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<p>COMPENSATION & DUTIES OF ESTATE TRUSTEES, GUARDIANS & ATTORNEYS Jennifer J. Jenkins Release No. 3, December 2023</p>
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What’s New in this Update:

This release features updates in Chapters 6, 9, 16, 17, 18, 19, 20, 25.

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Highlights:

- **Chapter 6 Procedure to Pass Accounts**
Ontario's Court of Appeal in *Benjamin Cochrane Trust* dismissed appeals from a 14-day passing of accounts trial. The trial judge was shown deference as no errors were found. When passing accounts, Justice Dietrich, in *Doherty*, declared *inter vivos* gifts invalid. The alleged gifts created joint and several liability under the doctrine of "knowing receipt". Third parties became liable to repay estate funds.
- **Chapter 9 Personal Representative Misconduct: Impact on Compensation**
In *Winkworth*, the compensation tariff and five-factor analysis was accepted. Executors' compensation was reduced by half for wasted time and expenses.
- **Chapter 16 Will Challenges**
Ontario's Court of Appeal confirmed a will was valid but policy considerations affected cost awards in *Di Nunzio*. In *Lortie*, a will was found valid although subscribing witnesses did not sign the attestation page. Substantial compliance in s. 21.1 of the *Succession Law Reform Act*, R.S.O. 1990 was used by Justice Myers in *Vojska* to validate a will.
- **Chapter 17 Statutory Estate Remedies – Ontario's Family Law Act and Succession Law Reform Act**
The Divisional Court affirmed the decision in *Bolte*. In *Shafman*, an adult child who was left inadequate income in his mother's will was found to be a dependant for Part V relief under the *Succession Law Reform Act*, R.S.O. 1990.
- **Chapter 18 Common Law Equitable Remedies – Resulting and Constructive Trusts, Unjust Enrichment and More**
In *Grady*, Ontario's Court of Appeal confirmed testamentary dispositions did not sever a joint tenancy. In *Sentillmohan*, the Court of Appeal held that merely filing an execution did not sever a joint tenancy.
- **Chapter 20 Discharge and Removal of Personal Representatives and Trustees**
In *Di Santo*, the Court of Appeal affirmed the application judge's decision to remove trustees.

ProView Developments

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- The opening page is now the title page of the book as you would see in the print work
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- The Table of Cases and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable
- Footnote text only appears in ProView-generated PDFs of entire sections and pages