An Executor's Checklist

We know that while it is an honour to be selected as an Executor, it can be overwhelming, especially when also dealing with the loss of a loved one. We have identified a number of steps that Executors will likely encounter when completing their duties and we share these in an effort to help educate, and prevent problems before they arise. For website links, phone numbers, and additional information, visit https://www.fultonco.com/2021/03/checklist-for-executors/.

1. Arrange Funeral and Obtain Death Certificates

Consider ordering at least 3 original Death Certificates, which can be ordered through the funeral home.

2. Notify the following of Death:

- **Canada Revenue Agency - income tax, GST/HST benefits, child tax benefits, etc.** Notify CRA of the date of death ASAP - send them a copy of the death certificate with a copy of the Will, showing that you are the legal representative.
- **Canada Pension Plan (CPP) & Old Age Security (OAS).** If the deceased was receiving pensions, disability benefits or survivor benefits, these must be canceled. Benefits are payable for the month in which the death occurs; benefits paid after that will have to be repaid.
- **Service Canada – Social Insurance Number.** Advise of the death to reduce the possibility of someone else using the deceased's SIN. You will still be able to use the SIN for estate purposes.
- **Medical Services Plan (BC).** Contact to cancel MSP coverage.
- **Passport Canada.** Mail in the deceased's passport to Government of Canada Passport program. Include a copy of the death certificate with a letter indicating if the cancelled passport should be returned or securely destroyed.
- **Veteran's Affairs.** Cancel any veteran's benefits by contacting Service Canada.
- **Driver's Licence.** Cancel by phoning a local ICBC Driver Licensing Office.
- **Senior's Supplement or disability benefits.** Cancel by contacting Service Canada.
- **Extended medical and pension plan.** Contact to determine eligibility for continue benefit coverage for dependents.
- **Bank accounts.** Contact financial institutions to remove the deceased's name from joint accounts and convert sole accounts in the name of the Estate and inventory safe deposit box.
- **Life Insurance companies.** Advise of death, and request claim forms and confirmation of benefits.
- **RRSP / RIF accounts.** Advise of death and arrange for transmission to successor.
- **Post office.** Notify post office and redirect mail to executor's address.
- **Vehicle insurance.** Cancel and obtain storage insurance by telephoning AutoPlan or the insurance broker.
- **Property Insurance.** Obtain 'vacancy' insurance, if appropriate.
- **Credit Cards.** Contact credit card companies to cancel credit cards (and halt interest accruing if possible).
- **Phone and Utility companies.** Notify to change name on account and modify/cancel services if appropriate.

3. Tax Returns.

As executor (the "personal representative" of the deceased), you are responsible for filing a return for the deceased for the year of death. This return is called the T1 Final return. You also have to file any returns for previous years that the deceased person did not file. You must also file a T3 Trust Income Tax and Information Return, for income that the estate earned after the date of death, and for any trust created by the Will. In all cases you are well advised to

obtain a Clearance Certificate from CRA before making a final distribution of estate assets.

4. Probate the Will/obtain Grant of Administration (no Will)

Probating an estate may or may not be necessary, depending on the nature of assets the deceased held at death. The probate process involves obtaining an Administration Grant (i.e. the Grant of Probate) recognizing the person appointed in the Will as the executor, or, in cases where there is no Will, appointing a person as Administrator of the estate. Executors and Administrators are now referred to as "Personal Representatives".

After the Grant has been obtained, the Personal Representatives may call in (sell) estate assets, pay debts (including testamentary expenses, income tax and executor fees), pay legacies (gifts) and distribute assets to the beneficiaries of the Will (or according to the inheritance rules of the Province of British Columbia, in cases where there is no Will).

Lawyers frequently offer assistance to Personal Representative with the following estate administration tasks:

• drafting and filing the court documents necessary to obtain the Grant of Probate or Administration;

• selling land or removing deceased's name from title to land where there is a surviving joint tenant;

• advertising for creditors;

• determining validity of claims against the Estate;

• preparing financial statements and obtaining approval by the beneficiaries; and

• obtaining Releases signed by the beneficiaries releasing the executor of Administrator from liability.

Executors are personally liable to the beneficiaries for their dealings with the estate.

Regardless of how diligent or competent the Personal Representative is, estate law is complex. Particularly if the estate involves blended families, estranged children, multiple beneficiaries, unusual or multiple assets, business interests, complex taxation issues, foreign property or beneficiaries, or minor beneficiaries, executors are well advised to retain an estate lawyer to advise them of the complexities and the law. The legal fees are paid for by the estate and the lawyer's assistance can streamline the process and provide assurances to the executor and beneficiaries that the estate is being handled in a proper, legal and efficient manner.

If you have questions about the probate process, for help determining whether probate will be needed, or help determining whether you should hire an estates lawyer, contact us to arrange a consultation with an estates lawyer - we're here to help.

Questions? Contact a member of our experienced Estate Team:
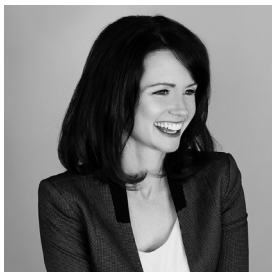
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