Estate Information: Will (Testate) or No Will (Intestate)

FACT SHEET

Immediate Information:

- If there is a will, the executor can make arrangements as stated in the will. If there is no will, someone needs to make the arrangements for the funeral or cremation. The most important thing is to make the funeral or cremation arrangements, as other matters relating to the administration of the estate can wait a few days. (Funeral homes are listed in the Yellow Pages under "Funeral Homes & Directors.")
- If there are sufficient funds in the deceased's bank account, the funeral/cremation invoice may be presented to the bank for payment to the funeral home.
- If there are insufficient funds, contact Social Assistance, Client Services who may pay for an inexpensive funeral. This will be placed as a claim against the estate and will need to be repaid from the estate at a later date.
- Funeral expenses paid for by any third party can be claimed against the estate for repayment at a later date.
- You may want to contact your lawyer to obtain legal advice. You can also speak with a lawyer for a half-hour consultation for a minimal fee by contacting the Law Society Lawyer Referral Service at 867-668-4231. You can also speak to the Law Line at 867-668-5297 or toll free at 1-866-667-4305. Please note that the Law Line only provides legal information and does not give legal advice.

Additional Information:

- Canada Pension Plan Benefit forms are available at the Canada Revenue Agency office (at 300 Main Street, Elijah Smith Building) or online at:
  http://www.servicecanada.gc.ca/cgi-bin/search/eforms/index.cgi?ln=eng&app=list&group=CPP&ln=eng.
- CPP Death Benefit: there can be a one-time payment of up to $2,500.00.
- CPP Survivors Benefits can be paid monthly to the surviving spouse of the deceased.
- CPP Children's Benefits can be paid monthly for children of the deceased under 18, or to children age 18 to 25 if they are attending school.
- If the deceased was a senior and collecting Canada Pension, Old Age Security or Yukon Seniors Income Supplement, the estate is entitled to receive the pension for the month of death only.
- If the deceased was a First Nation elder, they may have been collecting an Elders Benefit. Contact their First Nation to determine if they were receiving this benefit.
- If the deceased had not yet applied for Canada Pension, contact Canada Pension at 1-800-277-9914 or online at http://www.servicecanada.gc.ca/eng/isp/cpp/cpptoc.shtml to find out what documents are required.

Other Matters to Consider:

- Obtain a Certificate of Death from Vital Statistics, Government of Yukon at 867-667-5207 (toll-free from within Yukon at 1-800-661-0408 extension 5207).
- Check with the deceased's employer and past employers. There may be benefits that the spouse, children or the estate of the deceased may be entitled to receive.

- If the deceased was a member of a labour union, there may be benefits available to survivors.
- Did the deceased have an RRSP, RIF or life insurance? If so, check for a named beneficiary.
- Determine if any mortgages, personal lines of credit, credit cards, vehicle loans or any other loans were life insured with a financial institution, and provide a notarized copy of the Certificate of Death. Check with the financial institution and the Land Titles Office to confirm that the discharge of mortgage was completed and registered.
- If the deceased lived alone and owned property or assets, you should contact the following:
  - Yukon Electrical Company or Yukon Energy
  - Fuel delivery company
  - Insurance company for insurance on any houses, vehicles, boats, snowmobiles, etc.
- If the deceased had a spouse and they owned property or assets jointly, you may want to:
  - Take the Certificate of Death to the insurance company and have any house and vehicle insurance changed into the survivor's name
  - Take the Certificate of Death and proof of insurance to the Motor Vehicles office to have vehicle registration changed into the spouse's name
  - Check with Land Titles to see what other information or documents they may require to transfer titled property to the spouse.
- If the person died without a will, the administrator will need to wait one year before the estate can be distributed.
- In order to transfer assets of an estate to another person, you may need a Bill of Sale.
- You may want to use the same accountant or business that prepared the deceased's taxes as the following income tax returns must be filed on behalf of the deceased:
  - T1 - for the year of death and any previous years for which tax returns were not filed
  - T3 - for the year of death
  - T3 - for any consecutive years that income is received by the estate.
- Upon conclusion of an estate, a Certificate of Clearance should be requested from Canada Revenue Agency.

Resources and Contacts:

- Legislation - *Estate Administration Act*: http://www.publicguardianandtrustee.gov.yk.ca
- Yukon Public Law Library: http://www.justice.gov.yk.ca/prog/cs/library
- Canada Pension Plan: http://www.servicecanada.gc.ca/eng/sc/cpp/
- Canada Revenue Agency: http://www.cra-arc.gc.ca
- Supreme Court of Yukon (for forms): http://www.yukoncourts.ca/courts/supreme.html

FOR MORE INFORMATION, CONTACT

THE OFFICE OF THE PUBLIC GUARDIAN AND TRUSTEE

address: Andrew A. Philipsen Law Centre, 3rd Floor, 2134 Second Ave, Whitehorse

mail: Box 2703 (J-2B) Whitehorse, Yukon Y1A 2C6

phone: 867-667-5366

outside of Whitehorse (toll free) 1-800-661-0408 ext. 5366

e-mail: publicguardianandtrustee@gov.yk.ca

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