Arrange the funeral

The executor is responsible for making funeral arrangements and paying the funeral expenses. There are many decisions you'll need to make, usually in a very short time period. For example:

- Will the deceased be buried or cremated?
- Where and when will the funeral or memorial be?
- Will you publish an obituary and service announcement?

People often leave instructions about what they want, either in their will or a letter. Try to honour the will-maker's wishes, when possible. And consult their relatives.

You should follow what the will says

Where the will sets out the will-maker's wishes for burial or cremation, those wishes are binding on the executor, unless they're unreasonable, impractical, or cause hardship. If you're not willing or able to give instructions on burial or cremation, the deceased's spouse may. If there's any question about what the will-maker wanted, the executor has the legal authority to decide.



Take the invoices for the funeral to the bank where the deceased kept an account. If there's enough money in the account, the bank will typically give you funds from that account to pay these expenses.

Step 5. Communicate with the beneficiaries

Once the funeral is over, family members and beneficiaries are often anxious to know about what happens next and when they will receive their inheritance.

Once you understand the terms of the will, it's important to communicate with the beneficiaries. Although you're not strictly required to hold a meeting with them, doing so allows you to:

- review the terms of the will and explain next steps,
- set expectations around timelines for administering the estate and distributing the assets,
- discuss your duties and liabilities as executor,
- request approval if you want to charge a fee,
- gather personal information from the beneficiaries (for example, their full name, address, and Social Insurance Number), and
- discuss how the personal assets (such as photo albums or household goods) will be divided.

Step 6. List the assets and liabilities

Making an inventory of the estate is one of your most significant tasks as executor. The inventory lists the estate assets and liabilities, valued **as at the date of death**.

Assets you may need to find include:

- **Bank accounts:** Contact the will-maker's bank or credit union to get a picture of the account balances, outstanding loans, and investments held by the deceased when they died. You may want to pool all of the money into one account to make it easier to deal with.
- **Life insurance:** Check if the deceased had any life insurance policies, including group insurance or other plans. If so, you're responsible for making any life insurance claims.
- **Wages and benefits:** Contact the will-maker's employer. You'll need to check if they still owe the deceased any income. Also, figure out if the spouse or family are entitled to any benefits arising out of the deceased's employment.

- **Government benefits:** Contact Canada Pension Plan and Old Age Security to cancel pension benefits. Determine whether the surviving spouse or children are eligible for survivor or continuing benefits.
- **Investments:** Locate all original investment certificates, stocks, or bonds, and obtain the market value as of the date of death.
- **Real estate:** List all real estate that the will-maker owned alone or with others. List any mortgages. Have appraisals done, as of the date of death, on any properties that were not jointly owned.
- **Personal possessions:** List any other assets, including cars, boats, household goods, jewelry, electronic equipment, collections such as coins or art, and other personal effects. Estimate values. Where you're not sure, get an appraisal.

Any letters you write to request this information will need to include proof of death and a copy of the will to prove your authority to act for the estate. If a third party refuses to give you information about estate assets, you might need to consult with a lawyer.



As executor, you're responsible to account for the estate assets. Keep **records and receipts** of any estate expenses paid and income received. Keep copies of all letters and forms you send.

Step 7. If necessary, apply for probate

As the executor, you may need to apply to court to **probate** the will. Probate is a legal process that confirms that the will is legally valid and can be acted on. Not all wills need to be probated.

If everything's in order, the court issues a **grant of probate**. This document allows other parties such as banks and the Land Title Office to be sure that you're someone who's authorized to deal with estate assets. See the section on "Probating the Will."

Probate might not be required for small estates

If the estate involves less than \$25,000, probate is not typically required. It's up to the organizations who hold the deceased's assets whether they'll transfer them to you without probate. Contact them to find out what they require.

Probate isn't required for assets passing outside of the will

Probate is only required for **estate** assets. Not all things owned by the will-maker form part of the estate. Certain types of assets "pass outside the will." This means you can transfer these assets to someone without a grant of probate (though you'll still need a copy of the death certificate).

Usually, **property owned jointly** by the will-maker and a joint owner automatically becomes the exclusive property of the joint owner. Common examples include a joint bank account or a house owned in **joint tenancy**. Joint tenancy is a way that property can be owned where each owner has the same interest in and an equal right to use the property — not to be confused with holding a property as tenants in common.

Certain assets where the will-maker **designated a beneficiary** will also pass outside the will. The beneficiary is entitled to receive the proceeds when the owner dies. Examples include a life insurance policy or a retirement benefit plan where the will-maker named a beneficiary. Many couples will hold all their assets through joint ownership or with beneficiary designations to avoid probate.

If the will-maker owned land

If the will-maker owned land other than in joint tenancy, then probate is required. The Land Title Office will require you to provide a grant of probate to transfer the land. This is so even if the will-maker's interest in land is less than the \$25,000 threshold.

Step 8. Deal with debts and taxes

Once you have the grant of probate (if probate is required) you'll be able to transfer the estate assets into your name as executor. Once you have access to the deceased's money, you can settle the deceased's debts and any expenses that you incur in the course of administering the estate. These include:

- the funeral expenses,
- any lawyer or accountant fees,
- any amounts owing relating to their home, including utilities or strata fees,
- the probate fees,
- municipal and income taxes owing, and
- all other claims as of the date of death.

You'll need to do this before you distribute any assets.



If the estate doesn't have enough money to pay its debts, it's important to get advice from a lawyer as soon as possible. You don't want to become **personally liable** for the debts.

Protect yourself from liability

If you don't pay the deceased's debts, including any taxes owed, before you distribute the estate, you could be on the hook for the deceased's debts.

To find out who the deceased owed money to, look in the deceased's records for evidence of mortgages, loans, and accounts with outstanding charges.

Depending on the circumstances, you may want to advertise for possible creditors. Advertising for creditors involves placing a notice in the *BC Gazette*, a government publication. A creditor will have 30 days after publication of the notice to come forward with a claim against the estate. After 30 days, you may distribute the estate and you won't be liable for any creditor claims that weren't raised.



As executor, you must notify a surviving spouse that he or she may have a right to the spousal home. If you transfer the home without providing proper notice, you may be liable.

Prepare and file income tax returns

As executor, you're responsible for filing income tax returns for the deceased and possibly for the estate:

- You must file a tax return for the deceased for the year of death.
- If the deceased didn't file a return for any year before the year of death and tax is payable, you'll need to file a tax return for the person for those prior years as well.
- If the estate earns any income before distribution to the beneficiaries, you'll need to file a tax return for the estate for each year after the date of death.
- If the will establishes a **trust**, you must file a tax return for the trust.

If the deceased had assets or income in another country, you may need to file a foreign income tax return as well.

After the income tax is reported, assessed and paid, apply for a **clearance certificate**. For your own protection, you should have this certificate before you begin to distribute the estate. For more information, see the Canada Revenue

Agency publication *Preparing Returns for Deceased Persons*, available at canada.ca/tax ^[1] or by calling 1-800-959-8281.

Step 9. Account to the beneficiaries

Before you distribute the estate, you must give the beneficiaries an accounting of your administration of the estate and they must agree with it.

Prepare a final statement of assets, debts, income, expenses, and distribution for the beneficiaries to approve. If they refuse to approve it, you will need to have the accounts reviewed by the court so that your administration is approved. This process is called the “**passing of accounts**.”

In the accounting, set out any executor’s fee you’re charging and any expenses you’re claiming. If the beneficiaries don’t agree with your proposed fee, you’ll need to get your accounts reviewed by a registrar of the court, who will set the fee.



You should **ask the beneficiaries to sign a release** when they approve your statement of accounts. In the release, the beneficiary agrees, in consideration for receiving their gift from the estate, not to make any claims against you related to your work as executor.

Step 10. Distribute the estate

Once you ensure that all debts, expenses, and taxes have been paid, that all claims against the estate have been satisfied, and that your accounts have been approved by the beneficiaries or the court, you can distribute the remainder of the estate.

If probate is required, the law says that you can’t distribute the estate until 210 days after probate is granted and no claim is made against the estate. If every person who has a potential claim on the estate signs a form saying they won’t challenge the will, you can go ahead and distribute sooner. There are certain people who can’t provide consent to early distribution, such as a minor child.

The will can be challenged by the deceased’s spouse or children

In general, the will-maker is free to leave their estate to whomever they want. However, the law requires that the will-maker adequately provide for their spouse and children through the will. A spouse or child can apply to court for a share of the estate that is fair in the circumstances.

A spouse includes a common-law spouse. This is a person the will-maker lived with in a marriage-like relationship for at least the two years prior to their death.

The process of distribution


Estate assets are transferred first to the executor, and then to the beneficiary. These steps are often done at the same time. The Land Title Office has the forms for transferring **real estate**. Autoplan handles transfers of **motor vehicles**.

First, distribute any **specific gifts** of money or property. Sometimes the will-maker attaches a separate list with the will that says who should receive particular items. That list may or may not be binding on the executor, depending on what the will says and the form of the separate list.

If any cash and belongings remain after you distribute the specific gifts, divide what remains — known as the **residue** — as the will says. For example, the will may say to distribute the residue equally amongst the will-maker’s children. If the will doesn’t have a residue clause, you must distribute the residue as if there was no will. This is called “intestacy.” If this situation occurs, it’s best to seek legal advice.

A witness may be able to receive a gift

Check if anyone receiving a gift under the will is a witness. They *may* be able to inherit under a will. The witness has to apply to court and show that the will-maker intended to make the gift *even though* the beneficiary was a witness. If the court isn't satisfied, the gift to the witness is void. Either way, the remainder of the will won't be affected.

 *Being an Executor* © People's Law School is, except for the images, licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International Licence.

References

[1] <http://canada.ca/tax>

Probating the Will

This information applies to British Columbia, Canada. Last reviewed for legal accuracy by Stephen Hsia in March 2019.

The executor of a will may need to apply to the court to **probate** the will in order to distribute the estate. If everything is in order, the court issues a **grant of probate**. The executor can then show a notarized copy of the grant of probate to banks and other asset holders, confirming that the executor has the authority to act for the estate.

The probate procedure

The probate procedure involves several steps and considerable attention to detail. Many documents must be filed with the probate registry of the Supreme Court of BC.

The timeframe for the probate registry to approve probate applications varies, but generally the review process takes two to three months.

If your application is rejected, the registry staff will tell you the reason. You can correct the problem and re-apply. Once you're granted probate, you can proceed with the remaining steps to administer the estate.



Image via www.istockphoto.com

You must notify certain people that you intend to apply for probate

To provide notice, complete a copy of the court form P1, notice of proposed application in relation to estate. (For the probate court forms, see the BC government website ^[1]). Together with a copy of the will, mail or deliver the court form to:

- Each person named in the will as executor or alternate executor.
- Each beneficiary named in the will.
- The will-maker's spouse and children (because they are entitled to challenge the will under the *Wills, Estates and Succession Act* ^[1]).
- Each person who would be entitled to a share in the estate if there had been no will. The *Wills, Estates and Succession Act* ^[2] lists the people who are entitled to a share in an estate if someone dies without a will.
- If *any* of the people you're required to send notice to above is a minor or mentally incapable adult, you need to send notice to the **Public Guardian and Trustee**.

You must deliver this notice at least 21 days before submitting the probate application to court.



"My wife Eileen named me as executor in her will. She left her estate to me and our children. The only other gift was a ring to her sister Zara. I was confused about whether I had to send her brother Francis notice of the probate application. My lawyer explained that if Eileen had died without a will, under the law, only the kids and I would have been entitled to the estate. So I didn't have to send Francis notice, even though he was still alive when Eileen died."

– John, Port Moody

You need to file probate documents with the registry

A typical probate application will include these documents, which you must file with the probate registry:

- **A submission for estate grant (Form P2):** This form gives details about your application for probate.
- **An affidavit of the applicant (Form P3 or P4):** This form identifies you and your relationship to the will-maker.
- **Affidavits of delivery (Form P9):** These affidavits confirm that notice of the application was delivered to everyone who you had to give notice to.
- **An affidavit of assets and liabilities (Form P10 or P11):** This form sets out all the will-maker's estate assets and liabilities.
- **The originally signed version of the will.** If the original doesn't exist, you can file a copy of the will. You'll also need to file evidence that supports that it's a copy of the valid will. The court may or may not accept the copy as the last valid will of the deceased.
- **Two copies of a certificate of wills search,** and any accompanying wills notices, obtained by doing a search of the Wills Registry.
- **Payment of the court filing fee:** Currently \$200, unless the estate has a value of less than \$25,000, in which case there is no fee payable.



You can download the court forms required for probating a will from the Ministry of Justice website at gov.bc.ca/court-forms ^[3].

Additional documents will be required to deal with: issues relating to the will, dispensing with notice, the executor renouncing their executorship, and various other unusual applications.

To find the probate registry closest to you, contact Enquiry BC:

Lower Mainland: 604-660-2421

Toll-free: 1-800-663-7867



If there's nothing to list under one of the headings on a form, write nil or none. Blank spaces may suggest that information is missing. This is one of the main reasons forms are rejected.

Signing the probate forms

When you sign a probate form, it means you're swearing or affirming that the information you're providing in the document is true. You'll need to sign *some* of the probate forms in front of a lawyer, notary public, or a commissioner for taking affidavits. All court registries have a commissioner for taking affidavits, and some community groups do as well.

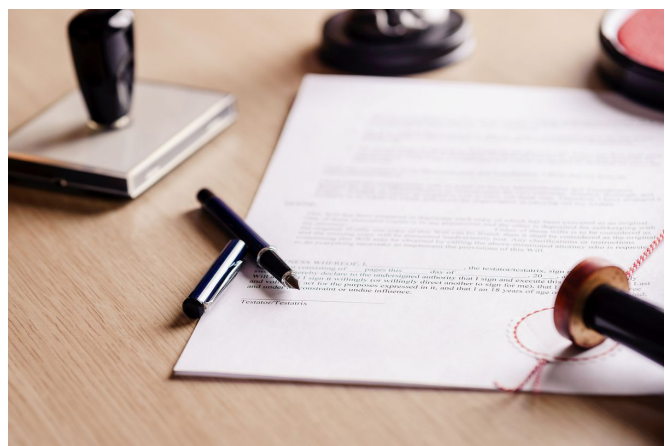


Image via www.istockphoto.com

Listing assets and liabilities

The affidavit of assets and liabilities includes a statement that has three parts:

- **Real property (Part I):** List the will-maker's home and any other land or investment properties.
- **Personal property (Part II):** List the will-maker's personal property, such as cash, jewelry, furniture, vehicle, and the Canada Pension Plan death benefit.
- **Liabilities (Part III):** List any debts or amounts owing. Don't list any expenses incurred *after* the deceased died, such as funeral expenses or lawyer's fees.

Don't list assets that are owned jointly (such as a house owned in joint tenancy) or that name a specific beneficiary, such as a life insurance policy.

Parts I and II ask the **value of the assets at death**. Provide a value, or if the asset has no value, put "nil."

If you can't get information about all of the deceased's assets you can still apply for probate. However, you should disclose as much information on the the affidavit of assets and liabilities as possible. There's a form (Form P18) you can file with the court to compel third parties to give you information about estate assets (for example, the balance of a bank account). Consider speaking to a lawyer who can help you obtain estate information. As you find new assets, you'll need to prepare a new affidavit and pay further probate fees based on their value.




To help determine the market value of the person's home, refer to BC Assessment's property assessment information at bcassessment.ca ^[4].

Probate fees are based on the gross value of the estate

Once the application is reviewed, the probate registry will assess the **probate fees** payable. Probate fees are based on the gross value of the estate assets that were located in British Columbia when the will-maker died. This is the value of estate assets before subtracting debts.

Estate value	Probate fee
\$0 to \$25,000	none
For the first \$25,000 to \$50,000	\$6 for every \$1,000 (or part of \$1,000)
For any part of the value \$50,000 or more	\$14 for every \$1,000 (or part of \$1,000)

For example, if the gross value of an estate is \$125,000, the probate fees will be \$1,200. This fee is in addition to the court filing fee of \$200.

 *Being an Executor* © People's Law School is, except for the images, licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International Licence.

References

- [1] <https://www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/probate-forms>
- [2] https://www.canlii.org/en/bc/laws/stat/sbc-2009-c-13/latest/sbc-2009-c-13.html#sec20_smooth
- [3] <http://gov.bc.ca/court-forms>
- [4] <http://bcassessment.ca>

Where to Get Help

This information applies to British Columbia, Canada. Last reviewed for legal accuracy by Stephen Hsia in March 2019.

Access Pro Bono

Volunteer lawyers provide free legal advice to qualifying people who cannot obtain legal aid or afford a lawyer.

Lower Mainland: 604-878-7400

Toll-free: 1-877-762-6664

accessprobono.ca ^[1]

Canada Revenue Agency

The publication *Preparing Returns for Deceased Persons* ^[1] provides information and forms for those filing tax returns for a deceased person.

Toll-free: 1-800-959-8281

canada.ca/tax ^[2]

Clicklaw

Online resource offers one-stop access to legal information, education, and help for British Columbians from trusted organizations. Select the topic “Wills & Estates.”

clicklaw.bc.ca ^[3]

Lawyer Referral Service

Service offering referrals to lawyers who can provide a half-hour consultation for \$25.

Lower Mainland: 604-687-3221

Toll-free: 1-800-663-1919

Public Guardian and Trustee of BC

This public body may manage estates, for a fee, when the executor isn't able or willing to do so, or when someone dies without a will.

700 - 808 West Hastings Street

Vancouver, BC V6C 3L3


Lower Mainland: 604-660-4444

trustee.bc.ca ^[1]

Self Counsel Press

Publisher of do-it-yourself guides on legal topics, including the *British Columbia Probate Kit*, which includes the forms required for probate and a step-by-step explanation of the process.

self-counsel.com ^[7]

 *Being an Executor* © People's Law School is, except for the images, licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International Licence.

References

[1] <http://www.cra-arc.gc.ca/E/pub/tg/t4011>

[2] <http://www.canada.ca/tax>

Glossary

This information applies to British Columbia, Canada. Last reviewed for legal accuracy by Stephen Hsia in January 2019.

Administrator

A person appointed by the court to deal with an estate where the executor is unable or unwilling to act, or there is no valid will.

Assets

Anything a person owns that has value. Assets can include things such as money, land, investments, and personal belongings such as jewelry, furniture, and investments.

Beneficiary

A person who is to receive money or property in a will, benefit plan, or insurance policy.

Debts

Money that a person owes. For example, a credit card balance, a car loan, or a mortgage.

Estate

All of the property and belongings a person owns upon their death, with some exceptions. The estate does not include property owned with someone else jointly (such as a joint bank account) or property that has a designated beneficiary (such as an insurance policy).

Executor

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

Grant of probate

A document issued by the court in a probate application certifying that the will submitted by the executor is legally valid and can be acted on.

Intermeddle

To interfere in the affairs of others. In the context of an estate, to deal with the assets or liabilities of the deceased.

Joint tenancy

A way that property can be owned where each owner has the same interest in and an equal right to use the property. Usually, when one joint tenant dies, their share automatically passes to the other joint tenants.

Probate

A legal procedure to confirm that a will is valid and can be acted on. It allows financial institutions and others to rely on the will as being the last will made by the deceased.

Public Guardian and Trustee

A public body established by law to protect the interests of British Columbians who lack legal capacity to protect their own interests.

Renounce

To decline an appointment as executor.

Residue

Whatever is left over in an estate after the executor pays all the debts and expenses and distributes any specific gifts.

Trust

A form of possession of property in which a person (the trustee) holds property for the benefit of another person (the beneficiary).

Will

A legal document that gives instructions about who should receive the property of the will-maker after they die, and on what conditions.

Will-maker

A person who prepares and signs a will.

Article Sources and Contributors

Introduction to this Collection *Source:* https://wiki.clicklaw.bc.ca/index.php?title=Introduction_to_Wills_and_Estates_Collection *Contributors:* Drew Jackson, Elena Renderos

Introduction *Source:* https://wiki.clicklaw.bc.ca/index.php?title=Introduction_to_Power_of_Attorney *Contributors:* Admin, Drew Jackson, Elena Renderos, Marisa Chandler

Why Make a Power of Attorney *Source:* https://wiki.clicklaw.bc.ca/index.php?title=Why_Make_a_Power_of_Attorney *Contributors:* Drew Jackson, Elena Renderos

Enduring Powers of Attorney *Source:* https://wiki.clicklaw.bc.ca/index.php?title=Enduring_Powers_of_Attorney *Contributors:* Admin, Drew Jackson, Elena Renderos, Marisa Chandler

Making a Power of Attorney *Source:* https://wiki.clicklaw.bc.ca/index.php?title=Making_a_Power_of_Attorney *Contributors:* Admin, Daniel Lindenberger, Drew Jackson, Elena Renderos, Marisa Chandler

Ending a Power of Attorney *Source:* https://wiki.clicklaw.bc.ca/index.php?title=Ending_a_Power_of_Attorney *Contributors:* Admin, Drew Jackson, Elena Renderos, Marisa Chandler

Where to Get Help *Source:* https://wiki.clicklaw.bc.ca/index.php?title=Where_to_Get_Help_for_Power_of_Attorney *Contributors:* Admin, Drew Jackson, Elena Renderos, Marisa Chandler

Glossary *Source:* https://wiki.clicklaw.bc.ca/index.php?title=Glossary_for_Power_of_Attorney *Contributors:* Admin, Drew Jackson, Elena Renderos, Marisa Chandler

Introduction *Source:* https://wiki.clicklaw.bc.ca/index.php?title=Introduction_to_Writing_Your_Will *Contributors:* Drew, Drew Jackson, Elena Renderos, Marisa Chandler, Nate Russell

What Is a Will? *Source:* https://wiki.clicklaw.bc.ca/index.php?title=What_Is_a_Will%3F *Contributors:* Drew Jackson, Elena Renderos

Making Your Will *Source:* https://wiki.clicklaw.bc.ca/index.php?title=Making_Your_Will *Contributors:* Drew Jackson, Elena Renderos

Appointing an Executor *Source:* https://wiki.clicklaw.bc.ca/index.php?title=Appointing_an_Executor *Contributors:* Admin, Drew Jackson, Elena Renderos, Marisa Chandler

After Making Your Will *Source:* https://wiki.clicklaw.bc.ca/index.php?title=After_Making_Your_Will *Contributors:* Drew Jackson, Elena Renderos

Where to Get Help *Source:* https://wiki.clicklaw.bc.ca/index.php?title=Where_to_Get_Help_with_Writing_Your_Will *Contributors:* Drew Jackson, Elena Renderos, Marisa Chandler

Glossary *Source:* https://wiki.clicklaw.bc.ca/index.php?title=Glossary_for_Writing_Your_Will *Contributors:* Drew Jackson, Elena Renderos, Marisa Chandler

Introduction *Source:* https://wiki.clicklaw.bc.ca/index.php?title=Introduction_to_A_Death_in_Your_Family *Contributors:* Drew Jackson, Elena Renderos

Preparing for the Death of a Loved One *Source:* https://wiki.clicklaw.bc.ca/index.php?title=Preparing_for_the_Death_of_a_Loved_One *Contributors:* Drew Jackson, Elena Renderos

Immediately After Someone Dies *Source:* https://wiki.clicklaw.bc.ca/index.php?title=Immediately_After_Someone_Dies *Contributors:* Drew, Drew Jackson, Elena Renderos, Nate Russell

Making the Funeral Arrangements *Source:* https://wiki.clicklaw.bc.ca/index.php?title=Making_the_Funeral_Arrangements *Contributors:* Drew, Drew Jackson, Elena Renderos

Next Steps to Take After the Death *Source:* https://wiki.clicklaw.bc.ca/index.php?title=Next_Steps_to_Take_After_the_Death *Contributors:* Desy Wahyuni, Drew Jackson, Elena Renderos

Where to Get Help *Source:* https://wiki.clicklaw.bc.ca/index.php?title=Where_to_Get_Help_for_A_Death_in_Your_Family *Contributors:* Drew Jackson, Elena Renderos

Glossary *Source:* https://wiki.clicklaw.bc.ca/index.php?title=Glossary_for_A_Death_in_Your_Family *Contributors:* Drew, Drew Jackson, Elena Renderos, Nate Russell

Introduction *Source:* https://wiki.clicklaw.bc.ca/index.php?title=Introduction_to_Being_an_Executor *Contributors:* Admin, Drew Jackson, Marisa Chandler

Being Asked to Be an Executor *Source:* https://wiki.clicklaw.bc.ca/index.php?title=Being_Asked_to_Be_an_Executor *Contributors:* Drew Jackson, Elena Renderos

Ten Steps to Being an Executor *Source:* https://wiki.clicklaw.bc.ca/index.php?title=Ten_Steps_to_Being_an_Executor *Contributors:* Admin, Drew, Drew Jackson, Elena Renderos, Marisa Chandler

Probating the Will *Source:* https://wiki.clicklaw.bc.ca/index.php?title=Probating_the_Will *Contributors:* Admin, Drew Jackson, Elena Renderos, Marisa Chandler

Where to Get Help *Source:* https://wiki.clicklaw.bc.ca/index.php?title=Where_to_Get_Help_for_Being_an_Executor *Contributors:* Admin, Drew Jackson, Elena Renderos, Marisa Chandler

Glossary *Source:* https://wiki.clicklaw.bc.ca/index.php?title=Glossary_for_Being_an_Executor *Contributors:* Admin, Drew Jackson, Elena Renderos, Marisa Chandler

Image Sources, Licenses and Contributors

File:Wills and Estates Collection cover image.jpg *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:Wills_and_Estates_Collection_cover_image.jpg *License:* unknown *Contributors:* Drew Jackson, Elena Renderos

File:Creativecommonssmall.png *Source:* <https://wiki.clicklaw.bc.ca/index.php?title=File:Creativecommonssmall.png> *License:* unknown *Contributors:* Drew Jackson

image:Low-Helen-Lawyer-Vancouver-Litigation.jpg *Source:* <https://wiki.clicklaw.bc.ca/index.php?title=File:Low-Helen-Lawyer-Vancouver-Litigation.jpg> *License:* unknown *Contributors:* Drew Jackson, Elena Renderos

image:KevinSmith.jpg *Source:* <https://wiki.clicklaw.bc.ca/index.php?title=File:KevinSmith.jpg> *License:* unknown *Contributors:* Drew Jackson

image:Fm_van_bautista_n_w.jpg *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:Fm_van_bautista_n_w.jpg *License:* unknown *Contributors:* Drew Jackson, Elena Renderos

File:PLS-logo-black-notagline.jpg *Source:* <https://wiki.clicklaw.bc.ca/index.php?title=File:PLS-logo-black-notagline.jpg> *License:* unknown *Contributors:* Drew Jackson

File:Power of Attorney cover image.jpg *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:Power_of_Attorney_cover_image.jpg *License:* unknown *Contributors:* Admin, Drew Jackson, Elena Renderos, Marisa Chandler, Nate Russell

File:Peopleslawschoollogo.png *Source:* <https://wiki.clicklaw.bc.ca/index.php?title=File:Peopleslawschoollogo.png> *License:* unknown *Contributors:* Drew Jackson, Elena Renderos

File:Tip_v3.jpg *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:Tip_v3.jpg *License:* unknown *Contributors:* Elena Renderos

File:Power_of_Attorney_-_Akira.jpg *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:Power_of_Attorney_-_Akira.jpg *License:* unknown *Contributors:* Elena Renderos

File:Power_of_Attorney_-_Walter.jpg *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:Power_of_Attorney_-_Walter.jpg *License:* unknown *Contributors:* Elena Renderos

File:Power_of_Attorney_-_Anita.jpg *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:Power_of_Attorney_-_Anita.jpg *License:* unknown *Contributors:* Elena Renderos

File:Power_of_Attorney_-_Patrice.png *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:Power_of_Attorney_-_Patrice.png *License:* unknown *Contributors:* Elena Renderos

File:Preparing Your Will cover image.jpg *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:Preparing_Your_Will_cover_image.jpg *License:* unknown *Contributors:* Admin, Drew Jackson, Elena Renderos, Marisa Chandler, Nate Russell

File:Preparing Your Will - Maria.png *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:Preparing_Your_Will_-_Maria.png *License:* unknown *Contributors:* Elena Renderos

File:Preparing Your Will - Janet.jpg *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:Preparing_Your_Will_-_Janet.jpg *License:* unknown *Contributors:* Elena Renderos

File:Headshot - Wills and Estates - Lin - 2017-03-16.jpg *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:Headshot_-_Wills_and_Estates_-_Lin_-_2017-03-16.jpg *License:* unknown *Contributors:* Elena Renderos

File:Headshot - Wills and Estates - Paolo - 2017-03-16 - Web.png *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:Headshot_-_Wills_and_Estates_-_Paolo_-_2017-03-16_-_Web.png *License:* unknown *Contributors:* Elena Renderos

File:Preparing Your Will - Image 1.jpg *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:Preparing_Your_Will_-_Image_1.jpg *License:* unknown *Contributors:* Elena Renderos

File:A Death in Your Family cover image.jpg *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:A_Death_in_Your_Family_cover_image.jpg *License:* unknown *Contributors:* Drew Jackson, Elena Renderos, Marisa Chandler, Nate Russell

File:A Death in Your Family contents1.png *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:A_Death_in_Your_Family_contents1.png *License:* unknown *Contributors:* Elena Renderos

File:A Death in Your Family contents2.png *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:A_Death_in_Your_Family_contents2.png *License:* unknown *Contributors:* Elena Renderos

File:A Death in Your Family contents3.png *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:A_Death_in_Your_Family_contents3.png *License:* unknown *Contributors:* Elena Renderos

File:Headshot - A Death in Your Family - Mavis - 2017-03-16.jpg *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:Headshot_-_A_Death_in_Your_Family_-_Mavis_-_2017-03-16.jpg *License:* unknown *Contributors:* Elena Renderos

File:A Death in Your Family contents4.png *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:A_Death_in_Your_Family_contents4.png *License:* unknown *Contributors:* Elena Renderos

File:Being an Executor cover image.jpg *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:Being_an_Executor_cover_image.jpg *License:* unknown *Contributors:* Admin, Drew Jackson, Elena Renderos, Marisa Chandler, Nate Russell

File:Being an Executor - Contents1.jpg *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:Being_an_Executor_-_Contents1.jpg *License:* unknown *Contributors:* Elena Renderos

File:Being an Executor - Brandon.png *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:Being_an_Executor_-_Brandon.png *License:* unknown *Contributors:* Elena Renderos

File:Being an Executor - Contents2.jpg *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:Being_an_Executor_-_Contents2.jpg *License:* unknown *Contributors:* Elena Renderos

File:Being an Executor - Hayley.png *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:Being_an_Executor_-_Hayley.png *License:* unknown *Contributors:* Elena Renderos

File:Being an Executor - Contents3.jpg *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:Being_an_Executor_-_Contents3.jpg *License:* unknown *Contributors:* Elena Renderos

File:Being an Executor - Contents4.jpg *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:Being_an_Executor_-_Contents4.jpg *License:* unknown *Contributors:* Elena Renderos

File:Being an Executor - Contents5.jpg *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:Being_an_Executor_-_Contents5.jpg *License:* unknown *Contributors:* Elena Renderos

File:Being an Executor - John.png *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:Being_an_Executor_-_John.png *License:* unknown *Contributors:* Elena Renderos

File:Being an Executor - Contents6.jpg *Source:* https://wiki.clicklaw.bc.ca/index.php?title=File:Being_an_Executor_-_Contents6.jpg *License:* unknown *Contributors:* Elena Renderos