

Estate Administration

FACT SHEET

This fact sheet explains the role that the Office of the Public Guardian and Trustee can play in estate administration.

The Public Guardian and Trustee may administer the estate of a Yukon resident who died with no known next of kin. The Public Guardian and Trustee may take on this role when a deceased person dies testate (with a will) without naming an executor, or intestate (without a will). The authority of the Public Guardian and Trustee to act in this capacity is set out in Part 5 of the *Estate Administration Act*.

The Public Guardian and Trustee's authorities may also arise under a variety of Yukon legislation including the:

- *Child and Family Services Act*;
- *Dependents Relief Act*;
- *Presumption of Death Act*;
- *Retirement Plan Beneficiaries Act*;
- *Trustee Act*; and the
- *Wills Act*.

The Public Guardian and Trustee is entitled to a fee for acting as the administrator of an estate and for settling the affairs of the estate. Fees are set out in the Public Guardian and Trustee Regulation (Order-in-Council 2005/83). This is a regulation under section 25 of the *Public Guardian and Trustee Act* (the Act makes up Schedule C to the *Decision Making, Support and Protection to Adults Act*).

The Public Guardian and Trustee should be seen as a last resort to administer an estate, particularly when a deceased person has a spouse, child, relative or close friend who is capable of acting as the administrator of the estate.

Although the task of acting as an administrator will take time, great care and attention to detail, the Office of the Public Guardian and Trustee can provide information on getting started. The office has information for the public about the protection and administration of estates of deceased persons.

FOR MORE INFORMATION, CONTACT

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