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ANNOTATED ONTARIO ESTATES STATUTES

Schnurr

Release No. 4, November 2025

The *Annotated Ontario Estates Statutes* is a comprehensive reference that brings together, in a single loose-leaf volume, easy access to the legislation and case law critical to the practice of estates law in Ontario. The text includes complete annotations of estates-related legislative provisions, and section-by-section commentary written by a leading practitioner in estates law.

What's New in this Update

This release features updates to Chapter 11—Family Law Act, Chapter 18—Rules of Civil Procedure, Chapter 20—Substitute Decisions Act, 1992, Chapter 21—Succession Law Reform Act and Appendix WPJ—Words and Phrases.

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Highlights

Chapter 20—Substitute Decisions Act, 1992—§ 20:98—Section 79 Order for Assessment—Carol signed power of attorney documents in favour of Bob, her common law spouse, in 2017. In 2024, Carol signed power of attorney documents in favour of her two siblings. The validity of the 2024 power of attorney documents was contested by Bob, among other claims. Section 3 counsel advised that Carol did not wish to be assessed for capacity. Nevertheless, the court was concerned about Carol's capacity and alleged influence in Carol's instructions to s. 3 counsel by Bob. The court, on its own motion, ordered that an Order issue under s. 79 of the *Substitute Decisions Act*, requiring Carol to submit to an assessment of her capacity to manage her personal care and her property, and the ability to instruct counsel... The capacity assessment would put an end to these arguments.

Scott v. Wilson, 2025 ONSC 2981, 2025 CarswellOnt 7613 (Ont. S.C.J.[Estates List])