

## INDEX

*This index references section and regulation numbers under each of the included statutes. The reference is preceded by the appropriate acronym for each statute, as follows: Absentees Act — AbA; Accumulations Act — AA; Administration of Justice Act — AJA; Age of Majority and Accountability Act — AMAA; Aliens' Real Property Act — ARPA; Apportionment Act — ApA; Canada Pension Plan — CPP; Charities Accounting Act — CAA; Children's Law Reform Act — CLRA; Conveyancing and Law of Property Act — CLPA; Crown Administration of Estates Act — CAEA; Declarations of Death Act, 2002 — DDA; Escheats Act, 2015 — EscA; Estate Administration Tax Act, 1998 — EATA; Estates Act — EA; Estates Administration Act — EAA; Evidence Act — EvA; Family Law Act — FLA; Fraudulent Conveyances Act — FCA; Funeral, Burial and Cremation Services Act, 2002 — FBCA; Funeral Directors and Establishments Act — FDEA; Health Care Consent Act, 1996 — HCCA; Income Tax Act — ITA; Insurance Act — IA; Land Titles Act — LTA; Limitations Act, 2002 — LimA; Loan and Trust Corporations Act — LTCA; Marriage Act — MA; Mental Health Act — MHA; Old Age Security Act — OASA; Pension Benefits Act — PBA; Perpetuities Act — PA; Powers of Attorney Act — PAA; Public Guardian and Trustee Act — PGTA; Real Property Limitations Act — RPLA; Registry Act — RA; Residential Tenancies Act, 2006 — RTA; Settled Estates Act — SEA; Substitute Decisions Act, 1992 — SDA; Succession Law Reform Act — SLRA; Trillium Gift of Life Network Act — TGLNA; Trust Beneficiaries' Liability Act, 2004 — TBLA; Trustee Act — TA; Variation of Trusts Act — VTA; Vital Statistics Act — VSA; Workplace Safety and Insurance Act, 1997 — WSIA; Rules of Civil Procedure — R.*

### A

#### **Absentee**

- “absentee” defined, ABA, s. 1
- administration of estate of absentee, ABA, s. 4
- appeal from order, ABA, s. 2(3)
- application, who may make, ABA, s. 2(2)
- committee
- • appointment of, ABA, s. 4, 5
- • expending money out of estate, ABA, s. 7
- • powers and duties, ABA, s. 6
- declaration by court, ABA, s. 2(1)

- • application for court order, ABA, s. 2(2)
- foreign lands in Ontario, ABA, s. 8
- order declaring person no longer absentee, ABA, s. 3

#### **Accountant**

- defined, R. 72.01

**Accounts**, *see* Estates Generally; Passing of Accounts

#### **Accumulations**

- age of majority and, AMAA, s. 8
- debts of grantor or portions for children, AA, s. 2
- employee benefit trusts, AA, s. 3
- • “spouse” defined, AA, s. 3(2)

## Index

### Accumulations (*cont'd*)

- maximum accumulation periods, AA, s. 1
- • previous acts not affected, AA, s. 1(3)
- • purchase of land, accumulations for, AA, s. 1(5)
- where accumulations directed contrary to, AA, s. 1(6)

### Action

- account by personal representative, TA, s. 39
- age of majority and, AMAA, s. 11
- estates, FLA, s. 7(2)
- letters of administration, and, EA, s. 28
- limitation, TA, s. 38(3), *see also* Limitation
- person having power to sue, EA, s. 30

### Administration

- defined, EA, s. 1
- fees, *see also* Estate Administration Tax
- • when payable, EATA, s. 2(1); R. 74.13
- grant of
- • administrator only able to sue, EA, s. 30
- • to whom, EA, s. 29
- perpetuity, and, TA, s. 65
- proceedings for
- • availability, R. 65.01
- • reference directed, where, R. 65.02
- taxes, *see also* Estate Administration Tax
- • when payable, EATA, s. 2(1); R. 74.13

### Administrators, *see also* Personal Representative

- actions
- • against, TA, s. 38(2)
- • brought by, TA, s. 38(1)

- appointment
- • fraudulent, TA, s. 47(3)
- duties pursuant to Act, TA, s. 45
- liabilities, TA, s. 45
- • leases, TA, s. 51(1)
- powers, EAA, s. 17(1), (3)

### Admission to care facilities, *see also* Consent and Capacity Board; Health Care Consent

- admission not to be authorized, where, HCCA, s. 46
- • crisis exception, HCCA, s. 46(4)
- ancillary decisions, HCCA, s. 44
- applications to Consent and Capacity Board, HCCA, ss. 50–54.1
- • application for appointment of representative, HCCA, s. 51(1)
- • • application by proposed representative, HCCA, s. 51(2)
- • • appointment, HCCA, s. 51(5), (6)
- • • exception, HCCA, s. 51(3)
- • • parties, HCCA, s. 51(4)
- • application for directions, HCCA, s. 52(1)
- • • directions, HCCA, s. 52(3)
- • • notice to substitute decision-maker, HCCA, s. 52(1.1)
- • • parties, HCCA, s. 52(2)
- • application to depart from wishes, HCCA, s. 53(1)
- • • criteria for permission, HCCA, s. 53(3)
- • • notice to substitute decision-maker, HCCA, s. 53(1.1)
- • • parties, HCCA, s. 53(3)
- • application to determine compliance regarding incapable persons, HCCA, s. 54(1)
- • • deemed not authorized, HCCA, s. 54(6)
- • • directions, HCCA, s. 37(4)
- • • parties, HCCA, s. 54(2)

## Index

- Admission to care facilities (*cont'd*)
    - PGT, HCCA, s. 54(7)
    - power of board, HCCA, s. 54(3)
    - subsequent substitute decision-maker, HCCA, s. 54(6.1)–(6.3)
      - application for directions, HCCA, s. 54(6.2)
      - inconsistent directions, HCCA, s. 54(6.3)
        - PGT, HCCA, s. 54(7)
    - time for compliance, HCCA, s. 54(5)
    - deemed application concerning capacity, HCCA, s. 54.1
    - consent on incapable person's behalf, HCCA, ss. 40–45
      - ancillary decisions, HCCA, s. 44
      - information required to make decision, HCCA, s. 43
      - opinion of board or court governing, HCCA, s. 40(2)
      - principles for giving or refusing consent, HCCA, s. 42
        - best interests, HCCA, s. 42(2)
      - who giving or refusing consent, determining, HCCA, s. 41
    - withdrawal of consent, HCCA, s. 45
    - crisis admission, HCCA, s. 47(1)
      - authorization without consent, HCCA, s. 47
      - consent to be obtained, HCCA, s. 47(2)
        - definitions, HCCA, s. 39
          - “care facility” defined, HCCA, s. 2(1)
        - distinct from ALC patient admission, HCCA, s. 47(4)
        - exception, HCCA, s. 47(3)
      - incapacity, HCCA, s. 47.1
      - liability, protection from, HCCA, s. 48
        - apparently valid consent to admission, HCCA, s. 48(1)
        - apparently valid refusal of admission, HCCA, s. 48(2)
        - crisis admission, HCCA, s. 48(3)
        - person making decision on another's behalf, HCCA, s. 49
        - reliance on assertion, HCCA, s. 48(4)
      - principles applicable, substitute decision-maker, HCCA, s. 42
      - substitute decision-maker, HCCA, ss. 40–45
- Advancement**
- children, EAA, s. 25
- Affidavits**
- use of, EAA, s. 28
- Age of Majority and Accountability**
- accumulations, AMAA, s. 8
  - age of majority, AMAA, s. 1
  - attaining, AMAA, s. 1
  - computing age, AMAA, s. 5
  - deeds, existing, AMAA, s. 7
  - defences, and, AMAA, s. 11
  - existing wills, AMAA, s. 6
  - federal legislation, references in, AMAA, s. 4
  - interpretation, AMAA, s. 3
  - “minor” and similar expressions, references to, AMAA, s. 3
  - perpetuities, and, AMAA, s. 9
  - persons under 18 described as minors, AMAA, s. 10
  - rights of action and, AMAA, s. 11
- Aliens**
- real estate
    - intestacy, ARPA, s. 2
    - powers, ARPA, s. 1
- Allowance**
- amount payable, TA, s. 61
  - barrister, TA, s. 61(4)
  - estate not before court, TA, s. 61(2)
  - fixed, TA, s. 61(5)
  - guardians, TA, s. 61(3)

## Index

### Allowance (*cont'd*)

- personal representative, TA, s. 61

### Appeal

- estate, claims against, EA, s. 45(6), (7)
- estates administration, EA, s. 10
- life insurance, *see* Life Insurance
- right of, EA, s. 10(1)
- right of persons interested, EA, s. 10(2), (3)
- support order, SLRA, s. 76

### Application

- defined, IA, s. 171
- dependants' relief, SLRA, ss. 58, 60
- guardian
  - court appointed, SDA, ss. 22, 55(1)
- notice of application, R. 14.05

### Archivist of Ontario

- wills and codicils, R. 74.02(8)

### Assessor

- defined, SDA, s. 1(1)

### Assign

- defined, TA, s. 1

### Assistance, Orders for, *see also* Court Rules

- citation of persons interested where will proven in solemn form, EA, s. 23
- citation to prove will or renounce, EA, ss. 24, 25; R. 74.15(1)(a), (b)
  - consequences of failure to appear, EA, s. 25
- kinds of orders, R. 74.15(1)(a)–(i)
  - notice of motion, R. 74.15(2)
  - examination, R. 74.15(4)
  - service, R. 74.15(3)

### Attending Physician

- defined, MHA, s. 1(1)

### Attorney for Personal Care, *see also* Power of Attorney

- defined, HCCA, s. 2

## B

### Beneficiaries, *see also* Canada Pension Plan (CPP)

- defined, IA, s. 171
- designation of, SLRA, ss. 50–54
  - electronic signature, SLRA, s. 51(1.1)
- trust, of, liability, limit on, TBLA, s. 1(1)

### Best Interests

- child of, *see* Custody, Access and Guardianship
- guardian's duty, SDA, s. 66(4)
- substitute decision-maker's duty, HCCA, ss. 21(2), 42(2), 59(2)

### Bonds, R. 74.11, Forms 74.32, 74.33

- administration, EA, s. 34
- assignment of, EA, s. 38
- cancellation of, EA, s. 43

### Breach of Trust

- trustees, TA, ss. 34, 35

## C

### Canada Pension Plan (CPP)

- age
  - deemed, CPP, s. 2(2)
  - determining, CPP, s. 87; Reg. 385, ss. 47–51
- application for benefits, CPP, s. 60
  - application by estate, CPP, ss. 60, 63(3), (8), 63.1(2)
  - application deemed to be received on date of death, CPP, s. 60(5)
  - application for post-retirement benefit, when deemed to be made, CPP, s. 60(1.1)
  - application for retirement pension waived, CPP, s. 60(1.2), (1.3)
  - approval of application, CPP, s. 60(2)–(2.2), (7)
  - benefits payable to estate or other person, CPP, s. 60(4)

## Index

- Canada Pension Plan (CPP) (*cont'd*)
  - considerations and approval, CPP, s. 60(7)
  - exception, CPP, s. 60(3)
  - how application made, CPP, s. 60(6)
  - incapacity of applicant, CPP, s. 60(8)–(11)
  - benefits payable, CPP, s. 44(1)
    - calculation in case of other supplementary benefits, CPP, s. 44(3)
    - death benefit, CPP, s. 44(1)(c), (3)
    - disability pension, CPP, s. 44(1)(b), (2)
    - disabled contributor’s child’s benefit, CPP, s. 44(1)(e), (2)
    - minimum qualifying period, CPP, s. 44(2), (2.1), (3), (4)
    - orphan’s benefit, CPP, s. 44(1)(f), (3)
    - post-retirement benefit, CPP, s. 44(1)(g), (h), (4)
    - retirement pension, CPP, s. 44(1)(a)
    - survivor’s pension, CPP, s. 44(1)(d), (3)
  - death benefit, CPP, ss. 44(1)(c), 44.1, 71; Reg. 385, s. 64
    - payable to estate, CPP, s. 71(1)
      - exceptions, CPP, s. 71(2)
    - payment to other than estates, CPP, Reg. 385, s. 64
  - death of beneficiary, CPP, s. 63(7)–(7.1); Reg. 385, s. 57
  - definitions, CPP, ss. 2(1), 42(1)
    - “child” of contributor, CPP, s. 42(1)
      - maintenance of child, CPP, Reg. 385, s. 65.1
    - “common-law partner”, CPP, s. 2(1)
    - “contributor”, CPP, s. 2(1)
    - “dependent child”, CPP, s. 42(1)
    - “disabled contributor’s child”, CPP, s. 42(1)
    - “orphan”, CPP, s. 42(1)
    - “representative”, CPP, s. 2(1)
  - “survivor”, CPP, s. 42(1)
  - “survivor with dependent children”, CPP, s. 42(1)
  - disability pension, CPP, ss. 44(1)(b), 69, 70
    - calculation of minimum qualifying period, CPP, s. 44(2)
    - commencement of pension, CPP, s. 69
    - payment of benefits, CPP, ss. 69, 70
    - pension ceasing to be payable, when, CPP, s. 70(1)
    - reinstatement, CPP, s. 70.1(1)
      - application of provisions, CPP, s. 70.1(7)
      - commencement of payments, CPP, s. 70.1(10)
      - consideration and approval of request, CPP, s. 70.1(3)
      - notification of decision, CPP, s. 70.1(5)
      - request for reinstatement, CPP, s. 70.1(2)
    - retirement pension deemed to have been made, CPP, s. 70(2), (3)
  - disabled contributor’s child’s benefit, CPP, s. 44(1)(e), (2)
    - payment of benefits, CPP, ss. 60(3), 74–76
    - reinstatement of benefit, CPP, s. 70.1(4), (6), (8), (10)
      - application of provisions, CPP, s. 70.1(7)
      - commencement of payments, CPP, s. 70.1(10)
      - notification of decision, CPP, s. 70.1(6)
  - information and evidence required to be furnished by applicant or beneficiary, CPP, s. 60(12), Reg. 385, s. 52
  - eligibility of applicant for benefit, Reg. 385, s. 52
  - legal representatives and other, Reg. 385, s. 12

## Index

- Canada Pension Plan (CPP) (*cont'd*)
- orphan's benefit or disabled contributor's child's benefit, CPP, ss. 44(1)(f), (3), 44.1, 74–76
  - benefit ceasing to be payable, CPP, s. 76
  - census information, CPP, s. 87
  - commencement of payment of benefit, CPP, s. 74(2)
  - no benefit in respect of more than two contributors, CPP, s. 74(3)
  - “parent”, meaning of, CPP, s. 74(3.1)
  - payment of benefit, CPP, s. 75
  - persons by whom application able to be made, CPP, s. 74(1)
  - payment of benefits to persons on behalf of beneficiaries, CPP, Reg. 385, s. 55
  - payment of benefits unpaid at death, CPP, Reg. 385, s. 57
  - presumption as to death, CPP, s. 88
  - where person appearing, CPP, s. 88(2)
  - representatives
    - definitions, CPP, ss. 2(1), Reg. 385, s. 37(1)
    - information returns and, CPP, Reg. 385, s. 12
  - return of benefit where recipient not entitled, CPP, s. 66; Reg. 385, s. 42
    - charge on land, CPP, s. 66(2.6)
    - debt due to Crown, CPP, s. 66(2.8)
    - garnishment, CPP, s. 66(2.7)
    - judgment, CPP, s. 66(2.3), (2.4)
    - recovery of amount of payment, CPP, s. 66(2)
    - set-off, CPP, s. 66(2.1)
  - survivor's pension, CPP, ss. 44(1)(d), 44.1, 63, 72
    - application for survivor's pension, CPP, s. 63(3), (8)
    - calculation of basic amount, CPP, s. 63(5), (10)
    - calculation of minimum qualifying period, CPP, s. 44(3)
    - commencement of pension, CPP, s. 72
    - death within one year of marriage, CPP, s. 63(7), (7.1)
    - duration of payment, CPP, s. 73
    - former spouse, payment to, CPP, s. 63(4), (9)
    - only one survivor's pension payable, CPP, s. 63(6)
    - spouse remarrying before survivor's pension payable, CPP, s. 63(1)
      - application for commencement or reinstatement of survivor's pension, CPP, s. 63.1(2)
      - basic monthly amount, CPP, s. 63.1(4)
      - commencement of survivor's pension, CPP, s. 63.1(3)
      - discontinuance of survivor's pension, CPP, s. 63(2)
      - exception, CPP, s. 63.1(1)
- Capable**, *see also* Health Care Consent; Mental Health; Power of Attorney
- assessment of right to refuse, SDA, s. 78, O. Reg. 460/05 generally
  - continuing education courses, SDA O. Reg. 460/05, s. 5
  - enforcement of order, SDA, s. 81
  - forms, SDA O. Reg. 460/05, s. 7
  - guidelines for conducting assessments, SDA O. Reg. 460/05, s. 3
  - minimum annual number of assessments, SDA O. Reg. 460/05, s. 6
  - order for enforcement of assessment order, SDA, s. 81
  - persons qualified to do assessments of capacity, SDA O. Reg. 460/05, s. 2
  - qualifying course, SDA O. Reg. 460/05, s. 4

## Index

- Capable (*cont'd*)
- request for, SDA, s. 16(1)
  - restraining order against obstructing, SDA, s. 80
  - counsel for person whose capacity in issue, SDA, s. 3
  - legal fees, responsibility for, SDA, s. 3(2)
  - defined, HCCA, s. 4(1)
  - presumption of, SDA, s. 2; HCCA, s. 4(2), (3)
  - refusal, right of, SDA, s. 78(1)
- Care Facility**
- defined, HCCA, s. 2
- Cautions, see also Land Transfers**
- affidavit, caution supported by, LTA, s. 131
  - caution preventing dealing, LTA, s. 129(1)
    - application to delete caution, LTA, s. 129(3)
    - consent of cautioner not required, when, LTA, s. 129(5)
    - deletion from register, LTA, s. 129(7)
    - notice of caution, LTA, s. 129(2)
    - part of land, where caution against, LTA, s. 129(6)
  - caution preventing vesting of real estate where registered within 3 years, EAA, s. 9, 9(1), (2), Form 1
    - effect of caution, EAA, s. 9(3)
    - registration after 3 years from testator's death, EAA, s. 11
      - effect of such registration, EAA, s. 11(3)
    - renewal of caution, EAA, s. 9(6)
    - repealing enactment, effect of, EAA, s. 12
    - vacating caution, EAA, s. 13
    - withdrawal of caution, EAA, s. 9(4), (5), Form 2
    - verification, EAA, s. 9(5), Form 3
  - deletion of, LTA, s. 129(7)
  - liability where caution improperly registered, LTA, s. 132
  - limit of effect of caution, LTA, s. 133
  - person beneficially entitled entered as owner without reference to debts, LTA, s. 125
  - registration of caution, LTA, s. 128, O. Reg. 430/11, s. 13(1)
    - caution by registered owner, LTA, s. 128(2)
    - expiry of caution, LTA, s. 128(4)
    - person interested under lease not entitled to register caution, LTA, s. 128(3)
  - second caution, LTA, s. 130
  - withdrawal of, LTA, s. 129(7), O. Reg. 430/11, s. 13(2)
- Caveat**
- filed with Estate Registrar, EA, s. 21
  - notice of, EA, s. 22
- Certificate of Continuance, see Mental Health**
- Certificate of Incapacity, see Mental Health**
- Charities**
- application of *Charities Accounting Act*, CAA, ss. 11, 12
  - approval of acts of executors and trustees, CAA O. Reg. 4/01, ss. 1–3
  - approval of specified acts, CAA O. Reg. 4/01, s. 1
  - authorization to indemnify executor or trustee, CAA O. Reg. 4/01, s. 2
  - authorization to pay, CAA O. Reg. 4/01, s. 2.1
  - combining property held for restricted or special purposes, CAA O. Reg. 4/01, s. 3
  - records to be maintained, CAA O. Reg. 4/01, s. 3(5), (6)

## Index

### Charities (*cont'd*)

- auditing accounts as to charitable legacies or grants, CAA, s. 3
- breach of trust, CAA, s. 10
  - application for order re carrying out trust, CAA, s. 10(1)
  - investigation by Public Guardian and Trustee, CAA, s. 10(3)
  - notice to Public Guardian and Trustee, CAA, s. 10(2)
  - powers of Public Guardian and Trustee, CAA, s. 10(4)
- “charitable property” defined, CAA, s. 5.1(5)
- charitable purposes, CAA, ss. 7–10
  - breach of trust, CAA, s. 10
  - definition of “charitable purposes”, CAA, s. 7
  - limitation, CAA, s. 8
  - public bodies able to receive property for charitable purposes, CAA, s. 9(1)
  - agreement re administration, CAA, s. 9(2)
- collection of funds from public, CAA, s. 6
  - audit, order for, CAA, s. 6(7)
  - complaint re, CAA, s. 6
  - form of complaint, CAA, s. 6(2)
  - investigation, CAA, s. 6(3)–(6)
  - powers of Public Guardian and Trustee, CAA, s. 6(4)
- combining property held for restricted or special purposes, CAA, O. Reg. 4/01, s. 3
- consent orders and judgments in charitable matters, CAA, s. 13
- court application where executor or trustee in default, CAA, s. 4
- donations to
  - application to court, CAA, ss. 2(3), 4
  - audit of accounts, CAA, s. 3
  - income tax and, ITA, s. 118.1
  - information required, CAA, ss. 2, 4.1
  - notice of property given or vested, CAA, s. 1
  - information to be furnished to Public Guardian and Trustee, CAA, s. 2
  - “land”
    - held for charitable purpose, CAA, s. 8
  - notice of action to set aside will to be served on Public Guardian and Trustee, CAA, s. 5(4)
  - notice of property given or vested, CAA, s. 1
    - contents of notice, CAA, s. 1(5)
    - copy of will or other instrument, CAA, s. 1(6)
    - time for giving notice, CAA, s. 1(3)
  - regulations, CAA, ss. 5(1), (2), 5.1
  - limitations, CAA, s. 5.1(2)
  - records to be maintained, CAA, O. Reg. 4/01, s. 3(5), (6)
  - social investment, CAA, ss. 10.2–10.4
  - *Trustee Act* provisions, application of, CAA, s. 10.1
  - trustees for charities, TA, ss. 14, 15
    - exercise of powers in favour of charities, TA, s. 14
    - power to order sale in proper cases, TA, s. 15

### Child Support

- Canada Pension Plan and, CPP Reg. 385, s. 65.1
- Child Support Guidelines
  - award different from guideline amount, FLA, ss. 33(12)–(14), 37(2.3)–(2.5)
  - child support award to apply, FLA, s. 33(11)
  - consent award, FLA, ss. 33(14), 37(2.5)
  - defined, FLA, s. 1(1)
  - domestic contracts, application to, FLA, s. 56(1.1)



## Index

### Child Support (*cont'd*)

- • paternity agreements, FLA, ss. 56(1.1), 59(1.1)
- • • variation within meaning of, FLA, s. 37(2.1), (2.2)
- combined award, variation of, FLA, s. 39(2)
- exception, FLA, s. 37(2.3)
- priority over spousal support, FLA, s. 38.1
- provisional orders, FLA, s. 44

### Children, *see also* Custody, Access and Guardianship

- blood, DNA tests, CLRA, s. 17.2
- confidentiality, CLRA, s. 17.3
- court statement, CLRA, s. 17.4
- documents, CLRA, s. 17.5
- evidence, admissibility of, CLRA, s. 17.1
- extra-provincial declaratory orders, CLRA, s. 16
- parentage, CLRA, ss. 1–2
  - • definitions, CLRA, s. 1
  - • rules of construction, CLRA, s. 2
- registrar, duties of, CLRA, s. 17.6
- rules of parentage, CLRA, ss. 4–15
  - • birth parent, CLRA, s. 6
  - • birth parent's spouse, CLRA, s. 8
  - • child of parents, CLRA, s. 4
  - • declaration of parentage, CLRA, ss. 13, 15
  - • new evidence, CLRA, s. 14
  - • other biological parent, CLRA, s. 7
  - • posthumous conception, CLRA, s. 12
  - • pre-conception parentage agreement, CLRA, s. 9
  - • reproductive material, CLRA, s. 5
  - • surrogacy, CLRA, ss. 6(2), 10, 11
  - • surname, change of, CLRA, s. 17

### Children's Lawyer

- temporary appointment, EAA, s. 27

### Citation Orders, *see* Assistance, Orders for

### Claims Against Estate, *see also* Estates Generally

- contestation of claims against estate, EA, s. 44
- contestation of unliquidated claims, notice of, EA, s. 45
- form of, R. 75.08(2), Form 75.14
- notice of contestation of claim, R. 75.08(1), Form 75.13
- service, R. 75.08(3)
- trial date, R. 75.08(4)
- trial manner, R. 75.08(5)

### Codicil

- access to, R. 74.02(5), (6), Form 74.2
- delivery to estate trustee, R. 74.02(7)
- deposit for safekeeping, R. 74.02
- notice to estate registrar, R. 74.02(4), Form 74.1

### Cohabit

- defined, FLA, s. 1(1); SLRA, s. 57

### Compensation

- guardian, for, SDA, s. 40, O. Reg. 26/95, s. 1
- power of attorney, for, SDA, s. 40, O. Reg. 26/95, s. 1

### Conflict of Laws, FLA, s. 15

### Consent and Capacity Board, *see also* Health Care Consent; Mental Health

- appeal, HCCA, s. 80
  - • extension of time, HCCA, s. 80(7)
  - • factums, HCCA, s. 80(5), (6)
  - • notice to board, HCCA, s. 80(3)
  - • powers of court on appeal, HCCA, s. 80(10)
  - • time for filing notice of appeal, HCCA, s. 80(2)
- application hearings, HCCA, s. 75
- • board fixing time and place of hearing, HCCA, s. 75(1)

## Index

- Consent and Capacity Board (*cont'd*)
  - • decision, HCCA, s. 75(3)
  - • hearing to begin within seven days, HCCA, s. 75(2)
  - • method of sending decision and reasons, HCCA, s. 75(6)
  - • • “business day” defined, HCCA, s. 75(9)
  - • • deemed day of receipt, HCCA, s. 75(7)
  - • • • exception, HCCA, s. 75(8)
  - • reasons for decision, HCCA, s. 75(4)
  - • • notice of right to request reasons, HCCA, s. 75(5)
  - appointment of representative, HCCA, ss. 33, 51, 66
  - board generally, HCCA, s. 70
  - • composition, HCCA, s. 70(2)
  - • remuneration and expenses, HCCA, s. 70(4)
  - board members, HCCA, s. 73
  - • assignment of members to deal with applications, HCCA, s. 73(1)
  - • decision of board, HCCA, s. 73(4)
  - • panel proceedings, HCCA, s. 73(3)
  - • qualifications of member sitting alone, HCCA, s. 73(2)
  - chair and vice-chairs, HCCA, s. 71
  - communication re subject matter of hearing, HCCA, s. 77
  - counsel for incapable person, HCCA, s. 81(1)
  - • child in secure treatment program, HCCA, s. 81(3)
  - • legal fees, responsibility for, HCCA, s. 81(2)
  - departure from wishes of incapable person, HCCA, ss. 36, 53, 68
  - • criteria for permission, HCCA, ss. 36(3), 53(3), 68(3)
  - directions, application for, HCCA, ss. 35, 52, 67
  - disqualification of member, HCCA, s. 74
  - documents, HCCA, s. 76
  - evidence, release of, HCCA, s. 79
  - examination of documents, HCCA, s. 76
  - • health record, HCCA, s. 76(2)
  - immunity from civil liability, HCCA, s. 71.1
  - members participating in decision, HCCA, s. 78
  - review of place of treatment decision, HCCA, s. 34
  - staff, HCCA, s. 72
- Consent to Treatment**, *see* Health Care Consent; treatment
- Contingent Right**
  - defined, TA, s. 1
- Contract**
  - defined, TA, s. 1
- Controlled-Access Residence**
  - defined, SDA, s. 1(1)
- Convention on Form of International Will**, SLRA, s. 42
- Convey**
  - defined, TA, s. 1
- Conveyance**
  - defined, FCA, s. 1, CLPA, s. 1
- Coroner**
  - directions for post-mortem transplant, TGLNA, s. 6
- Costs**
  - estate ordered to pay, TA, s. 64
  - passing of accounts, R. 58.08
  - support order, SLRA, s. 78
- Court Fees**
  - Superior Court of Justice and Court of Appeal, AJA O. Reg. 293/92 generally
  - • adjustment of fees, AJA O. Reg. 293/92, s. 6

## Index

- Court Fees** (*cont'd*)
- construction, AJA O. Reg. 293/92, s. 3
  - electronic filing, AJA O. Reg. 293/92, s. 7
  - estates matters, AJA O. Reg. 293/92, s. 2
  - family law matters, AJA O. Reg. 293/92, s. 1.2
  - fees payable, generally, AJA O. Reg. 293/92, s. 1
  - minor or person under disability, AJA O. Reg. 293/92, s. 1.1
  - official examiner, AJA O. Reg. 293/92, s. 5
  - repair and storage, AJA O. Reg. 293/92, s. 4
- Court Rules**, *see also* Estates Generally; Passing of Accounts
- administration of estate, proceedings for
    - availability, R. 65.01
    - reference directed, where, R. 65.02
  - application under s. 140(3) of Courts of Justice Act, notice of, Form 14E.1
  - applications and notice of application, R. 14.05(1)
    - application under rules, R. 14.05(3)
    - application under statute, R. 14.05(2)
    - forms, R. 14.05(2)
  - assistance, orders for, EA, ss. 24, 25; R. 74.15
    - kinds of orders, R. 74.15(1)(a)–(i)
    - notice of motion, R. 74.15(2)
      - examination, R. 74.15(4)
    - service, R. 74.15(3)
  - authentication of certificate of appointment, R. 74.14.1
  - bonds, R. 74.11
    - bond — insurance of guarantee company, Form 74L
    - bond — personal sureties, Form 74M
  - case management, R. 77.01
    - advisory committee, R. 77.16
    - application of Rule, R. 77.01
    - assignment of particular judge, R. 77.09.1
    - case conference, R. 77.13
    - change of track, R. 77.07
    - commencement of proceedings, R. 77.06
    - defence of proceeding, R. 77.09
    - definitions, R. 77.03
    - dismissal by Registrar, R. 77.08
    - master, R. 76.04
    - motions, R. 77.12
      - motions dealt with by Registrar, R. 77.12
      - place of in-person hearings, R. 76.05(2)
    - powers of case management judge or master, R. 77.11
    - purpose of Rule, R. 77.02
    - settlement conference, R. 77.14
    - timetables and compliance with time requirements, R. 77.10
    - trial management conference, R. 77.15
  - certificate of ancillary appointment of estate trustee with will, R. 74.09
    - certificate of appointment of estate trustee, issuing, R. 74.14
      - Registrar's notice to applicant in an application for a certificate of appointment of estate trustee, 74.14(1)–(5)
  - certificate of appointment of estate trustee during litigation, R. 74.10
  - certificate of appointment of estate trustee with will, R. 74.04, 74.12, Form 74C
    - affidavit regarding a holograph will or codicil, Form 74F
    - affidavit of condition of will or codicil, Form 74E

## Index

- Court Rules (*cont'd*)
- • affidavit of execution of will or codicil, Form 74D
  - • affidavit of service of application for a certificate of appointment of estate trustee, Form 74B
  - • certificate of appointment, R. 74.04(8), (9)
  - • certificate of appointment of estate trustee, application, Form 74A
  - • consent, Form 74H
  - • material required from Estate Registrar, R. 74.12(1)
    - • • certificate showing deposited will or codicil, where, R. 74.12(2), (3)
    - • • date of execution, establishing, R. 74.12(4)
    - • • notes of Registrar, R. 74.12(5), (6)
    - • • Registrar's notice to estate trustee named in a will or codicil deposited with the court, Form 74N
  - • material to accompany application, R. 74.04(1)
  - • notice of application, R. 74.04(2)–(6)
  - • certificate of appointment of estate trustee without will, R. 74.05, 74.12
  - • certificate of appointment, R. 74.04(6)
  - • material required from Estate Registrar, R. 74.12(1)
    - • • certificate showing deposited will or codicil, where, R. 74.12(2), (3)
    - • • date of execution, establishing, R. 74.12(4)
    - • • notes of Registrar, R. 74.12(5), (6)
  - • material to accompany application, R. 74.05(1)
  - • notice of application, R. 74.05(2)–(5)
  - • certificate of appointment of foreign estate trustee's nominee without will, R. 74.05.1
    - • • application for certificate or confirmation of appointment, Form 74J
    - • • certificate of appointment, R. 74.05.1(2)
    - • • material to accompany application, R. 74.05.1(1)
    - • • nomination of applicant by foreign estate trustee, Form 74K
    - • • certificate of appointment of succeeding estate trustee with a will limited to assets in will, R. 74.06(3)
    - • • certificate of appointment of succeeding estate trustee with will, R. 74.06(1)
    - • • certificate of appointment, R. 74.06(2)
    - • • certificate of appointment of succeeding estate trustee without will, R. 74.07(1)
    - • • certificate of appointment, R. 74.07(2)
    - • • citation orders, R. 74.15
    - • • confirmation by resealing of appointment of estate trustee with or without will, R. 74.08
    - • • confirmation of estate trustees, R. 74.14.2
    - • • costs of particular proceedings, R. 58.08
    - • • deposit equal to tax, R. 74.13
    - • • deposit of will and codicils for safekeeping, EA, s. 2; R. 74.02
      - • • access to deposited will or codicil, R. 74.02(5), (6)
      - • • delivery of will or codicil to estate trustee, R. 74.02(7)
      - • • notice to estate trustee, R. 74.02(4)
    - • • estates: contentious proceedings, R. 75
      - • • claims against estate, R. 75.08
      - • • manner of trial, R. 75.08(5)
    - • • formal proof of testamentary instrument, R. 75.01
    - • • lawyer of record, R. 75.09
    - • • motion for directions, application for, R. 75.06

## Index

- Court Rules (*cont'd*)
- order, R. 75.06(3)
  - objection to issuing certificate of appointment, R. 75.03
    - motion for directions, R. 75.03(6)
    - notice to applicant, R. 75.03(3)
    - notice to objector, R. 75.03(4), (5)
  - proof of lost or destroyed will, R. 75.02
  - return of certificate, R. 75.05
    - motion for directions, R. 75.05(4), (5)
    - motion for return, R. 75.05(1), (2)
    - order, effect of, R. 75.05(3)
    - release of certificate, R. 75.05(6)
  - revocation of certificate of appointment, R. 75.04
  - statement of claim served, where, R. 75.07(1)
    - failure to file pleadings, effect of, R. 75.07(4)
    - statement of defence, R. 75.07(1)(a)
  - submission of rights to court, R. 75.07(1)(b), 75.07.1
  - estates: non-contentious proceedings generally, R. 74
    - definitions, R. 74.01
    - general form of order, R. 59.03(3), Forms 59A, 59B, 59C
    - judgment for administration of estate, Form 65A
    - judicial review, R. 68.01
    - lawyer's certificate of service of application for a certificate of appointment of estate trustee, Form 74B.1
    - litigation administrator appointed, where, R. 9.03(4)
    - mandatory mediation, R. 75.1
      - application of rule, R. 75.1.02
      - attendance at mediation session, R. 75.1.09
        - failure to attend, R. 75.1.09(3)
        - confidentiality, R. 75.1.11
        - consent order for additional mediation session, R. 75.1.13
        - definitions, R. 75.1.03
        - directions for conduct of mediation, R. 75.1.05
          - directions, R. 75.1.05(4)
          - motion for directions, R. 75.1.05(1)–(3)
          - non-compliance, R. 75.1.05(6)
        - exemption from mediation, R. 75.1.04
        - mediators, R. 75.1.06, 75.1.07
          - choice of mediator, R. 75.1.07
          - non-compliance, remedy for, R. 75.1.10
        - outcome of mediation, R. 75.1.12
          - agreement, R. 75.1.12(3)–(5)
          - failure to comply with signed agreement, R. 75.1.12(6)
          - mediator's report, R. 75.1.12(1), (2)
          - no agreement, R. 75.1.12(7)
      - procedure before mediation session, R. 75.1.08
    - minors, proceedings concerning estates of, R. 67.01
      - affidavit in support, R. 67.02
      - consent required, where, R. 67.03
      - how commenced, R. 67.01
      - notice of commencement of proceedings, request for, R. 74.03, Form 74P
      - procedure to ascertain interested persons and verify claims, R. 55.03
        - adjudication of contested claims, R. 55.03(4)
      - proceedings against estate having no executor or administrator, R. 9.02
      - proceedings brought by or against estate, R. 9.03(2)
      - proceedings by or against executor, administrator or trustee, R. 9.01

## Index

### Court Rules (*cont'd*)

- beneficiaries and others added by order, R. 9.01(3)
- exceptions: contesting validity of will, R. 9.01(2)
- proceedings commenced before probate or administration, R. 9.03
- proceedings commenced in name of or against deceased person, R. 9.03(3), (5)
- representation of interested person who unable to ascertain, R. 10.01
- settlement affecting persons not being parties, R. 10.01(3)
- separate hearings, R. 6.1.01
- service outside Ontario without leave, R. 17.02
- administration of estates, R. 17.02(b)
- authorized by statute, R. 17.02(n)
- interpretation of instrument, R. 17.02(c)
- simplified procedure, R. 76.01
- affidavit of documents, R. 76.03
- no cross-examination, R. 76.04
- application of Rule, R. 76.01(1)
- availability, R. 76.02
- cost consequences, R. 76.13
- dismissal by Registrar, R. 76.06
- motions, R. 76.05, Form 76B
- motions dealt with by Registrar, R. 76.06
- place of in-person hearings, R. 76.05(2)
- no discovery, R. 76.14
- pre-trial conference, R. 50.04, R. 76.10
- setting down action for trial, R. 76.09
- settlement discussion, R. 76.08
- summary judgment, R. 76.07
- summary trial, R. 76.12
- stay of proceedings until properly constituted, R. 9.03(6)
- trial list, R. 76.11

- Superior Court of Justice and Court of Appeal, R. 1.02
- terms imposed by court, R. 9.03(7)
- where leave to commence is required, R. 14.01.1

### Creditors

- deficiency of assets, TA, s. 57(1)
- meeting of creditors, TA, s. 59(1), (2)
- failure to value security, TA, s. 58
- inspectors as, TA, s. 59(3)
- negotiable instruments as basis of claim, TA, s. 57(4)
- proving claim, TA, s. 57(2)
- purchaser in good faith, and, EAA, s. 23(1)
- rights not affected, SLRA, s. 72(7)
- will, witness as creditor, SLRA, s. 13

### Crown Administration of Estates, *see also* Public Guardian and Trustee (PGT)

- access to and use of information by PGT, CAEA, s. 2.1(1), (3)–(7)
- compelling account by administrator in certain cases, CAEA, s. 9
- definitions, CAEA, s. 2.1(8)
- distribution of assets by PGT, CAEA, s. 14
- non-liability of Crown, CAEA, s. 14(2)
- fees and expenses of PGT, CAEA, s. 13
- *Freedom of Information and Protection of Privacy Act*, conflict with, CAEA, s. 2.2
- identifying and locating persons and assets, CAEA, s. 2.1(2)
- inquiry as to rights of Crown, order respecting, CAEA, s. 7
- investment of money administered, CAEA, s. 10
- legal claim, CAEA, s. 15
- notice of application for letters of administration to PGT, CAEA, s. 3

## Index

- Crown Administration of Estates (*cont'd*)
    - power of PGT to safeguard estate, CAEA, s. 2
    - Public Guardian and Trustee (PGT) able to administer certain estates, CAEA, s. 1
    - recovery by Crown of real estate of persons dying intestate and without heirs, CAEA, s. 8
    - remedy of persons having claims upon estate, CAEA, s. 12
    - right of PGT to act until grant revoked, CAEA, s. 6
    - security dispensed with in case of PGT, CAEA, s. 4
    - transfer, assignment or discharge of interest in real estate, CAEA, s. 5
    - unclaimed money, CAEA, s. 11
  - Custody, Access and Guardianship,** *see also* Children
    - accounts, CLRA, s. 52
    - appeal, CLRA, ss. 73–74
    - application or response by minor, CLRA, s. 63
    - appointment of guardian, CLRA, ss. 47(1), 49, 50
    - bond by guardian, CLRA, s. 55
    - child entitled to be heard, CLRA, s. 64
    - child has support obligation, CLRA, s. 56
    - child is sixteen or more years old, CLRA, s. 65
    - confidentiality, CLRA, s. 70(1)
    - consent and domestic contracts, CLRA, s. 67
    - considerations in making an order, CLRA, s. 70(2)
    - contracts, subject to, CLRA, s. 68
    - definitions, CLRA, s. 18
    - estate registrar, notice to, CLRA, s. 58
    - fees and expenses, management of, CLRA, s. 54
    - interim orders, CLRA, ss. 71–72
    - jurisdiction, CLRA, s. 69
    - order for maintenance, CLRA, s. 60
    - order on application, CLRA, s. 70(3)
    - order re property of child, CLRA, s. 59
    - parents as guardians, CLRA, s. 48
    - payment of debt due to child, CLRA, s. 51
    - procedure, CLRA, s. 62
    - proceedings in one court, CLRA, s. 66
    - property, transfer of, CLRA, s. 53
    - purposes of, CLRA, s. 19
    - removal of guardian, CLRA, s. 57(1)
    - resignation of guardian, CLRA, s. 57(2)
    - responsibility of guardian, CLRA, s. 47(2)
    - rule of construction, CLRA, s. 75
    - testamentary decision-making responsibility and guardianship, CLRA, s. 61
      - application, CLRA, s. 61(9)
      - application or order under ss. 21, 47, CLRA, s. 61(8)
      - appointment by minor, CLRA, s. 61(3)
      - consent of appointee, CLRA, s. 61(6)
      - custody, appointment by will, CLRA, s. 61(1)
      - expiration of appointment, CLRA, s. 61(7)
      - guardianship, appointment by will, CLRA, s. 61(2)
      - limitation, CLRA, s. 61(4)
      - more than one appointment, CLRA, s. 61(5)
      - varying or discharging order, CLRA, s. 70(4)
- D**
- Death,** *see also* Human Tissue Gift
    - declaration of death, DDA, ss. 1–12
    - *Absentees Act*, order under, DDA, s. 3
    - definitions, DDA, s. 1

## Index

### Death (*cont'd*)

- effect of distribution if individual in fact alive, DDA, s. 6
- marriage after, MA, s. 9
- motion to amend, confirm or revoke order, DDA, s. 4
- order re, DDA, s. 2
  - date of death, DDA, s. 2(8)
  - seven-year absence, DDA, s. 2(5)
- payment or distribution under order discharging duty, DDA, s. 7
- personal representative, duty of, DDA, s. 5

**Death Benefit**, *see* Canada Pension Plan (CPP)

### Debts

- *Accumulations Act* inapplicable, AA, s. 2

### Declaration

- declaration of death, DDA, ss. 1–12
- defined, IA, s. 171
- life insurance concerning, *see* Life Insurance

**Dependants' Relief**, *see also* Child Support; Support Obligations

- agreement or waiver, despite, SLRA, s. 63(4)
  - exception, SLRA, s. 63(6)
- application for support, SLRA, s. 60
- certified copy of order filed, SLRA, s. 70
- conditions and restrictions imposed by court, SLRA, s. 63
  - contents of order, SLRA, s. 63(2)
  - transfer or assignment of property, where, SLRA, s. 63(3)
- contract to dispose of property by will, SLRA, s. 71
- costs, SLRA, s. 75
- Crown bound, SLRA, s. 78
- definitions, SLRA, s. 57

- “child”, SLRA, s. 57
- “dependant”, SLRA, s. 57
- “parent”, SLRA, s. 57
- “spouse”, SLRA, s. 57
- determination of amount, SLRA, s. 62
  - considerations, SLRA, s. 62(1)
  - evidence, SLRA, s. 62(2)–(4)
- directions from court, further, SLRA, s. 69
- enforcement, SLRA, s. 77
- incidence of support ordered, SLRA, s. 68
- inquiries and further orders, SLRA, s. 65
- interim order, SLRA, s. 65
- limitation period, SLRA, s. 61
- mortgage, validity of, SLRA, s. 73
- order for support, SLRA, s. 58
  - applicants, SLRA, s. 58(2), (3)
  - persons in institutions, SLRA, s. 74
  - notice to public trustee, SLRA, s. 74(2)
- powers of court, further, SLRA, s. 66
- stay of distribution, SLRA, s. 67
- liability of personal representative, SLRA, s. 67(3)
- suspensory order, SLRA, s. 59
- transactions deemed part of estate, value of, SLRA, s. 72
  - burden of proof, SLRA, s. 72(3)
  - suspensory order, SLRA, s. 72(6)

**Designated Facilities**, *see also* Human Tissue Gift

- classes of, TGLNA, ss. 8.2(1), 15(2)
- committees, TGLNA, s. 8.3(1)–(3)
- compliance requirements, TGLNA, ss. 8.5, 8.6(1), (2)
- defined, TGLNA, s. 1
- inspections of, TGLNA, s. 8.1(2), (4)

**Directions, Application or Motion for**

- leave to appeal, R. 62.02



## Index

### Directions, Application or Motion for (*cont'd*)

- order, R. 75.06(3), (4), Forms 75.7–75.9
- service, R. 75.06(2), Forms 75.5, 75.6
- who able to apply, R. 75.06(1)

### Disability, Party Under

- actions for entry, distress, recovery of land or rent, RPLA, s. 38
- default, noting in, R. 7.07
- discontinuance, R. 7.07.1
- money paid into court, R. 7.09
- representation, R. 7.01
- • Children’s Lawyer or PGT, R. 7.04
- • litigation guardian for defendant, R. 7.03
- • litigation guardian for plaintiff, R. 7.02
- • litigation guardian or committee, R. 7.05
- • • powers and duties, R. 7.05
- • • removal or substitution of, R. 7.06
- settled estates, SEA, s. 34
- settlement, approval of, R. 7.09

### Domestic Contract

- Act prevailing, FLA, s. 2(10)
- defined, FLA, s. 1(1)
- defined, PBA, s. 1(1)
- incorporated in order, FLA, s. 2(9)

## E

### Election

- surviving spouse by, FLA, s. 6

### Equalization Payment, *see* Family Property

### Escheats

- application of *Escheats Act, 2015*, EscA, s. 1
- charitable property, EscA, s. 7
- claim, EscA, ss. 5–6
- • legal, EscA, s. 6

- • moral, EscA, s. 5
- Crown, amounts due to, EscA, s. 16
- Crown, interest of, EscA, s. 9
- decisions, EscA, s. 11
- definitions, EscA, s. 1
- directors and officers, orders against, EscA, s. 17
- immunities, EscA, s. 10(2)
- information, EscA, ss. 19–23
- • collection of, EscA, s. 20
- • disclosure of, EscA, s. 23
- • notice, EscA, s. 21
- • records, EscA, s. 22
- • refusal to provide, EscA, s. 21(7)
- • request for, EscA, s. 19
- • use of, EscA, s. 23
- interests, EscA, s. 13
- land, transfer of, EscA, s. 8(1)
- notice, entitlement to, EscA, s. 12
- personal property, transfer of, EscA, s. 8(2)
- proceedings, EscA, s. 2
- property, release or return of, EscA, ss. 3–4
- • limitation period, EscA, s. 3(5)
- Public Guardian and Trustee, obligations of, EscA, s. 10(1)
- regulations, EscA, s. 25
- reporting, EscA, s. 18
- title, application to clear, EscA, s. 14
- trust, property held in, EscA, s. 15

### Estate Administration Tax

- application of s. 4.1(1), O. Reg. 310/14, s. 1
- assessments, EATA, ss. 4.2–4.6
- audit and inspection, EATA, s. 4.7
- confidentiality, EATA, s. 4.8
- definitions, EATA, s. 1
- • “estate certificate”, EATA, s. 1
- • “estate representative”, EATA, s. 1

## Index

- Estate Administration Tax (*cont'd*)
- “value of the estate”, EATA, s. 1
  - deposit equal to tax, R. 74.13
  - deposit on account of tax, EATA, s. 3
  - amount based on estimate, EATA, s. 3(3), (4)
  - amount of deposit, EATA, s. 3(2)
  - payment of tax, EATA, s. 3(5)
  - refund of deposit, EATA, s. 3(6)
  - partial refund, EATA, s. 3(7)
  - estate certificate
  - application for, EATA, s. 4.1
  - offence, EATA, s. 5.1
  - information requirement to update, O. Reg. 310/14, ss. 4–8
  - payment by estate representative, EATA, s. 2(8)
  - records, EATA, s. 4.9
  - recovery of tax, EATA, s. 5
  - refunds, EATA, s. 4.5.1
  - regulations, EATA, s. 6, 6.1
  - restriction on issuance of estate certificate where deposit not made, EATA, s. 4
  - return, O. Reg. 310/14, ss. 2–3
  - tax on estate, EATA, s. 2
  - exemption, EATA, s. 2(2)
  - payment by estate representative, EATA, s. 2(8)
  - subsequently-discovered property of estate, EATA, s. 2(7)
  - tax payable, EATA, s. 2(6), (6.1)
  - undertaking where deposit based on estimate, EATA, s. 4(3)
  - where undertaking not fulfilled, EATA, s. 4(4)
- Estate Trustee**
- certificate of ancillary appointment of estate trustee with will, R. 74.09, Forms 74.27, 74.29
  - certificate of appointment of estate trustee, issuing, R. 74.14
  - certificate of appointment of estate trustee during litigation, R. 74.10, Form 74.30
  - certificate of appointment of estate trustee with will, application for, R. 74.04, 74.12, Forms 74.4, 74.4.1, 74.5, 74.5.1
  - certificate of appointment, R. 74.04(8), (9), Forms 74.13, 74.13.1
  - material required from Estate Registrar, R. 74.12(1)
  - certificate showing deposited will or codicil, where, R. 74.12(2), (3)
  - date of execution, establishing, R. 74.12(4)
  - notes of Registrar, R. 74.12(5), (6)
  - material to accompany application, R. 74.04(1)
  - application, R. 74.04, Forms 74.4, 74.5.1, 74.4.1, 74.5
  - notice of application, R. 74.04(2)–(6), Form 74.7
  - certificate of appointment of estate trustee without will, R. 74.05, 74.12, Forms 74.14, 74.15
  - certificate of appointment, R. 74.04(6)
  - material required from Estate Registrar, R. 74.12(1)
  - application, R. 74.05(1), Forms 74.14, 74.15
  - certificate showing deposited will or codicil, where, R. 74.12(2), (3)
  - date of execution, establishing, R. 74.12(4)
  - notes of Registrar, R. 74.12(5), (6)
  - material to accompany application, R. 74.05(1)
  - notice of application, R. 74.05(2)–(5)
  - certificate of appointment of foreign estate trustee’s nominee without will, R. 74.05.1, Form 74.20.1
  - certificate of appointment, R. 74.05.1(2)

## Index

- Estate Trustee (*cont'd*)
  - • material to accompany application, R. 74.05.1(1)
  - certificate of appointment of succeeding estate trustee with will, R. 74.06(1), Form 74.21, Form 74.21.1
  - • certificate of appointment, R. 74.06(2), 74.06(3), Forms 74.23, 74.23.1
  - certificate of appointment of succeeding estate trustee without will, R. 74.07(1), Form 74.24
  - • certificate of appointment, R. 74.07(2)
  - objection to issuing
  - • directions, motion for, R. 75.03(2)
  - • expiry, withdrawal and removal of notice, R. 75.03(2)
  - • notice, R. 75.03(1), Form 75.1
  - • notice to applicant, R. 75.03(3), Form 75.2
  - • notice to objector, R. 75.03(4), (5), Forms 75.3, 75.4
  - return of
  - • directions, motion for, R. 75.05(4), (5)
  - • motion, R. 75.05(1)
  - • notice of motion, R. 75.05(3)
  - • order, effect of, R. 75.05(3)
  - • release of certificate, R. 75.05(6)
  - revocation, R. 75.04
- Estate Administration**, *see also* Estate Administration Tax; Estates Generally
  - affidavits, EAA, s. 28
  - application of Act to personal property and real property, EAA, s. 3
  - • real and personal property assimilated in matters of administration, EAA, s. 4
  - caution preventing vesting of real estate where registered within 3 years, EAA, s. 9(1), (2), Form 1
  - • effect of caution, EAA, s. 9(3)
  - • renewal of caution, EAA, s. 9(6)
  - • registration after 3 years from testator's death, EAA, s. 11
  - • • effect of such registration, EAA, s. 11(3)
  - • repealing enactment, effect of, EAA, s. 12
  - • vacating caution, EAA, s. 13
  - • withdrawal of caution, EAA, s. 9(4), (5), Form 2
  - • • verification, EAA, s. 9(5), Form 3
  - children advanced by settlement, cases of, EAA, s. 25
  - • education not advancement, EAA, s. 25(4)
  - • where advancement not equal, EAA, s. 25(2)
  - children born outside marriage, search for, EAA, s. 24
  - • personal representative's liability, EAA, s. 24(2)
  - • saving rights, EAA, s. 24(3)
  - co-ownership, EAA, s. 14
  - • tenants in common, EAA, s. 14
  - debts paid out of residuary estate, EAA, s. 5
  - definitions, EAA, s. 1
  - devolution to personal representative of deceased, EAA, s. 2
  - distribution not to be made for one year, EAA, s. 26
  - foreclosure action, EAA, s. 8
  - • defendants where no personal representative of mortgagor, EAA, s. 8
  - • "mortgagor" defined, EAA, s. 8(2)
  - foreign beneficiary, no distribution without order where, EAA, s. 20
  - • "foreign beneficiary" defined, EAA, s. 20
  - • order authorizing distribution, EAA, s. 20

## Index

### Estates Administration (*cont'd*)

- report of agent or assignee, EAA, s. 20
- report of personal representative, EAA, s. 20
- penalty, EAA, s. 20
- property of foreign beneficiary held, EAA, s. 20
- release of property to other person entitled, EAA, s. 20
- minors interested in real property, where, EAA, s. 15
- local guardians, EAA, s. 15(2)
- mortgagees' interests, EAA, s. 7
- personal representatives to be deemed "heirs", where, EAA, s. 6
- purchase money, effect of accepting share of, EAA, s. 18
- purchasers protected from beneficiary, EAA, s. 21
- extent to which real property liable to debts, EAA, s. 21(2)
- purchasers protected from personal representative, EAA, s. 19
- purchasers' rights in good faith against claims of creditors, EAA, s. 23
- personal representative's liability, EAA, s. 23(2)
- real and personal property assimilated in matters of administration, EAA, s. 4
- real estate, powers of personal representative in leasing and mortgaging, EAA, s. 22
- Children's Lawyer, approval of, EAA, s. 22(2)
- real estate, powers of personal representative in selling and conveying, EAA, s. 17
- concurrence of heirs and devisees, EAA, s. 17(2), (3)
- conveyance by personal representative without order, EAA, s. 17(8)
- distribution by order within 3 years from death, EAA, s. 17(5)
- dividing estate among persons entitled, EAA, s. 17(3)
- non-applicability to personal estate only, EAA, s. 17(7)
- real estate vesting where not disposed of within 3 years, EAA, s. 9
- ordinary rights of executor or administrator preserved, EAA, s. 10
- unless caution registered, EAA, s. 9(2), (3)
- renewal of caution, EAA, s. 9(6)
- vacating caution, EAA, s. 13
- withdrawal of caution, EAA, s. 9(4), (5)
- real property, powers of personal representative over, EAA, s. 16
- registration of caution after 3 years of testator's death, EAA, s. 11
- effect of such registration, EAA, s. 11(3)
- trusts estates, EAA, s. 7

### **Estates Generally**, *see also* Court Rules; Estates Administration; Passing of Accounts

- accounting by executor trustee, EA, s. 48
- accounts to be rendered by executors or administrators, EA, s. 39
- administration not to be granted to non-resident, EA, s. 5
- administration pending action concerning validity of will, EA, s. 28
- after grant of administration, no person to act as executor, EA, s. 30
- ancillary probate or letters to persons not residing in Commonwealth, EA, s. 6
- security required, EA, s. 6
- appeal, right of, EA, s. 10
- applicant not next of kin to intestate, where, EA, s. 13
- application filed in more than one office, where, EA, s. 20

## Index

- Estates Generally (*cont'd*)
- bonds of administration, EA, ss. 35, 38, 43
    - assignment of bonds, power of courts as to, EA, s. 38
    - cancellation of bond, EA, s. 43
    - caveats, EA, ss. 21, 22
    - notice of caveats, EA, s. 22
  - certificate from Estate Registrar for Ontario, EA, s. 17
  - citation of persons interested where will proven in solemn form, EA, s. 23
  - citation to prove will or renounce, EA, ss. 24, 25; R. 74.15(1)(a), (b)
    - consequences of failure to appear, EA, s. 25
  - Commonwealth grant, manner of giving effect to, EA, s. 52(1)
    - security required, EA, s. 52(3)
  - contestation of claims against estate, EA, s. 44
    - application for order allowing claim, EA, s. 44(2)
    - enforcement of judgment, EA, s. 44(13), (14)
    - notice in such cases, EA, s. 44(4)
    - right of persons interested to be heard, EA, s. 44(5)
    - rules of court applying, EA, s. 44(12)
    - Small Claims Court, EA, s. 44(3), (7)
  - contestation of unliquidated claims, notice of, EA, s. 45
    - application by claimant for order for directions, EA, s. 45(2)
    - powers of judge, EA, s. 45(4)
    - right of persons interested to appeal, EA, s. 45(6), (7)
  - death of witnesses of will of member of forces or mariner, EA, s. 11(2), (3)
  - definitions, EA, s. 1
  - depository for wills of living persons, EA, s. 2, R. 74.02
    - evaluation of deceased's property, EA, s. 32
    - future estates
      - actions for entry, distress, recovery of land or rent, RPLA, s. 5(11), (12), 6
    - list of grants sent to Estate Registrar for Ontario, EA, s. 4
    - minor as sole executor, EA, s. 26
    - non-resident, administration not to be granted to, EA, s. 5
    - notice of applications sent to Estate Registrar for Ontario, EA, ss. 16, 18
      - duty of Estate Registrar for Ontario with reference to notices, EA, s. 19
      - filing of notices, EA, s. 18
    - official copies, EA, s. 27
    - order in estate proceeding, Form 74I
    - passing of accounts, EA, ss. 49, 50
      - application to pass, R. 74.16, 74.17
      - compellability to render account, EA, s. 50
      - expert, appointment of, EA, s. 49(10)
      - form, R. 74.17
      - guardians, by, EA, s. 49(1)
      - hearing, R. 74.18(11)–(13)
      - judgment
        - contested, Form 74.51
        - unopposed, Form 74.50
      - judgment without hearing, R. 74.18(9), (10)
      - notice of application, Form 74.44
      - notice of objection, R. 74.18(7), (8), Forms 74.45, 74.46
      - notice served on Public Trustee, EA, s. 49(8)
      - powers of judge, EA, s. 49(2), (3)
      - trial of issue and directions as to pleadings, EA, s. 49(4)
      - where administrator not next of kin, EA, s. 49(9)
    - personal estate, administration limited to, EA, s. 31

## Index

### Estates Generally (*cont'd*)

- persons to whom administration to be granted, EA, s. 29(1)
- • appointment at request of parties interested, EA, s. 29(2)
- • general power as to appointment of administrator under special circumstances, EA, s. 29(3)
- • trust company, appointment of, EA, s. 29(4)
- preservation of testamentary instruments, EA, s. 3
- probate or administration, grant of, EA, ss. 7, 11, 12
  - • court's jurisdiction, EA, s. 7(1)
  - • deceased having no abode in Ontario, where, EA, ss. 7(2), 12
  - • deceased residing in Ontario, where, EA, s. 11(1)
  - • rules of court, s. 7(4)
- production of instruments purporting to be testamentary, EA, s. 9
- Quebec letters of verification, EA, s. 52(2)
- Quebec notarial wills, EA, s. 15
- renunciation and consent, Form 74G
- renunciation by executor, consequences of, EA, s. 34
- security
  - • additional, EA, s. 40
  - • amount of, EA, s. 37
  - • cancellation of, EA, s. 42
  - • not required, when, EA, s. 36
  - • substitution of, EA, s. 41
- small estate, EA, s. 1, 1(2)
  - • amended small estate certificate, Form 74.1F
  - • application for small estate certificate, Form 74.1A
  - • application to amend small estate certificate, Form 74.1E
  - • registrar's notice to applicant for small estate certificate, Form 74.1D
    - • request to file or amend application for small estate certificate, Form 74.1B
    - • small estate certificate, Form 74.1C
  - • summary determination of ownership disputes, EA, s. 46
  - • temporary administration in certain cases, EA, s. 14
- trial of questions of fact by jury, EA, s. 8
- *Trustee Act* not applying in certain cases, EA, s. 47

### Evaluation

- estate of, EA, s. 32

### Evidence

- actions by and against heirs, executors or administrators, EVA, s. 13
- • evidence corroborated, EVA, s. 13
- probate, effect of, EVA, s. 49
- proof of will of real estate in courts outside Canada, EVA, s. 50
- • effect of certificate of foreign court, EVA, s. 50(2)

### Executor

- acting as PGT, SDA, s. 35
- death, effect of, EA, s. 25
- devise to, SLRA, ss. 29, 30
- duties
  - • pursuant to Act, TA, s. 45
  - • to account as trustee, EA, s. 48
- executors, of
  - • liabilities, TA, s. 56
  - • liabilities, TA, s. 45
  - • leases, TA, s. 51(1)
- minor, effect, EA, s. 26
- powers
  - • conveying real property, EAA, s. 17(1); TA, s. 41
  - • probate granted, TA, s. 40
  - • raising money, TA, s. 44
  - • rights preserved, EAA, s. 10

## Index

Executor (*cont'd*)

- will, witness, as, SLRA, s. 14

## F

### Family Insurance

- defined, IA, s. 171

### Family Property, *see also* Support Obligations

- application of ss. 5–8, FLA, s. 70(1)
- application to court to determine spouse's entitlement, FLA, s. 7(1)
  - • court powers, FLA, s. 9
    - • • instalment or delayed payments, FLA, s. 9(2)
    - • • order regarding conduct, FLA, ss. 13.1, 25.1, 47.1
    - • • ten-year period restriction, FLA, s. 9(4)
    - • • variation of order, FLA, s. 9(3)
  - • limitation, FLA, s. 7(3)
  - • operating business or farm, FLA, s. 11
  - • personal action or estates, FLA, s. 7(2)
  - • preservation orders, FLA, s. 12
  - • statement of property, FLA, s. 8
- application to court to determine title questions between spouses, FLA, s. 10
  - • estates, FLA, s. 10(2)
  - • operating business or farm, FLA, s. 11
- applications generally, FLA, s. 2(1)–(3)
- definitions, FLA, s. 1(1), 4(1)
  - • “child”, FLA, s. 1(1)
  - • “matrimonial home”, FLA, s. 4(1)
  - • “net family property”, FLA, s. 4(1), 4(1.1), (5)
  - • “parent”, FLA, s. 1(1)
  - • “property”, FLA, s. 4(1)
  - • “spouse”, FLA, s. 1(1)
  - • “valuation date”, FLA, ss. 4(1), 56.1, 59.4.1; PBA, s. 67.1(1)
- domestic contract, FLA, s. 2(9), (10); PBA, s. 1(1)
  - • defined, FLA, s. 1(1)
- election to receive equalization payment or under will or intestacy, FLA, s. 6, Reg. 368, [Form 1]
  - • deemed election, FLA, s. 6(11)
  - • distribution within 6 months of death restricted, FLA, s. 6(14)
    - • • liability of personal representative, FLA, s. 6(19)
  - • effect of election to receive entitlement, FLA, s. 6(8), (9)
  - • election as to entitlement, FLA, s. 6(2)
  - • extension of limitation period, FLA, s. 6(16)
  - • gifts by will in addition to entitlement, FLA, s. 6(5)
  - • insurance policy payment credited against entitlement, FLA, s. 6(6), (7)
  - • manner of making election, FLA, s. 6(10)
  - • priority of spouse's entitlement, FLA, s. 6(12), (13)
  - • property outside estate, FLA, s. 6(4)
  - • spouse's intestacy, FLA, s. 6(2)
  - • spouse's partial intestacy, FLA, s. 6(3)
  - • spouse's will, FLA, s. 6(1)
- equalization of net family properties, FLA, s. 5
  - • death of spouse, FLA, s. 5(2)
  - • divorce, FLA, s. 5(1)
  - • improvident depletion, FLA, s. 5(3)–(5)
    - • • no further division, FLA, s. 5(4)
  - • purpose of equalization, FLA, s. 5(7)
  - • variation of share, FLA, s. 5(6)
- excluded property, FLA, s. 4(2), (3)
- extension of limitation period, FLA, s. 6(16)

## Index

- Family Property (*cont'd*)
- interpretation of existing contracts, FLA, s. 70(3)
  - matrimonial home, FLA, ss. 20, 26
  - • designation of, FLA, s. 20(1), Reg. 367, s. 1, Form 1
  - • • cancellation, FLA, s. 20(6)(a), Reg. 367, s. 2, Form 2
  - • joint tenancy with third person, FLA, s. 26
  - • right to possession for 60 days, FLA, s. 26(2)
  - pension plan, interest in, FLA, s. 10.1
  - • valuation date, FLA, ss. 56.1, 59.4.1; PBA, s. 67.1(1)
  - regulations, FBCA, s. 113(1)
  - search warrant, FBCA, ss. 70, 70.1
  - statement of property, FLA, s. 8
  - statement re removal of barriers to remarriage, FLA, s. 2(4)–(7)
  - trust accounts, FBCA, ss. 51, 52
  - variation and realization of security, FLA, s. 13
- Fees**
- administration, *see also* Estate Administration Tax
  - • when payable, EATA, s. 2(1); R. 74.13
  - mediation, FLA, s. 3(7)
- Foreign Beneficiary**
- general requirements, EAA, s. 17
- Funeral, Burial and Cremation**
- cemeteries, burial sites and crematoriums
  - • care and maintenance exemptions, FBCA, O. Reg. 184/12, s. 1
  - code of ethics, O. Reg. 216/18 generally
  - compensation fund, FBCA, s. 61, O. Reg. 30/11, ss. 192–211
  - complaints, FBCA, s. 66(1)
  - consumer protection, FBCA, ss. 27–29, 33–34, 37–38
  - • contract requirements, FBCA, s. 40, O. Reg. 30/11, ss. 120–133
  - • • cancellation, FBCA, ss. 41, 42, 44(1), 45
  - • • consent, FBCA, s. 43
  - • disclosure requirements, FBCA, O. Reg. 30/11, ss. 112–119
  - • generally, FBCA, ss. 27–29, 33–34, 37–38
  - • miscellaneous issues, FBCA, O. Reg. 30/11, ss. 134–144
  - enforcement, FBCA, ss. 72, 73, 82
  - appeal to tribunal, FBCA, s. 76
  - inspection, FBCA, s. 67
  - licensing, FBCA, ss. 14, 17–19, 24
  - offence, FBCA, s. 79
  - operation of business
  - • care and maintenance funds and accounts, FBCA, O. Reg. 30/11, ss. 83–95
  - • • exemptions from, FBCA, O. Reg. 184/12, s. 1
  - • licences
  - • • conditions
  - • • generally, FBCA, O. Reg. 30/11, ss. 8–17
  - • • requirements for, FBCA, O. Reg. 30/11, ss. 4–7
  - • price lists and pricing
  - • • assisted burial, FBCA, O. Reg. 184/12, s. 3
  - • • assisted cremation, FBCA, O. Reg. 184/12, s. 4
  - • • unclaimed human remain, cremated, FBCA, O. Reg. 184/12, s. 2
  - • prohibited activities, FBCA, O. Reg. 30/11, ss. 2, 3
  - • standards of operation
  - • trust accounts and trust funds
  - • • general rules, FBCA, O. Reg. 30/11, s. 76



## Index

- Funeral, Burial and Cremation (*cont'd*)
  - prepaid trust money, FBCA, O. Reg. 30/11, ss. 77–81
  - unclaimed trust money, FBCA, O. Reg. 30/11, s. 82
  - search warrant, FBCA, ss. 70, 70.1
  - trust accounts, FBCA, ss. 51, 52
- Fraud**
  - administrator appointment, TA, s. 47(3)
  - probate granted, TA, s. 47(3)
- G**
- Guardian**, *see also* Public Guardian and Trustee (PGT)
  - assessment of capacity, SDA O. Reg. 460/05, s. 2(1)
  - continuing education courses, SDA O. Reg. 460/05, s. 5
  - forms, SDA O. Reg. 460/05, s. 7
  - guidelines for conducting assessments, SDA O. Reg. 460/05, s. 3
  - minimum annual number of assessments, SDA O. Reg. 460/05, s. 6
  - persons qualified to do assessments of capacity, SDA O. Reg. 460/05, s. 2
  - qualifying course, SDA O. Reg. 460/05, s. 4
  - counsel for person whose capacity in issue, SDA, s. 3
  - legal fees, responsibility for, SDA, s. 3(2)
  - definitions, SDA, s. 1(1)
    - “capable”, SDA, s. 1(1)
    - explain, meaning of, SDA, s. 1(3)
    - “incapable”, SDA, s. 1(1)
    - “psychiatric facility”, SDA, s. 1(1)
    - relatives, meaning of, SDA, s. 1(2.1)
    - “spouse”, SDA, s. 1(1)
    - “will”, SDA, s. 1(1)
  - general provisions, SDA, ss. 78–91
  - conflict of laws, SDA, s. 85
  - enforcement of assessment order, order for, SDA, s. 81
    - duration of order, SDA, s. 81(2)
    - execution of order, SDA, s. 81(3)
    - health facility, SDA, s. 81(4)
    - restrictions, SDA, s. 81(5)
  - foreign court, certificate from, SDA, s. 86(3)
  - foreign orders, SDA, s. 86
    - resealing, SDA, s. 86(2)
      - effect of resealing, SDA, s. 86(4)
  - offences and penalties, SDA, s. 89
    - false statement, SDA, s. 89(5), (6)
    - obstruction, SDA, s. 89(1)–(3)
    - personal information, SDA, s. 89(7)
    - restraining order, SDA, s. 89(4)
  - order for assessment, SDA, s. 79
    - place of assessment, SDA, s. 79(3)–(5)
  - PGT’s access to records, SDA, s. 83
    - law enforcement exception, SDA, s. 83(3)
    - references to PGT, SDA, s. 83(11)
    - rules re access to record, SDA, s. 83(4), O. Reg. 26/95, s. 2
    - solicitor-client privilege, SDA, s. 83(2)
    - warrant for access to record, SDA, s. 83(5)
      - authority conferred by warrant, SDA, s. 83(6)
      - duration of warrant, SDA, s. 83(7)
  - PGT’s powers of entry, SDA, s. 82
    - controlled-access residence, SDA, s. 82(3)
    - entry to certain premises, SDA, s. 82(2)

## Index

- Guardian (*cont'd*)
  - obligation to leave premises, SDA, s. 82(10)
  - other entry without warrant, SDA, s. 82(8)
  - warrant for entry, SDA, s. 82(4)
  - refusal of assessment, SDA, s. 78
    - exception, SDA, s. 78(3)
    - information to be provided, SDA, s. 78(2)
  - regulations, SDA, s. 90
  - restraining order, SDA, ss. 80, 89(4)
  - statement as evidence, SDA, s. 84
  - volunteers, SDA, s. 87
    - protection from liability, SDA, s. 87(2), (3)
  - guardianship applications, procedure for, SDA, ss. 69–77
    - documents, required, SDA, s. 70
      - application to appoint guardian of person, SDA, ss. 70(2), 71(1), 74
        - guardianship plan, SDA, s. 70(2)(b), O. Reg. 26/95, s. 3(3), Form 3
        - summary disposition, SDA, s. 74
          - assessment, SDA, s. 74(5)
          - contents of statement, SDA, s. 74(2)–(4)
      - application to appoint guardian of property, SDA, s. 70(1), 72
        - management plan, SDA, s. 70(1)(b), O. Reg. 26/95, s. 3(2), Form 2
        - statement, SDA, s. 70(1)(c), O. Reg. 26/95, s. 3(6), Form 6
        - summary disposition, SDA, s. 72
          - assessment, SDA, s. 72(4)
          - contents of statement, SDA, s. 72(2), (3), O. Reg. 26/95, s. 3(8), Form 8
    - application to terminate statutory guardianship of property, SDA, s. 69(0.1)
    - motion to terminate guardianship of person, SDA, ss. 71(2), 75
      - statement, SDA, s. 70(2)(c), O. Reg. 26/95, s. 3(7), Form 7
      - summary disposition, SDA, s. 75
        - assessment, SDA, s. 75(3)
        - contents of statement, SDA, s. 75(2)
    - motion to terminate guardianship of property, SDA, s. 73
      - summary disposition, SDA, s. 73
        - assessment, SDA, s. 73(3)
        - contents of statement, SDA, s. 73(2), O. Reg. 26/95, s. 3(9), Form 9
    - parties, adding, SDA, s. 69(9)
    - service of notices, SDA, s. 69
      - application to appoint guardian of person, SDA, s. 69(3)
      - application to appoint guardian of property, SDA, s. 69(1)
      - application to terminate statutory guardianship of property, SDA, s. 69(0.1)
      - motion to terminate guardianship of person, SDA, s. 69(4)
      - motion to terminate guardianship of property, SDA, s. 69(2)
      - service on family, SDA, s. 69(6), (7)
        - summary disposition, SDA, s. 77
          - order, SDA, s. 77(3)
    - person, guardian of, SDA, ss. 43–68
      - age, SDA, ss. 43, 44
      - court-appointed guardians of person, SDA, ss. 55–65
      - court appointment of guardian of person, SDA, s. 55

## Index

- Guardian (*cont'd*)
  - prohibition, SDA, s. 55(2)
  - criteria for appointment, SDA, s. 57
    - criteria generally, SDA, s. 24(5)
    - exceptions, SDA, s. 57(2), (2.1)
    - PGT, SDA, s. 57(2.2)
    - two or more guardians, SDA, s. 57(4)
  - full guardianship, SDA, ss. 58(3), 59(1)
    - matters excluded unless expressly stated, SDA, s. 59(4), (5)
    - power to apprehend, SDA, s. 59(3)
    - powers of guardian, SDA, s. 59(2)
  - incapacity, finding of, SDA, s. 58
    - contents of order, SDA, s. 58(2)
  - partial guardianship, SDA, ss. 58(3), 60
    - powers of guardian, SDA, s. 60(3)
  - procedure, SDA, s. 65
  - suspension, SDA, s. 64
  - temporary guardianship where serious adverse effects, SDA, s. 62
    - application, SDA, s. 62(3.1)
    - duty of PGT if no application, SDA, s. 62(12)
      - exception, SDA, s. 62(13)
    - investigation, SDA, s. 62(2), (3)
    - order appointing temporary guardian, SDA, s. 62(6)–(9)
    - power to apprehend person, SDA, s. 62(10)
    - termination or variation, SDA, s. 62(11)
  - termination, SDA, ss. 62(11), 63
  - variation or substitution of appointment order, SDA, ss. 61, 62(11)
    - motion, SDA, s. 61(2)–(4)
  - directions from court, SDA, s. 68
    - application or motion, SDA, s. 68(3)
    - form of request for directions, SDA, s. 68(2)
    - order, SDA, s. 68(4), (5)
  - duties of attorney, SDA, ss. 66, 67
  - duties of guardians of person and attorneys for personal care, SDA, ss. 66–68
    - duties of guardian, SDA, s. 66
      - best interests, SDA, s. 66(4)
      - confinement, restraint and monitoring devices, SDA, s. 66(10)
      - consultation, SDA, s. 66(7)
      - electric shock as aversive conditioning, SDA, s. 66(12)
      - guardianship plan, SDA, s. 66(15), (16)
      - *Health Care Consent Act*, SDA, s. 66(2.1), (3)
      - immunity, SDA, s. 66(19)
      - least restrictive course of action, SDA, s. 66(9)
      - sterilization, transplants, SDA, s. 66(14)
  - incapacity for personal care, SDA, s. 45
  - power of attorney for personal care, SDA, ss. 46–53
    - accounts and records, form of, SDA O. Reg. 100/96, ss. 3, 5(3), (4)
      - retention of accounts and records, SDA O. Reg. 100/96, s. 6
  - capacity, assessment of, SDA, s. 51, O. Reg. 460/05 generally
  - capacity to give instructions, SDA, s. 47(4)
  - capacity to give power of attorney for personal care, SDA, s. 47(1)

## Index

- Guardian (*cont'd*)
  - capacity to revoke, SDA, s. 47(3)
  - conditions and restrictions, SDA, s. 46(6)
  - confirmation, method for, SDA, s. 49(2)
  - death of joint attorney, SDA, s. 46(5)
  - execution, SDA, s. 48
    - non-compliance, SDA, s. 48(4)
    - persons not to be witnesses, SDA, s. 48(2)
    - remote witnessing of powers of attorney, SDA, s. 3.1
  - form, SDA, s. 46(8)
  - instructions, SDA, s. 46(7)
  - PGT as attorney, SDA, s. 46(2)
  - postponed effectiveness, SDA, s. 7(7)
  - prohibition, SDA, s. 46(3)
  - resignation of attorney, SDA, s. 52
  - special provisions, SDA, s. 50(1), O. Reg. 26/95, s. 3(5), Form 5
    - conditions and restrictions, SDA, s. 50(3)
    - list of provisions, SDA, s. 50(2)
    - revocation, SDA, s. 50(4)
    - use of force, SDA, s. 50(4)
  - termination of power of attorney, SDA, s. 53
    - revocation, execution of, SDA, s. 53(2)
  - two or more attorneys, SDA, s. 46(4)
  - validity, SDA, s. 47(2)
  - when power of attorney effective, SDA, s. 49
    - assessor, instructions to, SDA, s. 49(3)
    - confirmation, method for, SDA, s. 49(2)
    - *Health Care Consent Act*, SDA, s. 49(1)
  - presumption of capacity, SDA, s. 2(1), (2)
  - exception, SDA, s. 2(3)
  - onus of proof, SDA, s. 2(4)
  - property, guardian of, SDA, ss. 4–42
    - age, SDA, ss. 4, 5
    - continuing powers of attorney for property, SDA, ss. 7–14
      - accounts and records, form of, SDA O. Reg. 100/96, ss. 2, 5
      - retention of accounts and records, SDA O. Reg. 100/96, s. 6
    - capacity to give continuing power of attorney, SDA, s. 8(1)
    - capacity to revoke, SDA, s. 8(2)
    - conditions and restrictions, SDA, s. 7(6)
    - death of joint attorney, SDA, s. 7(5)
    - execution, SDA, s. 10
      - non-compliance, SDA, s. 10(4)
      - persons not to be witnesses, SDA, s. 10(2)
    - existing powers of attorney preserved, SDA, s. 14
    - form, SDA, s. 7(7.1), (8)
    - generally, SDA, s. 7(1), (2)
    - incapacity, determining, SDA, s. 9(3)
    - PGT as attorney, SDA, s. 7(3)
    - postponed effectiveness, SDA, s. 7(7)
    - resignation of attorney, SDA, s. 11
    - termination of continuing power of attorney, SDA, s. 12
      - revocation, execution of, SDA, s. 12(2)
    - termination or invalidity, exercise after, SDA, s. 13
      - execution, improper, SDA, s. 13(2)

## Index

- Guardian (*cont'd*)
  - two or more attorneys, SDA, s. 7(4)
  - validity despite incapacity, SDA, s. 9
  - court-appointed guardians of property, SDA, ss. 22–30
    - court appointment of guardian of property, SDA, s. 22
      - prohibition, SDA, s. 22(3)
    - criteria for appointment, SDA, s. 24
      - criteria generally, SDA, s. 24(5)
      - exceptions, SDA, s. 24(2)
      - PGT, SDA, s. 24(2.1)
      - two or more guardians, SDA, s. 24(6)
    - incapacity, finding of, SDA, s. 25
      - contents of order, SDA, s. 25(2)
    - procedure, SDA, s. 23
    - temporary guardianship where serious adverse effects, SDA, s. 27
      - application, SDA, s. 27(3.1)
      - duty of PGT if no application, SDA, s. 27(10)
      - exception, SDA, s. 27(11)
      - investigation, SDA, s. 27(2), (3)
      - order appointing temporary guardian, SDA, s. 27(6)–(9)
      - termination or variation, SDA, s. 27(9.1)
    - termination, SDA, ss. 27(9.1), 28, 30
    - variation or substitution of appointment order, SDA, s. 26
      - motion, SDA, s. 26(2)–(4)
  - incapacity to manage property, SDA, s. 6
  - property management, SDA, ss. 31–42
    - access to personal information, SDA, s. 31.1
    - attorney under continuing power of attorney, SDA, s. 38
    - charitable gift, SDA, s. 37(5)
    - compensation, SDA, s. 40, O. Reg. 26/95, s. 1
      - power of attorney, effect of, SDA, s. 40(4)
    - direction from court, SDA, s. 39
      - application or motion, SDA, s. 39(3)
      - form of request for directions, SDA, s. 39(2)
      - order, SDA, s. 39(4), (5)
    - disposition of property given by will, SDA, s. 35.1
      - permitted dispositions, SDA, s. 35.1(3)
    - disposition, proceeds of, SDA, s. 36
    - duties of guardian, SDA, s. 32
      - accounts, SDA, s. 32(6)
      - consultation, SDA, s. 32(5)
      - management plan, SDA, s. 32(10), (11)
      - personal care, SDA, s. 32(1.2)
      - personal comfort and well-being, SDA, s. 32(1.1)
      - PGT, SDA, s. 32(9)
      - standard of care, SDA, s. 32(7)–(8)
      - *Trustee Act*, application, SDA, s. 32(12)
    - exception, SDA, s. 33(3), (4)
    - expenditures deemed for person's benefit, SDA, s. 37(6)
    - expenditures, optional, SDA, s. 37(3)
      - guiding principles, SDA, s. 37(4)
    - expenditures, required, SDA, s. 37
      - guiding principles, SDA, s. 37(2)

## Index

- Guardian (*cont'd*)
  - liability of guardian, SDA, s. 33(1), (2)
  - passing of accounts, SDA, s. 42
  - accounts, SDA, s. 42(2), (3)
  - person's entitled to apply, SDA, s. 42(4)
  - PGT as party, SDA, s. 42(5)
  - powers of court, SDA, s. 42(7), (8)
  - PGT and powers of executor, SDA, s. 35
  - PGT guardianship, proof of, SDA, s. 36.1
  - powers of guardian, SDA, s. 31
  - property in another person's control, SDA, s. 33.2
  - transactions, completion of, SDA, s. 34
  - will, determining whether, SDA, s. 33.1
  - statutory guardians of property, SDA, ss. 15–21
    - accounts and records, form of, SDA O. Reg. 100/96, ss. 3(2), 4
    - retention of accounts and records, SDA O. Reg. 100/96, s. 6
    - capacity, assessment of, SDA, s. 16(1), O. Reg. 26/95, s. 3(4), Form 4
    - certificate of incapacity, SDA, s. 16(3), (4)
    - form of request, SDA, s. 16(2)
    - death of statutory guardian, SDA, s. 19
    - delivery of accounts, SDA, s. 19(2), (3)
    - incapacity, assessment of, SDA, ss. 20.1, 20.2
    - application for review of finding of incapacity, SDA, s. 20.2
    - parties, SDA, s. 20.2(4)
    - power of board, SDA, s. 20.2(5)
    - time for application, SDA, s. 20.2(3)
    - PGT as statutory guardian, SDA, s. 15, 16(5)
    - information to be given, SDA, s. 16(6)
    - refusal to issue certificate of statutory guardianship, SDA, s. 18
    - dispute and application to court, SDA, s. 18(2)
    - replacement of PGT by certain persons, SDA, s. 17, O. Reg. 26/95, s. 3(1), Form 1
    - appointment, SDA, s. 17(4)
    - certificate certifying appointment, SDA, s. 17(8)
    - effect of certificate, SDA, s. 17(9)
    - conditions, SDA, s. 17(10)
    - considerations, SDA, s. 17(5)
    - duty of guardian, SDA, s. 17(12)
    - management plan, SDA, s. 17(3), O. Reg. 26/95, s. 3(2), Form 2
    - notices concerning guardianship forwarded by PGT, SDA, s. 21
    - security, SDA, s. 17(6), (7)
    - two or more guardians, SDA, s. 17(11)
    - termination by attorney, SDA, s. 16.1
    - termination by court, SDA, s. 20.3
    - termination of statutory guardianship, SDA, s. 20
    - PGT notifying guardian of information in register, SDA O. Reg. 99/96, s. 7
    - register of guardians of person and guardians of property, SDA O. Reg. 99/96 generally
    - changes, notifying PGT of, SDA O. Reg. 99/96, s. 4

## Index

- Guardian (*cont'd*)
- file relating to person, SDA O. Reg. 99/96, s. 2
  - information contained in file, SDA O. Reg. 99/96, s. 3
- H**
- Health Care Consent**, *see also*
- Admission to care facilities
- capacity of person, HCCA, s. 4
  - presumption of capacity, HCCA, s. 4(2), (3)
    - exception, HCCA, s. 4(3)
  - definitions, HCCA, s. 2(1)
    - “care facility”, HCCA, s. 2(1)
    - “course of treatment”, HCCA, s. 2(1)
    - “excluded act”, HCCA, s. 3(1)
    - “guardian of the person”, HCCA, s. 2(1)
    - “health practitioner”, HCCA, s. 2(1)
    - “hospital”, HCCA, s. 2(1)
    - “incapable”, HCCA, s. 2(1)
    - “mental disorder”, HCCA, s. 2(1)
    - “plan of treatment”, HCCA, s. 2(1)
    - “psychiatric facility”, HCCA, s. 2(1)
    - “recipient”, HCCA, s. 2(1)
  - refusal of consent, HCCA, s. 2(2)
  - “treatment”, HCCA, s. 2(1)
  - excluded act considered treatment, HCCA, s. 3(2)
  - offences and penalties, HCCA, ss. 82–84
    - decision contrary to wishes, HCCA, s. 84
    - false assertion, HCCA, s. 82
    - misrepresentation of wishes, HCCA, s. 83
  - purposes of *Health Care Consent Act*, HCCA, s. 1
  - regulations, HCCA, s. 85
  - research, sterilization, transplants, HCCA, s. 6
    - restraint, confinement, HCCA, s. 7
    - transition provisions, HCCA, ss. 87–94
    - treatment, HCCA, ss. 8–37.1
  - applications to Consent and Capacity Board, HCCA, ss. 32–37.1
    - application for appointment of representative, HCCA, s. 33(1)
      - application by proposed representative, HCCA, s. 33(2)
      - appointment, HCCA, s. 33(5), (6)
      - exception, HCCA, s. 33(3)
      - parties, HCCA, s. 33(4)
      - powers of board, HCCA, s. 33(7)
      - termination of appointment, HCCA, s. 33(8)
    - application for directions, HCCA, s. 35(1)
      - directions, HCCA, s. 35(3)
      - notice to substitute decision-maker, HCCA, s. 35(1.1)
      - parties, HCCA, s. 35(2)
    - application for review of finding of incapacity, HCCA, s. 32(1)
      - decision effective while application for leave pending, HCCA, s. 32(7)
      - exception, HCCA, s. 32(2)
      - parties, HCCA, s. 32(3)
      - powers of board, HCCA, s. 32(4)
      - restriction on repeated applications, HCCA, s. 32(5), (6)
    - application to depart from wishes, HCCA, s. 36(1)
      - criteria for permission, HCCA, s. 36(3)
      - notice to substitute decision-maker, HCCA, s. 36(1.1)
      - parties, HCCA, s. 36(3)

## Index

- Health Care Consent (*cont'd*)
- application to determine compliance regarding incapable persons, HCCA, s. 37(1)
    - deemed not authorized, HCCA, s. 37(6)
    - directions, HCCA, s. 37(4)
    - parties, HCCA, s. 37(2)
    - PGT, HCCA, s. 37(7)
    - power of board, HCCA, s. 37(3)
    - subsequent substitute decision-maker, HCCA, s. 37(6.1)–(6.3)
      - application for directions, HCCA, s. 37(6.2)
      - inconsistent directions, HCCA, s. 37(6.3)
      - PGT, HCCA, s. 37(7)
    - time for compliance, HCCA, s. 37(5)
  - application with respect to place of treatment, HCCA, s. 34(1)
    - admission and treatment despite application, HCCA, s. 34(3)
    - considerations, HCCA, s. 34(5)
    - exception, HCCA, s. 34(2)
    - order of board, HCCA, s. 34(6)
    - parties, HCCA, s. 34(4)
    - restriction on repeated applications, HCCA, s. 34(7), (8)
  - capacity, HCCA, ss. 4, 15–19
  - capacity depending on treatment, HCCA, s. 15
  - information about consequences of finding of incapacity, HCCA, s. 17
  - order authorizing treatment pending appeal, HCCA, s. 19
  - return of capacity, HCCA, s. 16
  - treatment not to begin where person incapable and seeking review, HCCA, s. 18(1)–(3)
    - exception where emergency, HCCA, s. 18(4)
  - consent to treatment, HCCA, ss. 10–14
    - elements of consent, HCCA, s. 11(1)
    - express or implied consent, HCCA, s. 11(4)
    - included consent, HCCA, s. 12
    - informed consent, HCCA, s. 11(2), (3)
    - no treatment without consent, HCCA, s. 10(1)
    - opinion of board or court governing, HCCA, s. 10(2)
    - plan of treatment, HCCA, s. 13
    - withdrawal of consent, HCCA, s. 14
  - emergency treatment, HCCA, ss. 25–28
    - admission to hospital, HCCA, s. 28
    - “emergency”, meaning of, HCCA, s. 25(1)
    - emergency treatment despite refusal, HCCA, s. 27
    - emergency treatment without consent, HCCA, s. 25(2), (3)
      - capable person, HCCA, s. 25(3)
        - continuing treatment, HCCA, s. 25(7)
      - incapable person, HCCA, s. 25(2)
        - continuing treatment, HCCA, s. 25(6)
    - return of capacity, HCCA, s. 25(9)
    - search for substitute decision-maker, HCCA, s. 25(8)
  - examination without consent, HCCA, s. 25(4)
  - no treatment contrary to wishes, HCCA, s. 26
  - incapable person’s behalf, consent on, HCCA, ss. 20–24
  - admission to hospital, HCCA, s. 24



## Index

- Health Care Consent (*cont'd*)
- psychiatric facility, objection, HCCA, s. 24(2)
  - ancillary treatment, HCCA, s. 23
  - information to be received, HCCA, s. 22
  - list of persons able to give or refuse consent, HCCA, s. 20
    - ranking, HCCA, s. 20(3), (4)
    - requirements for consent, HCCA, s. 20(2), (11)
  - “partner”, meaning of, HCCA, s. 20(9)
  - principles for giving or refusing consent, HCCA, s. 21
    - best interests, HCCA, s. 21(2)
  - Public Guardian and Trustee (PGT) to make decision, HCCA, s. 20(5), (6)
    - where conflict between persons, HCCA, s. 20(6)
    - where no listed person, HCCA, s. 20(5)
  - “relative”, meaning of, HCCA, s. 20(10)
  - “spouse”, meaning of, HCCA, s. 20(7), (8)
  - law relating to giving or refusing consent not affected, HCCA, s. 8(2)
  - liability, protection from, HCCA, ss. 29–31
    - admission to hospital, HCCA, s. 31
    - apparently valid consent to treatment, HCCA, s. 29(1)
    - apparently valid consent to withholding or withdrawal, HCCA, s. 29(3)
    - apparently valid refusal of treatment, HCCA, s. 29(3)
    - emergency treatment administered, HCCA, s. 29(4)
    - emergency treatment not administered, HCCA, s. 29(5)
      - person making decision on another’s behalf, HCCA, s. 30
      - reliance on assertion, HCCA, s. 29(6)
      - “substitute decision-maker”, meaning of, HCCA, s. 9
      - rights advice, MHA Reg. 741, ss. 15, 16
      - wishes of person, HCCA, s. 5
      - later wishes prevailing, HCCA, s. 5(3)
      - power of attorney and, HCCA, s. 5(2)
- Human Tissue Gift**
- administration, TGLNA, ss. 8.17–8.21
  - agreements re personal information, TGLNA, s. 8.20
  - deletion of names, TGLNA, s. 8.21
  - inspectors, TGLNA, s. 8.18
    - powers of inspector, TGLNA, s. 8.18(6), (7)
    - produce and assist, obligation to, TGLNA, s. 8.18(8)
  - personal information, TGLNA, s. 8.19
    - disclosure, TGLNA, s. 8.19(4)–(6), (9), (10)
  - reports, TGLNA, s. 8.17
  - agreements
    - confidentiality, TGLNA, s. 8.20(2)
    - deletion of names, TGLNA, s. 8.21
    - entering into, TGLNA, s. 8.20(1)
  - auditor, TGLNA, s. 8.14
  - definitions, TGLNA, s. 1
    - “consent”, TGLNA, s. 1
    - “Network”, TGLNA, s. 1
    - “tissue”, TGLNA, s. 1
    - “transplant”, TGLNA, s. 1
    - “writing”, TGLNA, s. 1
  - disclosure of information, TGLNA, s. 11
  - immunity, TGLNA, s. 9

## Index

- Human Tissue Gift (*cont'd*)
- *inter vivos* gifts for transplants, TGLNA, ss. 2, 3
  - consent for transplant, TGLNA, s. 3
  - transplants under Act being lawful, TGLNA, s. 2
  - notice and consent, TGLNA, ss. 8.1–8.6
  - classes of facilities, TGLNA, s. 8.2
  - confidentiality agreement, TGLNA, s. 8.2(3)
  - compliance, TGLNA, ss. 8.4(3), 8.5
  - designated facilities, TGLNA, ss. 8.3, 8.4
  - policies and procedures, TGLNA, s. 8.4
  - Minister's directions, TGLNA, s. 8.6
  - notice of death to Network, TGLNA, s. 8.1
  - information exchange, TGLNA, s. 8.1(6)
  - offence, TGLNA, s. 12
  - post mortem gifts from transplants and other uses, TGLNA, ss. 4–8
  - consent being full authority, TGLNA, s. 5(4), (5)
  - consent by person for use of body after death, TGLNA, s. 4
  - consent by spouse for use of body after death, TGLNA, s. 5(1)–(3)
  - coroner's direction, TGLNA, s. 6
  - death, determination of, TGLNA, s. 7
  - specified use failing, where, TGLNA, s. 8
  - public inspection, TGLNA, s. 8.13
  - regulations, TGLNA, ss. 14, 15
  - sale of tissue prohibited, TGLNA, s. 10
  - Trillium Gift of Life Network, TGLNA, ss. 8.7–8.16
  - administrator of Network, TGLNA, s. 8.16
  - annual report, TGLNA, s. 8.15
  - board of directors, TGLNA, s. 8.10
  - establishment of Network, TGLNA, s. 8.7
  - Minister's directions, TGLNA, s. 8.12
  - objects of Network, TGLNA, s. 8.8
  - powers of board, TGLNA, s. 8.11
  - powers of Network, TGLNA, s. 8.9
  - public inspection and audit, TGLNA, s. 8.13
- I**
- Incapacity.** *see* Capabl; Guardian; Health Care Consent; Mental Health
- Income Tax**
- advance payment, ITA, s. 122.72
  - apprentice tools, ITA, s. 85(5.1)
  - computing income on death of taxpayer, ITA, s. 70
  - amounts receivable included, ITA, ss. 70(2)–(3.1), 159(5)
  - election, revocation of, ITA, s. 70(4)
  - exception, ITA, s. 70(3.1)
  - rights or things transferred to beneficiaries, ITA, s. 70(3)
  - capital property of deceased taxpayer, ITA, ss. 70(5)–(5.3), 159(5)
  - deemed disposition at fair market value, ITA, s. 70(5)(a), (b)
  - fair market value, ITA, s. 70(5.3)
  - recaptured depreciation, ITA, s. 70(5)(c)
  - resource properties and land inventories, ITA, s. 70(5.2)
  - transfer or distribution, ITA, s. 70(5.1)
  - computing income generally, ITA, s. 70(1)
  - definitions, ITA, s. 70(10)
  - depreciable property, ITA, s. 70(13), (14)
  - capital cost of, ITA, s. 70(13)

## Index

- Income Tax (*cont'd*)
  - order of disposal of, ITA, s. 70(14)
  - rules of transfer, ITA, s. 85(5)
  - family farm corporations and partnerships, transfer of, ITA, s. 70(9.2)
  - family farm corporations and partnerships transferred from trust to children, ITA, s. 70(9.2)
  - farm property, leased, ITA, s. 70(9.8)
  - farm property transferred to child, ITA, s. 70(9)
    - “child” defined, ITA, s. 70(10)
  - farm property transformed from trust to settlor’s children, ITA, s. 70(9.1)
  - land inventories, ITA, s. 70(5.2)
  - net income stabilization account (NISA) on death, ITA, s. 70(5.4), (6.1), (12)
  - parent, transfer to, ITA, s. 70(9.6)
  - resource properties, ITA, s. 70(5.2)
  - spousal trust, special rules applicable respecting, ITA, s. 70(7), (8)
    - meaning of certain expressions, ITA, s. 70(8)
  - spouse or spousal trust, transfer or distribution to, ITA, s. 70(6)–(6.2)
    - NISA fund, transfer or distribution of, ITA, s. 70(6.1)
    - rollover of capital property, ITA, s. 70(6)
      - election against rollover, ITA, s. 70(6.2)
  - corporation, transfer to, ITA, s. 85
  - death of taxpayer, ITA, ss. 70(1), 248(8)
  - deductions for gifts, ITA, s. 118.1
    - art, gift of, ITA, s. 118.1(7)
    - capital property, gift of, ITA, s. 118.1(6)
    - commuter’s charitable donations, ITA, s. 118.1(9)
    - cultural property, gift of, ITA, s. 118.1(7.1)
    - death after 2015, ITA, s. 118.1(4.1)
    - death of donor, ITA, s. 118.1(15)
    - deduction by individuals for gifts, ITA, s. 118.1(3)
    - definitions, ITA, s. 118.1(1)
      - “total charitable gifts”, ITA, s. 118.1(1)
      - “total Crown gifts”, ITA, s. 118.1(1)
      - “total cultural gifts”, ITA, s. 118.1(1)
      - “total ecological gifts”, ITA, s. 118.1(1)
      - “total gifts”, ITA, s. 118.1(1)
    - direct designation, ITA, s. 118.1(5.1)–(5.3)
      - insurance proceeds, ITA, s. 118.1(5.1), (5.2)
        - deemed gift, ITA, s. 118.1(5.2)
      - RRSPs and RRIFs, ITA, s. 118.1
    - excepted gift, ITA, s. 118.1(19)
    - fair market value, determining, ITA, s. 118.1(10), (10.1)
    - gift by will, ITA, s. 118.1(5)
    - gift in year of death, ITA, s. 118.1(4)
    - loanbacks, ITA, s. 118.1(16), (17)
    - Minister of the Environment, and ecological gifts, ITA, s. 118.1(10.2)–(10.5), (2)
      - certificate of fair market value, ITA, s. 118.1(10.5)
    - non-qualifying securities, ITA, s. 118.1(13), (14)
      - defined, ITA, s. 118.1(18), (20)
    - partnership, gifts made by, ITA, s. 118.1(8)
    - proof of gift, ITA, s. 118.1(2)
  - definitions, ITA, ss. 248(1), 237.4, 237.5
    - “common-law partner”, ITA, s. 248(1)
    - “death benefit”, ITA, s. 248(1)
    - “legal representative”, ITA, s. 248(1)

## Index

- Income Tax (*cont'd*)
- electronic payments, ITA, s. 160.5
  - estates and trusts, ITA, s. 204
  - interpretation, ITA, ss. 248, 252
    - beneficially interested, ITA, s. 248
    - child, extended meaning of, ITA, s. 252(1)
    - occurrences as consequence of death, ITA, s. 248(8)
    - spouse and former spouse, extended meaning of, ITA, s. 252(3)
    - transfers after death, ITA, s. 248(23.1)
    - union as employer, ITA, s. 252.1
  - life insurance policies, ITA, s. 148
    - amount included in computing taxpayer's income, ITA, s. 148(1.1)
    - amounts included in computing policyholder's income, ITA, s. 148(1)
    - annuity, proceeds received as, ITA, s. 148(6)
    - deemed proceeds of disposition, ITA, s. 148(2)
    - definitions, ITA, s. 148(9)
      - "adjusted cost basis", ITA, s. 148(9)
      - "amount payable", ITA, s. 148(9)
      - "cash surrender value", ITA, s. 148(9)
      - "child", ITA, s. 148(9)
      - "disposition", ITA, s. 148(9)
      - "premium", ITA, s. 148(9)
      - "proceeds of the disposition", ITA, s. 148(9)
      - "value", ITA, s. 148(9)
    - income from disposition, ITA, s. 148(4)
    - *inter vivos* transfer to spouse, ITA, s. 148(8.1)
    - life annuity contracts, ITA, s. 148(10)
    - loss of grandfathering, ITA, s. 148(11)
      - non-arm's length disposition, ITA, s. 148(7)
      - special rules for certain policies, ITA, s. 148(3)
      - transfer of interest to child, ITA, s. 148(8)
      - transfer to spouse at death, ITA, s. 148(8.2)
  - payment of tax, ITA, s. 159
    - person acting for another, where, ITA, s. 159(1)
      - appropriation of property, ITA, s. 159(3.1)
      - certificate before distribution, ITA, s. 159(2)
      - election where certain provisions applicable, ITA, s. 159(5)
      - election where subs. 104(4) applicable, ITA, s. 159(6.1)
      - form and manner of election and interest, ITA, s. 159(7)
      - personal liability, ITA, s. 159(3)
      - taxpayer dying, where, ITA, s. 159(5.1), (6)
  - reserves for year of death, ITA, s. 72(1)
    - election by legal representative and transferee, ITA, s. 72(2)
  - reporting rules for digital platform operators, ITA, s. 282
  - returns, ITA, s. 150
    - estates and trusts, ITA Reg., s. 204
    - filing returns of income, ITA, s. 150
      - corporations, ITA, s. 150(1)(a)
      - death of partner or proprietor, ITA, s. 150(4)
      - deceased individuals, ITA, s. 150(1)(b)
      - demands for returns, ITA, s. 150(2)
      - designated individuals, ITA, s. 150(1)(e)
      - general rule, ITA, s. 150(1)
      - exception, ITA, s. 150(1.1)

## Index

- Income Tax (*cont'd*)
  - individuals, ITA, s. 150(1)(d)
  - legal representative, ITA Reg., s. 206
  - trustees, ITA, s. 150(3)
  - trusts or estates, ITA, s. 150(1)(c)
  - split income, ITA, s. 120.4
    - definitions, ITA, s. 120.4(1)
    - “excluded income”, ITA, s. 120.4(1)
    - “split income”, ITA, s. 120.4(1)
    - tax on split income, ITA, s. 120.4(2), (3)
      - specified individual, additional rules, ITA, s. 120.4(1.1)
      - tax payable by specified individual, ITA, s. 120.4(3)
  - transfer of property to corporation, ITA, s. 85
    - computing paid-up capital, ITA, s. 85(2.1)
    - depreciable property, rules on transfers of, ITA, s. 85(5)
    - election, time for, ITA, s. 85(6)–(8)
      - late filed election, ITA, s. 85(7)
      - penalty for late filed election, ITA, s. 85(8)
      - special cases, ITA, s. 85(7.1)
      - unpaid balance of penalty, ITA, s. 85(9)
    - partnership, from, ITA, s. 85(2), (3)
      - partnership wound up, where, ITA, s. 85(3)
      - “eligible property” defined, ITA, s. 85(1.1)
      - rollover, ITA, s. 85(1)
        - conditions, ITA, s. 85(1.2)
        - eligible derivatives, ITA, s. 85(1.12)
        - exception, ITA, s. 85(1.11)
      - “wholly-owned corporation”, meaning of, ITA, s. 85(1.3)
    - trusts, ITA, ss. 104–107.1
      - amount payable, ITA, s. 104(24)
      - beneficiary defined, ITA, ss. 104(1.1), 108(1)
      - beneficiary’s death, ITA, s. 104(13.4)
      - beneficiary’s income, ITA, s. 104(13)–(13.3)
      - benefits under, ITA, s. 105
        - upkeep of property under trust, ITA, s. 105(2)
      - capital gains, ITA, s. 104(21)–(21.3)
      - capital interest, disposition of, ITA, s. 107(1)
        - cost of capital interest, ITA, s. 107(1.1)
        - flow-through entity, ITA, s. 107(2.2)
        - gains not distributed to beneficiaries, ITA, s. 107(2.11)
          - election, ITA, s. 107(2.12)
        - instalment interest, ITA, s. 107(5.1)
        - loss reduction, ITA, s. 107(6)
        - no rollover on election by beneficiary, ITA, s. 107(2.002)
        - no rollover on election by trust, ITA, s. 107(2.001)
        - non-resident, distribution to, ITA, s. 107(5)
        - other distributions, ITA, s. 107(2.1)
        - personal trust, distribution by, ITA, s. 107(2)
        - principal residence, distribution of, ITA, s. 107(2.01)
        - spouse, common-law partner or self, trusts in favour of, ITA, s. 107(4)
          - where subs. 75(2) applicable to trust, ITA, s. 107(4.1)
      - death benefit, ITA, s. 104(28)
      - deductions, ITA, s. 104(6), (12)
      - deemed disposition, ITA, s. 104(4)–(5.2)

## Index

- Income Tax (*cont'd*)
- • definition, ITA, ss. 104(1), 248(1)
  - • depreciable property, ITA, s. 104(5)
  - • distributions, ITA, s. 107.1, 107.2
  - • dividends, ITA, s. 104(19), (20)
  - • elections, ITA, s. 104(14), (14.1)
  - • employee benefit plan or trust, ITA, s. 107.1
  - • excluded property, ITA, s. 108(1)
  - • foreign source income, ITA, s. 104(22)–(22.4)
  - • how taxed, ITA, s. 104(2)
  - • income interest, ITA, s. 106(1)
    - • • cost of income interest, ITA, s. 106(1.1)
    - • • disposition by taxpayer, ITA, s. 106(2)
    - • • proceeds of disposition, ITA, s. 106(3)
  - • *inter vivos*, ITA, s. 108(1)
  - • interpretation of legislation, ITA, s. 108(5)
  - • maintenance of property, ITA, s. 105(2)
  - • minors for, ITA, s. 104(18)
  - • net income stabilization account (NISA), ITA, s. 104(5.1), (14.1)
  - • non-residents, ITA, s. 104(7)
  - • pension benefits, ITA, s. 104(27), (28)
  - • preferred beneficiary, ITA, ss. 104(14), (15), 108(1)
  - • resource property, ITA, s. 104(5.2)
  - • retirement compensation arrangement, ITA, s. 107.2
  - • spousal trust not disqualified, ITA, s. 108(4)
  - • testamentary, ITA, ss. 104(23), 108(1)
  - • transfers, ITA, s. 104(5.8)
  - • unit trust, ITA, s. 108(2)
  - • variation of, ITA, s. 108(6)
  - • “wholly owned corporation” defined, ITA, s. 85(1.3)
- Indemnity**
- *Trustee Act* or order providing, TA, s. 63
- Inspectors**
- creditor as, TA, s. 59(3)
  - Trillium Gift of Life Network, TGLNA, s. 8.18
    - • appointment of, TGLNA, s. 8.18(1)
    - • general power, TGLNA, s. 8.18(2)
    - • inspection of premises, TGLNA, s. 8.18
    - • obligation to produce and assist, TGLNA, s. 8.18(8)
    - • obstruction, TGLNA, s. 8.18(11)
    - • powers of inspector, TGLNA, s. 8.18(6), (7)
    - • produce and assist, obligation to, TGLNA, s. 8.18(8)
    - • restrictions, TGLNA, s. 8.18(3)
- Insurance, see** Life Insurance
- International Wills**, SLRA, ss. 42, 43,  
*see also* Testate Succession
- Intestacy, see also** Survivorship Succession; Testate Succession; Trustees Generally
- curtesy, abolition of, SLRA, s. 48
  - distribution of kin, SLRA, s. 47
    - • brothers and sisters, SLRA, s. 47(4)
    - • crown, SLRA, s. 47(7)
    - • degrees of kindred, SLRA, s. 47(8)
    - • descendants conceived but unborn, SLRA, s. 47(9)
    - • issue, SLRA, s. 47(1)
      - • • predeceasing issue, share of, SLRA, s. 47(2)
    - • nephews and nieces, SLRA, s. 47(5)
    - • next of kin, SLRA, s. 47(6)
    - • parents, SLRA, s. 47(3)

## Index

### Intestacy (*cont'd*)

- intestacy where spouse and no issue, SLRA, s. 44
- issue of predeceased children, SLRA, s. 46(3)
- spouse and one child, SLRA, s. 46(1)
- spouse and two or more children, SLRA, s. 46(2)
- spouse's preferential share, SLRA, s. 45
  - • regulation prescribing amount, SLRA, s. 45(5), (6), O. Reg. 54/95, s. 1
  - • • prescribed amount of \$200,000, SLRA O. Reg. 54/95, s. 1

### Issue

- defined, PA, s. 17(2); SLRA, s. 1(1)
- die without, SLRA, s. 28

## L

### Land Transfers, *see also* Cautions

- death of registered owner, LTA, ss. 120–127
  - • deceased joint tenant, removal of name of, LTA, s. 123
  - • • survivorship application, LTA O. Reg. 430/11, s. 12(2)
  - • • • affidavit in support, LTA O. Reg. 430/11, s. 12(3)
- deceased tenant in common, entry of representatives of, LTA, s. 122
- devisees or estate trustee, registration of, LTA, s. 127
  - • • all persons entitled to apply, LTA, s. 127(3)
  - • • mode of entry, LTA, s. 127(2)
  - • • transmission application, LTA O. Reg. 430/11, s. 12(1)
- evidence of transmission of registered ownership, LTA, s. 124
- person beneficially entitled entered as owner without reference to debts, LTA, s. 125
- transmission on death of registered owner, LTA, ss. 120, 121

- • transfer of interest not to be entered without consent of Minister of Finance, LTA, s. 126
- fraudulent conveyances
  - • definitions, FCA, s. 1
  - • good faith, no notice purchaser, FCA, ss. 3–6
  - • mortgages, good faith, FCA, s. 7(2)
  - • revocability, FCA, s. 7(1)
  - • void against creditors, FCA, ss. 2, 3
  - • voluntary conveyance, FCA, s. 8(1)
    - • • void instrument, FCA, s. 8(2)
  - notice requirement, LTA O. Reg. 430/11, s. 16
  - survivorship application, LTA O. Reg. 430/11, s. 12(2)
    - • affidavit in support, LTA O. Reg. 430/11, s. 12(3)
  - transmission application, LTA O. Reg. 430/11, s. 12(1)

### Life Insurance

- appeal, IA, s. 212
- dealings with contract during insured's lifetime, IA, ss. 197–201
  - • assignee, interest of, IA, s. 200(1)
    - • • assignee deemed to be insured, IA, s. 200(3)
    - • • effect on beneficiary's rights, IA, s. 200(2)
    - • • prohibition against assignment, IA, s. 200(4)
    - • • transfer of ownership, IA, s. 200(3.1)
  - • group life insured, enforcing rights, IA, s. 201
  - • insured dealing with contract, IA, s. 197
  - • insured entitled to dividends, IA, s. 198(1)
  - • insurer able to use dividends, IA, s. 198(2)
  - • transfer of ownership, IA, s. 199
    - • • successive owners, IA, s. 199(2)

## Index

- Life Insurance (*cont'd*)
- definitions, IA, s. 171
  - “beneficiaries”, IA, s. 171
  - “declaration”, IA, s. 171
  - “exempt policy”, IA, s. 171
  - “group insurance”, IA, s. 171
  - “insurance”, IA, s. 171
  - “side account”, IA, s. 171
  - designation of beneficiaries, IA, ss. 190–196
    - beneficiary predeceasing life insured, IA, s. 194(1)
    - change in beneficiary, IA, s. 190(2)
    - designation of beneficiary, IA, s. 190(1)
    - disclaimer by beneficiary, IA, s. 194(3)–(5)
    - “heirs”, meaning of, IA, s. 190(3)
    - insurance money free from creditors, IA, s. 196(1)
      - contract exempt from seizure, IA, s. 196(2)
    - invalid will, designation in, IA, s. 192(1)
    - irrevocable designation of beneficiary, IA, s. 191(1)
      - attempted designation, IA, s. 191(2)
    - right to sue, beneficiary’s, IA, s. 195
    - several beneficiaries, IA, s. 194(2)
    - trustee for beneficiary, IA, s. 193
      - payment to trustee, IA, s. 193(2)
    - will, IA, s. 192
      - invalid will, designation in, IA, s. 192(1)
      - priorities, IA, s. 192(2)
      - revocation of will, IA, s. 192(3), (4)
  - documents affecting right to insurance money, IA, s. 207
  - information to ministry of children, community and social services, IA, s. 273.1
  - legal incapacity, beneficiary under, IA, s. 221
  - minors, IA, ss. 202, 220
    - capacity of, IA, s. 202
    - payment into court, IA, s. 220
  - order of court based on declaration, IA, s. 210(1)
    - payment under order, IA, s. 210(2)
    - stay of proceedings, IA, s. 211
  - order under *Declaration of Death Act*, IA, s. 203(2), (3)
  - payment into court, IA, s. 220
    - minors, IA, s. 220
      - authorized payments, IA, s. 220(4)
      - costs, IA, s. 220(2)
      - procedure, IA, s. 220(3)
  - presumption of death, declaration as to, IA, s. 209
    - order of court based on declaration, IA, s. 210(1)
      - payment under order, IA, s. 210(2)
    - power of court, IA, s. 213
  - proof of claim, IA, s. 203(1)
  - declaration as to sufficiency of proof, IA, s. 208
  - order of court based on declaration, IA, s. 210(1)
    - payment under order, IA, s. 210(2)
  - power of court, IA, s. 213
- Limitation**
- acknowledgments, LimA, s. 13
  - acknowledgment of liability, LimA, s. 13(1)–(3)
  - debtor’s performance of obligation, LimA, s. 13(4)
  - liquidated sum, LimA, s. 13(8)
  - personal property, LimA, s. 13(7)
  - redemption, LimA, s. 13(5)
  - restrictions, LimA, s. 13(9)–(10)
  - trustees, LimA, s. 13(6)



## Index

- Limitation (*cont'd*)
  - actions for entry, distress, or recovery of land
    - accrual
      - alienation, RPLA, s. 5(3)
      - death, RPLA, s. 5(2)
      - dispossession, RPLA, s. 5(1)
      - express trusts, RPLA, s. 42
      - failure to forfeit by person in remainder, RPLA, s. 5(10)
      - future estates, RPLA, ss. 5(11), (12), 6
      - possession by coparceners, RPLA, s. 11
      - possession by relations not heirs to the estate, RPLA, s. 12
    - administrator's right, RPLA, s. 7
    - descent casts, RPLA, s. 10
    - limitations
      - action of dower, RPLA, s. 25–27
      - arrears in respect of a legacy, RPLA, s. 17(1)
      - future estates, RPLA, s. 6
      - general limitation period, RPLA, s. 4
      - legacies secured by express trusts, RPLA, s. 24
      - monies charged upon legacies, RPLA, s. 23(1)
    - mortgagee's estate, RPLA, s. 21
    - mortgagor's estate, RPLA, s. 19
    - succession of disabilities, RPLA, s. 38
  - agents and *Limitations Act*, LimA, s. 12(2), (3)
  - application of *Limitations Act, 2002*, LimA, s. 2
  - *Real Property Limitations Act*, LimA, s. 2(1)(a)
  - attempted resolution, LimA, s. 11
  - independent third party, LimA, s. 11(2)
    - basic limitation period of two years, LimA, s. 4
    - Crown, binding on, LimA, s. 3
    - definitions, LimA, ss. 1, 9(1)
    - discoverability rule, LimA, s. 5
    - presumption, LimA, s. 5(2)
    - general rules, LimA, s. 18
    - agreements to vary, LimA, s. 22
    - conflict of laws, LimA, s. 23
    - contribution and indemnity, LimA, s. 18
    - other Acts, limitation periods in, LimA, s. 19
    - party, adding, LimA, s. 21
    - statutory variation of time limits, LimA, s. 20
    - transition, LimA, s. 24
      - application of s. 24, LimA, s. 24(2)
      - exception, LimA, s. 24(2.1)
      - former limitation period expired, LimA, s. 24(3)
      - former limitation period unexpired, LimA, s. 24(4), (5)
      - no former limitation period, LimA, s. 24(6)
  - incapable persons, LimA, s. 7
    - extension, LimA, s. 7(3)
    - presumption of capability, LimA, s. 7(2)
  - limitation periods apply despite agreements, LimA, s. 22(1)
    - exceptions, LimA, s. 22(2)–(5)
  - litigation guardians, LimA, ss. 8, 9
    - appointment on application or motion by potential defendant, LimA, s. 9(2)
      - definitions, LimA, s. 9(1)
      - effect of appointment, LimA, s. 9(3)
      - non-expiry, LimA, s. 9(4)
      - notice, LimA, s. 9(5)
  - minors, LimA, s. 6

## Index

### Limitation (*cont'd*)

- no limitation period, where, LimA, s. 16
- • support under *Family Law Act* or under domestic contract, LimA, s. 16(1)(c)
- notice of possible claim, LimA, s. 14
- • contents of notice, LimA, s. 14(2)
- • effect, LimA, s. 14(3)
- • exception, LimA, s. 14(4)
- principals and agents, LimA, s. 12(2), (3)
- successors, LimA, s. 12(1)
- ultimate limitation periods, LimA, s. 15
- • day of occurrence, LimA, s. 15(6)
- • exception for purchasers for value, LimA, s. 15(3)
- • period not to run, when, LimA, s. 15(4), (5)

### Loan and Trust Corporations

- executor, approval as, LTCA, s. 175(2)
- security not required, LTCA, s. 175(4)
- trustee, appointment as, LTCA, s. 175(3)

### Local Board of Health

- defined, MHA, s. 1(1)

## M

### Marriage

- remarriage
- • barriers removed, statement, FLA, s. 2(4)–(7)
- • CPP benefits, effect on, CPP, ss. 63, 63.1(1)
- will, and, SLRA, ss. 16, 17(2)

### Maternity, *see* Children

### Matrimonial Home, *see also* Family Property

- defined, FLA, s. 1
- designation of, FLA, s. 20(1), Reg. 367, s. 1, Form 1

- • cancellation, FLA, s. 20(6)(a), Reg. 367, s. 2, Form 2
- joint tenancy with third person, FLA, s. 26
- right to possession for 60 days, FLA, s. 26(2)

### Mediation

- application of rule, R. 75.1.02
- attendance at mediation session, R. 75.1.09
- • failure to attend, R. 75.1.09(3)
- choice of mediator, R. 75.1.07
- confidentiality, R. 75.1.11
- consent order for additional mediation session, R. 75.1.13
- definitions, R. 75.1.03
- • designated party, R. 75.1.03
- • list, R. 75.1.03
- • mediation co-ordinator, R. 75.1.03
- directions for conduct of mediation, R. 75.1.05
- • directions, R. 75.1.05(4)
- • motion for directions, R. 75.1.05(1)–(3)
- • non-compliance, R. 75.1.05(6)
- exemption from mediation, R. 75.1.04
- fees and expenses, FLA, s. 3(7)
- mandatory mediation session
- • defined, O. Reg. 43/05, s. 1
- • fees, O. Reg. 43/05, s. 3(1)
- • • cancellation fees, O. Reg. 43/05, s. 5(1)–(4)
- • • effect of parties' failure to pay, O. Reg. 43/05, s. 6
- • • parties, O. Reg. 43/05, s. 4(2)
- • • parties, extra time, O. Reg. 43/05, s. 4(3)
- • • services covered, O. Reg. 43/05, s. 3(2)
- • • table, O. Reg. 43/05, s. 4(1)
- • number of parties, O. Reg. 43/05, s. 2

## Index

- Mediation (*cont'd*)
- mediators, R. 75.1.06, 75.1.07
  - • choice of mediator, R. 75.1.07
  - non-compliance, remedy for, R. 75.1.10
  - outcome of mediation, R. 75.1.12
  - • agreement, R. 75.1.12(3)–(5)
  - • failure to comply with signed agreement, R. 75.1.12(6)
  - • mediator's report, R. 75.1.12(1), (2)
  - • no agreement, R. 75.1.12(7)
  - procedure before mediation session, R. 75.1.08
  - • non-compliance, R. 75.1.08(4)
  - • statement of issues, R. 75.1.08(1)–(3)
  - Public Guardian and Trustee, SDA, s. 88
  - purpose, R. 75.1.01
  - revocation, R. 75.1.14
  - scope, R. 75.1.02
- Medical Officer of Health**
- defined, MHA, s. 1(1)
- Mental Health**, *see also* Consent and Capacity Board; Health Care Consent
- admission to psychiatric facility
  - • examination to determine capacity to manage property, MHA, s. 54(1)
  - • • certificate of incapacity where patient incapable, MHA, s. 54(4), (5)
  - capacity
  - • assessment following discharge from psychiatric facility, SDA, s. 20.1
  - • review of finding concerning, MHA, s. 60; SDA, s. 20.2
  - certificate of continuance, MHA, s. 59(1)
  - • application for review, MHA, s. 60
  - Consent and Capacity Board for review, application to, MHA, s. 60(1)
  - • patient discharged, MHA, s. 60(3)
  - • procedure, MHA, s. 60(2)
  - definitions, MHA, s. 1(1)
  - • “health practitioner”, MHA, s. 1(1)
  - • “involuntary patient”, MHA, s. 1(1)
  - • “mental disorder”, MHA, s. 1(1)
  - • “out-patient”, MHA, s. 1(1)
  - • “patient”, MHA, s. 1(1)
  - • “physician”, MHA, s. 1(1)
  - • “plan of treatment”, MHA, s. 1(1)
  - • “psychiatric facility”, MHA, s. 1(1)
  - • “psychiatrist”, MHA, s. 1(1)
  - • “record of personal health information”, MHA, s. 1(1)
  - • “rights adviser”, MHA, s. 1(1)
  - • “substitute decision-maker”, MHA, s. 1(1)
  - • “treatment”, MHA, s. 1(1)
  - discharge from psychiatric facility, SDA, s. 20.1
  - • assessment following, SDA, s. 20.1
  - • examination before discharge to determine capacity, MHA, s. 57(1)
  - • • notice of continuance, MHA, s. 57(2)
  - estates, MHA, ss. 54–60
  - • application to Consent and Capacity Board for review, MHA, s. 60(1)
  - • • patient discharged, MHA, s. 60(3)
  - • • procedure, MHA, s. 60(2)
  - • assessment following, SDA, s. 20.1
  - • certificate of incapacity, MHA, s. 54(4), (5)
  - • • cancellation of certificate, MHA, s. 56
  - • examination before discharge to determine capacity, MHA, s. 57(1)
  - • • notice of continuance, MHA, s. 57(2)
  - • examination on admission to determine capacity, MHA, s. 54(1)
  - • • certificate of incapacity, MHA, s. 54(4), (5)

## Index

### Mental Health (*cont'd*)

- examination at other times, MHA, s. 54(2)
- exception, MHA, s. 54(6)
- record of personal health information, MHA, s. 54(3)
- financial statement, MHA, s. 55
- notice of discharge, MHA, s. 58
- PGT as statutory guardian, MHA, s. 54(4); SDA, s. 15
- rights adviser, MHA, s. 59
  - assistance, MHA, s. 59(4)
  - meeting with rights adviser, MHA, s. 59(2)
  - exception, MHA, s. 59(3)
- statutory guardianship, SDA, s. 20.1
- termination of, SDA, s. 20

### Mentally Incompetent

- defined, TA, s. 1

### Minors, *see also* Age of Majority and Accountability

- estate of minor
  - proceedings
    - affidavit in support, R. 67.02
    - commencement, R. 67.01
    - where consent required, R. 67.03
- interpretation of, AMAA, ss. 3, 10
- sale to, EAA, s. 15
- will, and, SLRA, s. 8

### Mortgage

- actions for for entry, distress, recovery of land or rent, ss. 19, 21
- defined, SLRA, s. 32(4); TA, s. 2
- discharge of, R. 72.04
- support order, and, SLRA, s. 32
- will, effect of, SLRA, s. 32

## N

### Net Family Property, *see also* Family Property

- election to receive equalization payment or under will or intestacy, FLA, s. 6, Reg. 368, Form 1
- equalization, FLA, s. 5
  - death of spouse, FLA, s. 5(2)
  - divorce, FLA, s. 5(1)
  - improvident depletion, FLA, s. 5(3)–(5)
    - no further division, FLA, s. 5(4)
  - purpose of equalization, FLA, s. 5(7)
  - variation of share, FLA, s. 5(6)

## O

### Offences

- *Health Care Consent Act*, HCCA, ss. 82–84
- *Insurance Act*, IA, s. 115
- *Trillium Gift of Life Network Act*, TGLNA, s. 12

### Old Age Security

- appeal re benefits, OASA, s. 28(1)
- income, OASA, s. 28(2)
- stay of payment, OASA, s. 28(3)
- deemed death of beneficiary, OASA, s. 31(1)
  - change of date of death, OASA, s. 31(2)
  - death certificates, OASA, s. 31(4)
  - reappearance of individual presumed dead, OASA, s. 31(3)
- estate benefit application, OASA, s. 29(1)
  - deemed receipt, OASA, s. 29(3)
  - payable to estate, OASA, s. 29(2)
- incapacity, OASA, s. 28.1
  - deemed joint application, OASA, s. 30(2)
- retroactive survivor benefit application, OASA, s. 30(1)

## Index

### Options

- perpetuity period, PA, s. 13

**Orders for Assistance**, *see* Assistance, Orders for

**Orphan's Benefit**, *see* Canada Pension Plan (CPP)

## P

**Parentage**, *see* Children

### Passing of Accounts

- application to pass accounts, R. 74.18
- • appointment of person to represent interests, R. 74.18(6)
- • hearing, R. 74.18(11.2)–(13)
- • judgment, form of, R. 74.18(14), Forms 74.50, 74.51
- • judgment on passing of accounts granted without hearing, R. 74.18(9), (10)
- • material to be filed, R. 74.18(1)
- • notice of application, R. 74.18(2), Form 74.44
- • notice of objection to accounts, R. 74.18(7), (8), Form 74.45
- • request for increased costs, R. 74.18(11), (11.1), Forms 74.49.2, 74.49.3
- • service, R. 74.18(3)–(5)
- compellability to render account, EA, s. 50; R. 74.15(1)(h)
- court rules applicable, R. 74.16
- expert, appointment of, EA, s. 49(10)
- form of accounts, R. 74.17
- guardians, by, EA, s. 49(1)
- notice served on Public Trustee, EA, s. 49(8)
- powers of judge, EA, s. 49(2), (3)
- trial of issue and directions as to pleadings, EA, s. 49(4)
- where administrator not next of kin, EA, s. 49(9)

**Paternity**, *see* Children

**Pension Benefits**, *see also* Canada Pension Plan (CPP)

- commuted value, PBA, s. 44(2)
- contents of pension plan, PBA, s. 10
- death benefit
  - • generally, PBA, s. 48
  - • offsets from, PBA Reg. 909, s. 63
  - • statement, PBA Reg. 909, s. 43
- deferred life annuity, PBA, s. 44(5)
- definitions, PBA, s. 1
  - • domestic contract, PBA, s. 1(1)
  - • family arbitration award, PBA, s. 1(1)
- disabled person, payment to, PBA, s. 49
- family law matters, PBA, ss. 67.1–67.6
- information required, PBA, s. 45
- joint benefit
  - • generally, PBA, s. 44(1)–(4)
  - • waiver of, PBA, s. 46
- life annuity, PBA, s. 44(5)
- lump sum payments, PBA, s. 44(7)
- remarriage, effect of, PBA, s. 47
- request for information, target benefits, PBA, s. 98.2
- survivor benefit
  - • bridging benefit, whether required, PBA Reg. 909, s. 64
  - • generally, PBA, s. 44(1)–(4)
  - • statement, PBA Reg. 909, s. 43
  - • waiver of, PBA, s. 46
- target benefits, PBA, s. 39.2

### Perpetuity

- administrative powers of trustees, PA, s. 12
- application of Act, PA, s. 19
- age of majority and, AMAA, s. 9
- age, reduction of, PA, s. 8(1)
- exclusion of class members to avoid remoteness, PA, s. 8(2), (3)
- interpretation, PA, s. 8(4)

## Index

- Perpetuity (*cont'd*)
- application to determine validity, PA, s. 5(1)
    - interim income, PA, s. 5(2)
  - definitions, PA, s. 1
  - determinable interests, PA, s. 15
    - determinable fee simple, PA, s. 15
  - employee-benefit trusts, rules as to perpetuities not applicable to, PA, s. 18
    - “spouse” defined, PA, s. 18(2)
  - easements, *profits à prendre*, PA, s. 14
  - measurement of perpetuity period, PA, s. 6
  - options to acquire reversionary interests, PA, s. 13
    - options to renew lease, PA, s. 13(4)
    - other options, PA, s. 13(3)
  - possibility of vesting beyond period, PA, s. 3
  - powers of appointment, PA, s. 11
  - presumption of validity: “wait and see”, PA, s. 4(1)
    - general power of appointment, PA, s. 4(2)
    - special power of appointment, PA, s. 4(3)
  - presumptions and evidence as to future parenthood, PA, s. 7
  - rule against perpetuities to continue, PA, s. 2
  - rule in *Whitby v. Mitchell* abolished, PA, s. 17
  - saving provision, PA, s. 10
    - acceleration of expectant interests, PA, s. 10(2)
  - specific non-charitable trusts, PA, s. 16
  - spouse, disposition to, PA, s. 9
    - definition, PA, s. 9(2)
  - trustees’ powers not invalidated by, PA, s. 12
  - validity determined, PA, s. 5
  - vesting beyond, PA, s. 3
    - “wait and see”, PA, s. 4
- Personal Assistance Service**, *see also* Health Care Consent
- applications to Consent and Capacity Board, HCCA, ss. 65–69.1
    - application for appointment of representative, HCCA, s. 66(1)
      - application by proposed representative, HCCA, s. 66(2)
      - exception, HCCA, s. 66(3)
      - parties, HCCA, s. 66(4)
    - application for directions, HCCA, s. 67(1)
      - directions, HCCA, s. 67(3)
      - notice to substitute decision-maker, HCCA, s. 67(1.1)
      - parties, HCCA, s. 67(2)
    - application for review of finding of incapacity, HCCA, s. 65(1)
      - exception, HCCA, s. 65(2)
      - parties, HCCA, s. 65(3)
    - application to depart from wishes, HCCA, s. 68(1)
      - criteria for permission, HCCA, s. 68(3)
      - notice to substitute decision-maker, HCCA, s. 68(1.1)
      - parties, HCCA, s. 68(2)
    - application to determine compliance regarding incapable persons, HCCA, s. 69(1)
      - deemed not authorized, HCCA, s. 69(6)
      - directions, application for, HCCA, s. 69(4)
      - inconsistent directions, HCCA, s. 69(6.3)
      - parties, HCCA, s. 69(2)
      - PGT, HCCA, s. 69(7)
      - power of board, HCCA, s. 69(3)
    - deemed application concerning capacity, HCCA, s. 69.1
    - consent, included, HCCA, s. 62

## Index

- Personal Assistance Service (*cont'd*)
- decision on incapable person's behalf, HCCA, s. 57
    - • change of decision, HCCA, s. 61
    - • confinement, monitoring devices, restraint, HCCA, s. 59(3)
    - • information required to make decision, HCCA, s. 60
    - • opinion of board or court governing, HCCA, s. 57(2)
    - • participation, HCCA, s. 59(4)
    - • principles for making decision, HCCA, s. 59(1)
      - • • best interests, HCCA, s. 59(2)
    - • who able to make decision, determining, HCCA, s. 58
  - information provided to person found incapable, HCCA, s. 62.1
  - liability, protection from, HCCA, s. 63
    - • person making decision on recipient's behalf, HCCA, s. 64
    - • personal assistance service not provided, HCCA, s. 63(2)
    - • personal assistance service provided, HCCA, s. 63(1)
  - "substitute decision-maker", meaning of, HCCA, s. 56
- Personal Property**
- defined, FCA, s. 1
  - fraudulent conveyance
    - • good faith, no notice purchaser, FCA, ss. 3–6
    - • revocability clause, FCA, s. 7(1)
    - • void against creditors, FCA, ss. 2, 3
    - • voluntary conveyance, FCA, s. 8(1)
      - • • void instrument, FCA, s. 8(2)
- Personal Representative**
- action of account, TA, s. 39
  - allowance, TA, s. 61
  - children born outside marriage, EAA, s. 24(1)
  - conveyance
    - • concurrence required, EAA, s. 17(2)
    - • order, EAA, s. 17(8)
    - • court appointed, TA, s. 37
    - • defined, SLRA, s. 1(1); TA, s. 1
    - • devolution of property to, EAA, s. 2
    - • heir, as, EAA, s. 6
    - • liability, EAA, ss. 23(2), 24(2)
    - • family law proceedings, FLA, s. 6(19)
    - • relief from, TA, s. 50(3)
    - • rents, TA, s. 52
    - • subsequent claims, TA, ss. 51(2), 52(2)
    - • waste, for, TA, s. 56
  - mortgaging, EAA, s. 22
  - powers
    - • conveyance pursuant to contract, TA, s. 43
    - • debt payment, TA, s. 48
    - • protection from, EAA, s. 19
    - • real property, EAA, s. 16
    - • removal by court, TA, s. 37(1)
    - • survivorship, TA, s. 46
- Plan of Treatment**
- defined, HCCA, s. 2; MHA, s. 1(1)
- Power of Attorney, *see also* Guardian**
- continuing powers of attorney for property, SDA, ss. 7–14
    - • accounts and records, form of, SDA, O. Reg. 100/96, ss. 2, 5
      - • • retention of accounts and records, SDA, O. Reg. 100/96, s. 6
    - • capacity to give continuing power of attorney, SDA, s. 8(1)
    - • capacity to revoke, SDA, s. 8(2)
    - • conditions and restrictions, SDA, s. 7(6)
    - • death of joint attorney, SDA, s. 7(5)
    - • execution, SDA, s. 10
      - • • non-compliance, SDA, s. 10(4)

## Index

- Power of Attorney (*cont'd*)
- persons not to be witnesses, SDA, s. 10(2)
  - existing powers of attorney preserved, SDA, s. 14
  - form, SDA, s. 7(7.1), (8)
  - generally, SDA, s. 7(1), (2)
  - incapacity, determining, SDA, s. 9(3)
  - PGT as attorney, SDA, s. 7(3)
  - postponed effectiveness, SDA, s. 7(7)
  - resignation of attorney, SDA, s. 11
    - exception, SDA, s. 11(1.1)
  - termination of continuing power of attorney, SDA, s. 12
    - revocation, execution of, SDA, s. 12(2)
  - termination or invalidity, exercise after, SDA, s. 13
    - execution, improper, SDA, s. 13(2)
  - two or more attorneys, SDA, s. 7(4)
  - validity despite incapacity, SDA, s. 9
  - definition, PAA, s. 1
  - exercise of power after termination, PAA, s. 3
  - form of general power of attorney, PAA, s. 2
  - personal care, power of attorney for, SDA, ss. 46–53
    - accounts and records, form of, SDA, O. Reg. 100/96, ss. 3, 5(3), (4)
      - retention of accounts and records, SDA, O. Reg. 100/96, s. 6
    - capacity, assessment of, SDA, s. 51, O. Reg. 460/05 generally
    - capacity to give instructions, SDA, s. 47(4)
    - capacity to give power of attorney for personal care, SDA, s. 47(1)
    - capacity to revoke, SDA, s. 47(3)
    - conditions and restrictions, SDA, s. 46(6)
    - confirmation, method for, SDA, s. 49(2)
    - death of joint attorney, SDA, s. 46(5)
    - directions, court application for, SDA, s. 68
    - duties, SDA, ss. 66(1)–(19), 67
    - execution, SDA, s. 48
      - non-compliance, SDA, s. 48(4)
      - persons not to be witnesses, SDA, s. 48(2)
      - remote witnessing of powers of attorney, SDA, s. 3.1
    - form, SDA, s. 46(8)
    - instructions, SDA, s. 46(7)
    - PGT as attorney, SDA, s. 46(2)
    - postponed effectiveness, SDA, s. 7(7)
    - prohibition, SDA, s. 46(3)
    - resignation of attorney, SDA, s. 52
    - special provisions, SDA, s. 50(1), O. Reg. 26/95, s. 3(5), Form 5
      - conditions and restrictions, SDA, s. 50(3)
      - list of provisions, SDA, s. 50(2)
      - revocation, SDA, s. 50(4)
      - use of force, SDA, s. 50(4); O. Reg. 26/95, Form 5
    - termination of power of attorney, SDA, s. 53
      - revocation, execution of, SDA, s. 53(2)
    - two or more attorneys, SDA, s. 46(4)
    - validity, SDA, s. 47(2)
    - when power of attorney effective, SDA, s. 49
      - assessor, instructions to, SDA, s. 49(3)
      - confirmation, method for, SDA, s. 49(2)
      - *Health Care Consent Act*, SDA, s. 49(1)
  - confirmation, method for, SDA, s. 49(2)
- Probate**, *see* Court Rules; Certificate of Appointment of Estate Trustee with Will; Estates Generally



## Index

### **Property**, *see also* Family Property; Escheats

- accumulation period, AA, s. 1
- continuing powers of attorney for property, SDA, ss. 7–14
- defined, FLA, s. 4(1)
- delivery up of, by PGT, PGTA, s. 10
- entitlement
  - application for, FLA, s. 7(1)
  - business or farm, and, FLA, s. 11
  - powers of court, FLA, s. 9
  - statement, FLA, s. 8
- excluded, FLA, s. 4(2)
- preservation orders, FLA, s. 12
- resulting trust, and, FLA, s. 14
- title of spouses, FLA, s. 10

### **Psychiatric Facility**, *see also* Mental Health

- admission to psychiatric facility
  - examination to determine capacity to manage property, MHA, s. 54(1)
  - certificate of incapacity where patient incapable, MHA, s. 54(4), (5)
- defined, HCCA, s. 2; MHA, s. 1(1), Reg. 741, s. 1; SDA, s. 1(1)
- discharge from psychiatric facility, SDA, s. 20.1
  - assessment following, SDA, s. 20.1
  - examination before discharge to determine capacity, MHA, s. 57(1)
  - notice of continuance, MHA, s. 57(2)
  - notice of discharge, MHA, s. 58
  - standards, MHA Reg. 741, ss. 2–5

### **Public Guardian and Trustee (PGT)**, *see also* Crown Administration of Estates

- accounts, PGTA O. Reg. 191/95, s. 1
- common trust accounts, PGTA O.Reg. 191/95, s. 1(8)
- costs of passing, PGTA, s. 8.2

- administration fund, PGTA, s. 9
  - manner of paying into and out of account, PGTA, s. 9(6)
  - money received, PGTA, s. 9(4)
  - payment of fees and income into, PGTA, s. 9(1); O. Reg. 191/95, s. 1(4)
  - manner of, PGTA, s. 9(6)
- payment out of, PGTA, s. 2; O. Reg. 191/95, s. 1(5)
- payment out of balances into consolidated revenue fund, PGTA, s. 9(5); O. Reg. 191/95, s. 2(b)
- advisory committees, PGTA, s. 15
  - annual reports, PGTA, s. 15(4)
  - appointment, PGTA O. Reg. 191/95, s. 4(1)
  - consultation, PGTA, s. 15(3)
  - recommendations and suggestions, PGTA, s. 15(2)
  - status of members, PGTA, s. 15(1)
- alternates in absence, PGTA, ss. 2(2), (3), 3
- appointment, PGTA, s. 1, O. Reg. 191/95, s. 4
  - as continuing power of attorney for property, SDA, s. 7(3)
  - as guardian of property, SDA, s. 35
  - as power of attorney for personal care, SDA, s. 46(2)
  - as temporary guardian of property, SDA, ss. 27(3.1), (6)
  - as trustee of estate, CAEA, ss. 1, 2; PGTA, s. 7
  - security dispensed with, PGTA, s. 16
  - to office, PGTA, s. 11
- assurance fund
  - discharge of losses out of it, PGTA, s. 11
  - establishment, PGTA, s. 9(3); O. Reg. 191/95, s. 1(6)
- attorney for personal care, SDA, s. 46(2)

## Index

- Public Guardian and Trustee (PGT) (*cont'd*)
  - audit, PGTA, s. 17
  - charitable and public trusts, PGTA, s. 12
  - charities
    - breach of trust, CAA, s. 10
    - application for order re carrying out trust, CAA, s. 10(1)
    - investigation by Public Guardian and Trustee, CAA, ss. 6(4), 10(3)
    - notice of donation to, CAA, s. 1
    - notice to Public Guardian and Trustee, CAA, s. 10(2)
    - powers of Public Guardian and Trustee, CAA, s. 10(4)
  - collection of funds from public, CAA, s. 6
    - investigation, CAA, s. 6(3)–(6)
    - powers of Public Guardian and Trustee, CAA, s. 6(4)
  - common trust accounts, PGTA O. Reg. 191/95, s. 1(2), (8)
  - confidentiality of matters, PGTA, s. 18
  - consolidated revenue fund
  - discharge of losses out of, PGTA, s. 11
  - payment over of balances into, CAEA, ss. 10, 11; PGTA, s. 9(5); O. Reg. 191/95, s. 2(b)
  - continuing attorney for property, as, SDA, s. 7(3)
  - corporation sole, PGTA, s. 1(2), (3)
  - court appointed guardian of property, SDA, s. 35
  - Crown interest in estate
    - Administration of, CAEA, s. 1
  - delivery up of property by, PGTA, s. 10
    - conditions precedent, PGTA, s. 10(1), (2)
    - exception, property under \$20,000, PGTA, s. 10(3)
  - protection from liability, PGTA, s. 10(4)
  - deputy, PGTA, s. 2
    - appointment, PGTA, s. 2(2)
    - powers and duties, PGTA, s. 2(1)
      - general, PGTA, s. 2(1)
      - interim vacancy in office of PGT, PGTA, s. 2(3)
      - PGTA absent/ill, where, PGTA, s. 2(2)
  - duties, PGTA, s. 5
    - accountant of Ontario court, PGTA, s. 5(2), (3)
    - accounts to maintain, PGTA O. Reg. 191/95, s. 1(1)
    - confidentiality, to maintain, PGTA, s. 18
    - estate assets, to convert and transfer to Unadministered Estates account, PGTA O. Reg. 191/95, s. 1(7)
  - escheats account
    - duty to maintain, PGTA O. Reg. 191/95, s. 1(1)
    - duty to transfer *Escheats Act* monies into, PGTA, s. 1(3)
  - estates and trusts, PGTA, s. 7
    - consent required to be appointed as trustee, PGTA, s. 7(1.1)
  - expenses
    - deduction from money held for person, estate or trust, PGTA, s. 8(3.1); CAEA, s. 13
    - entitlement to reimbursement, CAEA, s. 13; PGTA, s. 8(1.2)
    - reduction, PGTA, s. 8(3.2), (3.3)
  - fees charged, PGTA, s. 8(1), (1.1), (2), O. Reg. 191/95, s. 1(4), 3
    - amendment of incorporating documents, for, PGTA O. Reg. 191/95, s. 3(1)
    - calculation, basis of, PGTA, s. 8(3)
    - deduction of fees and expenses, PGTA, s. 8(3.1)

## Index

- Public Guardian and Trustee (PGT) (*cont'd*)
  - discretionary reduction, PGTA, s. 8(3.2), (3.3)
  - discretionary waiver, PGTA, s. 8(3.2), (3.3)
  - investigation of, SDA, ss. 27(2), (3), 62(2), (3)
  - lien re fees, advances, PGTA, s. 8.1
  - other Acts, PGTA, s. 8(4)
  - paramountcy of provisions governing, PGTA, s. 8(4); SDA, s. 40(3)
  - pay into administration fund, to, PGTA, s. 9(1)
  - power to charge, PGTA, s. 8(1), (2)
  - register of guardians, to establish and maintain, SDA, O. Reg. 99/95 generally
  - reimbursement for expenses, PGTA, s. 8(1.2)
  - temporary guardianship of property, to apply for, SDA, s. 27(3.1)
  - immunity, PGTA, ss. 5.1, 11
  - distribution of estate assets, CAEA, s. 14(2)
  - distribution of property under \$20,000, PGTA, s. 10(3)
  - liability for losses, from, PGTA, s. 11
  - interest paid on money held, PGTA, s. 13.1
  - power to fix, PGTA, s. 13.1
  - investment of property, PGTA, s. 13
  - lien re fees, advances, PGTA, s. 8.1
    - real property, PGTA, s. 8.1(2)
  - losses, making good on, PGTA, s. 11
  - mediation, SDA, s. 88
  - Not-for-Profit Corporations Act, 2010, PGTA, s. 13.2
  - passing of accounts, costs of, PGTA, s. 8.2
  - person dying intestate with no kin
    - application to compel account by administrator, CAEA, s. 9
    - claims upon estate of, CAEA, s. 12
    - Consolidated Revenue Fund, payment of unclaimed funds to, CAEA, s. 11; PGTA, s. 9(4)
    - disbursements, right to, CAEA, s. 13
    - disposition of money from estate, CAEA, s. 10; PGTA, s. 9(4)
    - distribution of assets of, CAEA, s. 14
    - letters of administration, application for, CAEA, s. 2(2)
    - notice to other applications for letters of administration, CAEA, s. 3
    - order to make necessary inquiries, CAEA, s. 7
    - power to sell real estate of, CAEA, s. 5
    - recovery of real estate of, CAEA, s. 8
    - relatives rights after issue of administration to, CAEA, s. 6
    - security dispensed with, CAEA, s. 4
    - personal information, access to, PGTA, s. 10.3(1)
      - definitions, PGTA, s. 10.3(7)
      - *Freedom of Information and Protection of Privacy Act*, PGTA, s. 10.3(7)–(9)
      - *Health Insurance Act*, PGTA, s. 10.3(1)
      - mandatory disclosure, PGTA, s. 10.3(2), (4)
      - optional disclosure, PGTA, s. 10.3(5)
      - *Personal Health Information Protection Act, 2004*, PGTA, s. 10.3(3.1)
        - exception, PGTA, s. 10.3(3)
    - powers and duties, PGTA, s. 2
      - assurance fund, to establish, PGTA, s. 9(3)
      - other delegation, PGTA, s. 2(4)
      - vacancy, PGTA, s. 2(3)
    - property, delivery up of, PGTA, s. 10(1)
      - deposit of copy of will or grant, PGTA, s. 10(2)

## Index

- Public Guardian and Trustee (PGT) (*cont'd*)
  - exception, PGTA, s. 10(3)
  - protection from liability, PGTA, s. 10(4)
  - *Public Inquiries Act, 2009*, application of, PGTA, s. 6
  - real property
    - to assign, discharge or transfer interest in, CAEA, ss. 5, 6
    - to complete sales after revocation of grant, CAEA, s. 6(2)
    - to recover, of persons dying intestate and without heirs, CAEA, s. 8
    - to register lien on, PGTA, s. 8.1(2)
  - records of PGT, PGTA, s. 10.1, 10.2
    - access to, SDA, s. 83
    - copies and print-outs as evidence, PGTA, s. 10.1(1)
    - retention of originals, PGTA, s. 10.2(2)
    - storage and transfer, PGTA, s. 10.2
  - register of guardians of person and guardians of property, SDA, O. Reg. 99/96, ss. 1–8
  - regulations governing PGT, PGTA, s. 14
  - report of PGT, PGTA, s. 19
  - salaries, PGTA, s. 4
  - security not necessary for PGT, PGTA, s. 16
  - staff
    - appointment, PGTA, s. 1(1)
    - fees for services performed by, PGTA, s. 8(2)
    - salary, PGTA, ss. 4, 9(2)
    - vicarious liability for, PGTA, s. 5.1(2)
  - statutory guardian of property, SDA, ss. 15, 16(3)
  - storage and transfer of information, PGTA, s. 10.2
  - temporary guardianship where serious adverse effects, SDA, s. 27
    - application, SDA, s. 27(3.1)
    - duty of PGT if no application, SDA, s. 27(10)
      - exception, SDA, s. 27(11)
      - investigation, SDA, s. 27(2), (3)
    - trustee of estate, as, PGTA, ss. 7, 10, 11, 13, 16
    - unadministered estates account
      - duty to convert assets and pay into, PGTA O. Reg. 191/95, s. 1(7)
      - power to maintain, PGTA, s. 1(2)
      - vicarious liability, PGTA, s. 5.1(2)
      - volunteers, appointment, SDA, s. 87
    - when Attorney General to act, PGTA, s. 3

## R

### Real Property

- actions for entry, distress, recovery of land or rent, limitation of, *see* Limitation
- defined, FCA, s. 1
- fraudulent conveyances
  - good faith, no notice purchaser, FCA, ss. 3–6
  - revocability clause, FCA, s. 7(1)
  - good faith mortgages, FCA, s. 7(2)
- void against creditors, FCA, ss. 2, 3
- voluntary conveyance, FCA, s. 8(1)
  - void instrument, FCA, s. 8(2)
- operation of covenants, inheritance, CLPA, s. 24(1)

### Reference

- accounts taking, R. 55.04
- application of Rules, R. 54.01
- appointing committee, guardian or receiver, R. 55.07
- claims, verifying, R. 55.03
- conduct of, R. 55.01
- interested persons, ascertaining, R. 55.03
- motions on, R. 54.05

## Index

### Reference (*cont'd*)

- order directing, R. 54.04
- payment of money, R. 55.05
- procedure generally, R. 55.02
- report on, R. 54.06
- • confirmation by passage of time, R. 54.09
- • referee to report back, R. 54.08
- • referee unable to complete, R. 54.10
- • report confirmed, R. 54.07
- sale, conduct of, R. 55.06
- to whom directed, R. 54.03
- where may be directed, R. 54.02

### Rent

- apportionment, ApA, s. 4
- • recovering apportioned parts, ApA, s. 5
- defined, ApA, s. 1
- how accrued, ApA, s. 3
- limitation of actions for actions for, *see* Limitation
- policies, ApA, s. 6

### Resulting Trust

- property ownership and, FLA, s. 14

### Revival

- wills, SLRA, ss. 19, 21

### Rules of civil procedure, *see* Court Rules

## S

### Same-sex Partners

- child support, FLA, ss. 1(1), 31, 38.1, 53, 54
- cohabitation agreements, FLA, s. 53(1)
- dependants' claim for support, SLRA, ss. 58–61, 67
- health care consent
- • consent to admission to care facilities, HCCA, ss. 20(1)–(4), (9), (11), 57, 58

- • consent to personal assistant services, HCCA, ss. 20(1)–(4), (9), (11), 57, 58
- • consent to treatment, HCCA, s. 20(1)–(6), (9), (11)
- perpetuities, and, PA, s. 9(1)
- pledging credit for necessities, FLA, s. 45(1)
- separation agreements, FLA, s. 54
- substitute decisions
- • application to replace PGT as statutory guardian of property, SDA, s. 17(1)
- • notice in guardianship proceedings, SDA, s. 69(6)
- • receipt of resignation of attorney, SDA, s. 11(1)(d)
- support of same-sex partner, on relationship breakdown, FLA, ss. 30, 53, 54

### Settled Estate

- application to court under Act, SEA, ss. 19–21
- • consent to, SEA, s. 19(1)
- • • dispensing with consent, SEA, s. 19(5)
- • no obligation to make or consent to application, SEA, s. 35
- • notice, SEA, s. 19(2)
- • • dispensing with, SEA, s. 19(4)
- • notice in newspapers, SEA, s. 21
- • notice to trustees, SEA, s. 20
- • order saving rights of non-consenting parties, SEA, s. 19(6)
- • rejection by Legislature, where, SEA, s. 22
- costs, SEA, s. 31
- curtesy, SEA, s. 32(2)
- dedications for streets, SEA, s. 16
- definitions, SEA, s. 1(1)
- • “settled estate”, SEA, s. 1(1)
- • “settlement”, SEA, s. 1(1)

## Index

- Settled Estate (*cont'd*)
- determining settled estates, SEA, s. 1(3)
  - disability, persons under, SEA, s. 34
  - dower, SEA, s. 32(2)
  - estates in remainder or reversion not disposed of by settlement, SEA, s. 1(2)
  - execution of deeds, SEA, s. 17
  - exercise of powers, SEA, s. 18
    - jointly entitled, where, SEA, s. 18(2)
  - interest, payment of, SEA, s. 25
  - joint action, SEA, s. 32(4)
  - leases for 21 years, power to make, SEA, s. 32
    - additional powers, SEA, s. 32(3)
    - conditions, SEA, s. 32(6)
    - validity of leases, SEA, s. 32
  - leases of settled estates, SEA, ss. 2–12
    - conditions in settling leases by courts, SEA, s. 11
      - striking out such conditions, SEA, s. 12
    - covenants, SEA, s. 3
    - direction as to whom lessor, SEA, s. 9
    - form, SEA, s. 2(1)
    - mode in which leases able to be authorized, SEA, s. 7
    - parts of settled estates, SEA, s. 4
    - power to authorize, SEA, s. 2(1)
      - conditions to be observed, SEA, s. 2(1)1–5
      - evidence to be produced on application, SEA, s. 8
    - preliminary contracts, SEA, s. 6
    - renewal, agreements for, SEA, s. 2(2)
    - special covenants, SEA, s. 3
    - surrender and renewal, SEA, s. 5
    - trustees, powers of leasing able to be vested in, SEA, s. 10
  - money, application of, SEA, ss. 23, 24, 26
    - orders of court conclusive, SEA, s. 30
    - persons under disability, SEA, s. 34
    - powers conferred by other Acts, SEA, s. 37
    - powers of court, SEA, ss. 13, 27, 28
      - extent of powers, SEA, s. 28
      - mortgages of settled estate, SEA, s. 13(1)(a), 13(2)
      - repeated exercise of powers, SEA, s. 27
      - sales of settled estates, SEA, s. 13(1)(b), 13(3)
    - rental as consideration for land sold for building, SEA, s. 14
    - reservation of rights or privileges, SEA, s. 15
    - streets, dedications for, SEA, ss. 16, 17
    - tenants for life to be deemed entitled despite encumbrances, SEA, s. 36
    - validity of acts, SEA, s. 29
    - validity of leases, SEA, s. 33
- Simplified Procedure**
- affidavit of documents, R. 76.03
    - no cross-examination, R. 76.04
  - application of Rule, R. 76.01(1)
  - availability, R. 76.02
  - cost consequences, R. 76.13
  - dismissal by Registrar, R. 76.06
  - motions, R. 76.05
    - motions dealt with by Registrar, R. 76.06
  - no discovery, R. 76.14
  - pre-trial conference, R. 76.10
  - setting down action for trial, R. 76.09
  - settlement discussion, R. 76.08
  - summary judgment, R. 76.07
  - summary trial, R. 76.12
  - trial list, defended action, R. 76.11
  - trial management checklist, Form 76D

## Index

### Spouse

- defined, FLA, s. 1(1); PA, s. 9(2); SLRA, s. 57; SDA, s. 1(1); TGLNA, s. 5; CLPA, s. 13(3)
- preferential share, SLRA O. Reg. 54/95, s. 1
- surviving, election of, FLA, s. 6, Reg. 368, s. 1, Form 1

### Submission of Rights to Court, R.

75.07.1, Form 75.10

- no rejection of settlement, R. 75.07.1(c)(ii), Form 75.12
- notice of settlement, R. 75.07.1(c)(ii), Form 75.11

### Substitute Decision Maker, *see also* Guardian; Mental Health; Powers of Attorney

- consent admission to care facility by, HCCA, ss. 40–45
- consent to personal assistance services by, HCCA, ss. 57–62
- consent to treatment by, HCCA, ss. 20–24
- defined, HCCA, ss. 9, 39, 56; MHA, s. 1(1)
- information entitled to, HCCA, ss. 22, 43, 60
- liability, protection from, HCCA, ss. 30, 49, 64

### Succession, *see* Intestacy; Survivorship Succession; Testate Succession

### Support Obligations, *see also* Dependants' Relief; Family Property

- assignment of support order, FLA, s. 34(3), (3.1)
- court powers, FLA, s. 34
- • insurance policy designation, FLA, s. 34(1)(i)
- • lump sum payment, FLA, s. 34(1)(b)
- • periodic payments, FLA, s. 34(1)(a)
- • transfer of property, FLA, s. 34(1)(c)
- court's jurisdiction, FLA, s. 34(2)

- estate, support order binding, FLA, s. 34(4)
- indexing of support payments, FLA, s. 34(5), (6)
- provisional orders, FLA, s. 44
- variation of support order, FLA, s. 37
  - • child support, FLA, s. 37(2.1), (2.2)
    - • • child support guidelines, application of, FLA, s. 37(2.2)
    - • • “child support guidelines” defined, FLA, s. 1(1)
    - • • consent orders, FLA, s. 37(2.5), (2.6)
      - • • • reasonable arrangements, FLA, s. 37(2.6)
    - • • exception, FLA, s. 37(2.3), (2.4)
  - • limitation on applications for variation, FLA, s. 37(3)
  - • spouse and parent support, FLA, s. 37(2)

### Survivor's Pension, *see* Canada Pension Plan (CPP); Pension Benefits

### Survivorship Succession

- general rule, SLRA, s. 55(1)
- insurance, proceeds of, IA, s. 115; SLRA, s. 55(4)
- joint tenants, simultaneous death of, SLRA, s. 55(2)
- substitute representative in will, SLRA, s. 55(3)
- trustees, TA, s. 3(2)

## T

### Tax, *see* Estate Administration Tax; Income Tax

### Tenant

- death, RTA, s. 91(1)
- • access to property, RTA, s. 91(2)(b)
- • preservation of property, RTA, s. 91(2)(a)
- disposition of property, RTA, s. 92(1)(a)
- • amending agreement, RTA, s. 92(5)

## Index

- Tenant (*cont'd*)
- • limitation of liability, RTA, s. 92(2)
  - • not applicable when, RTA, s. 163
  - • reimburse for, RTA, s. 92(3)
  - • return of, RTA, s. 92(4)
- Tenant for Life**, SEA, s. 36
- Testate Succession**, *see also* Intestacy; Survivorship Succession; Trustees
- alterations in will, SLRA, s. 18
  - • valid alterations, SLRA, s. 18(2)
  - conflict of laws, SLRA, ss. 34–41
  - • application of law, land and movables, SLRA, s. 36
  - • • interests in land, re, SLRA, s. 36(1)
  - • • interests in movables, re, SLRA, s. 36(2)
  - • application of law, time of making will, SLRA, s. 37
  - • change of domicile, SLRA, s. 38
  - • construction of will, SLRA, s. 39
  - • formalities, SLRA, s. 41
  - • • alteration of will, effect of, SLRA, s. 41(2)
  - • interpretation, SLRA, s. 34
  - • movables used in relation to land, SLRA, s. 40
  - contract to dispose of property by will, SLRA, s. 71
  - creditor as witness, SLRA, s. 13
  - definitions, SLRA, s. 1(1)
  - • “child”, SLRA, s. 1(1)
  - • “grandchild”, SLRA, s. 1(1)
  - • “issue”, SLRA, s. 1(1)
  - • “parent”, SLRA, s. 1(1)
  - • “personal representative”, SLRA, s. 1(1)
  - • “spouse”, SLRA, s. 1(1)
  - • “will”, SLRA, s. 1(1)
  - “die without issue”, import of words, SLRA, s. 28
  - directions to pay debts out of personalty or residue, consequence of, SLRA, s. 32(2)
  - designation of beneficiaries of interest in funds or plans, SLRA, ss. 50–54.1
  - • definitions, SLRA, s. 50
  - • • “participant”, SLRA, s. 50
  - • • “plan”, SLRA, s. 50
  - • designation of beneficiaries, SLRA, s. 51
  - • payment and enforcement, SLRA, s. 53
  - • regulations, SLRA, s. 53.1
  - • retirement income funds, application to, SLRA, s. 54.1
  - • revocation and validity of designation, SLRA, s. 52
  - • • earlier designation not revived, SLRA, s. 52(6)
  - • • revocation with will, SLRA, s. 52(1)–(3)
  - • • where will invalid, SLRA, s. 52(4), (5)
  - election by surviving spouse, family law proceedings, FLA, s. 6
  - execution of will, SLRA, s. 4
  - executor as witness, SLRA, s. 14
  - exercise of appointments by will, SLRA, s. 9
  - gifts, substantial, SLRA, s. 31
  - “heir” in devise of property, meaning of, SLRA, s. 27
  - holograph wills, SLRA, s. 6
  - incompetency of witness, effect of, SLRA, s. 11
  - international wills, SLRA, ss. 42, 43
  - • application of Part, SLRA, s. 43
  - • convention on form of international will, SLRA, s. 42
  - • • persons authorized under convention, SLRA, s. 42(3)
  - • • validity of wills under other laws, SLRA, s. 42(4)



## Index

### Testate Succession (*cont'd*)

- • convention providing uniform law on form of international will, SLRA, s. 42 Schedule
- leasehold estates under devise of real property, SLRA, s. 24
- member of forces on active service, will of, SLRA, s. 5
  - • certificate of active service, SLRA, s. 5(2), (3)
  - • death of witnesses of will of member of forces or mariner, EA, s. 11(2), (3)
- minors, wills by, SLRA, s. 8
  - • certificate of active service, SLRA, s. 8(2)
  - • revocation of will, SLRA, s. 8(3)
- mortgages, effect, SLRA, s. 32
- operation of will as to interest left in testator, SLRA, s. 20
  - • rights in place of property devised, SLRA, s. 20(2)
- persons born outside marriage, relationship of, SLRA, s. 1(3)
- power to appoint, disposition of property over which testator having, SLRA, s. 25
  - • personal property, SLRA, s. 25(2)
  - • real property, SLRA, s. 25(1)
- power to dispose of property by will, SLRA, s. 2
- publication unnecessary, SLRA, s. 10
- real property passing under devise without words of limitation, SLRA, s. 26
- real property's primary liability to satisfy mortgages, SLRA, s. 32
  - • "mortgage" defined, SLRA, s. 32(4)
  - • saving of mortgagee's rights, SLRA, s. 32(3)
- residue, undisposed of, SLRA, s. 33
- revival of will, SLRA, ss. 19, 21
  - • part formerly revoked, as to, SLRA, s. 19(2)
  - • when revived will deemed made, SLRA, s. 21
- revocation by marriage, SLRA, s. 16
- revocation: change in circumstances not revoking will, SLRA, s. 17(1)
  - • exception on termination of marriage, SLRA, s. 17(2)
- revocation generally, SLRA, s. 15
- signature of testator, position of, SLRA, s. 7
- trustee or executor, devise to, SLRA, ss. 29, 30
  - • devise to pass whole estate beyond what requisite for trust, when, SLRA, s. 30
- validity, court ordered, SLRA, s. 21.1
- void devise, disposition of property in, SLRA, s. 23
- will signed for testator by another person, SLRA, s. 12(2)
  - • where no undue influence, SLRA, s. 12(3)
- will speaking from death, SLRA, s. 22
- will to be in writing, SLRA, s. 3
- witness being beneficiary, SLRA, s. 12(1)
  - • bequests to witness void, SLRA, s. 12(1)
  - • where no undue influence, SLRA, s. 12(3)

**Tissue**, *see* Human Tissue Gift

**Treatment**, *see* Health Care Consent

**Trillium Gift of Life Network**, *see* Human Tissue Gift

### Trustees

- administration of estates, TA, ss. 48–59
  - • proceedings for
    - • • availability, R. 65.01
    - • • reference directed, where, R. 65.02
  - • assets, distribution of, TA, s. 53
  - • trust deeds or assets of intestate, TA, s. 53(1)

## Index

- Trustees (*cont'd*)
- covenant in leases, TA, s. 51
  - liability of executor or administrator, TA, s. 51
  - creditor holding security and failing to value same, TA, s. 58
  - debts, payment of, TA, s. 48
  - security and settlement, TA, s. 48(2)
  - deficiency of assets, TA, ss. 50, 57, 59
  - creditor required to prove claim, TA, s. 57(2)
  - claim based on negotiable instrument, TA, s. 57(4)
  - debts to rank proportionately, TA, s. 50(1)
  - meeting of creditors, calling, TA, s. 59
  - overpayment to creditor, TA, s. 50(2)
  - relief from personal liability, TA, s. 50(3)
  - executors of executors, rights and liabilities of, TA, s. 55
  - general power by will, exercise of, TA, s. 54
  - income of estate, application of, TA, s. 49
  - rents, TA, s. 52
  - liability of personal representative, TA, s. 52
  - waste, liability for, TA, s. 56
  - advice of court, applications for, TA, s. 60
  - allowance to trustees and personal representatives, TA, s. 61
  - allowance to barrister or solicitor trustee for professional services, TA, s. 61(4)
  - appointment of new trustees, TA, s. 3
  - application of *Trustee Act*, TA, s. 8
  - survivorship, TA, s. 3(2)
  - breaches of trust, technical, TA, s. 35
  - relief of trustees, TA, s. 35(1)
  - charities, trustees for, TA, ss. 14, 15
  - exercise of powers in favour of charities, TA, s. 14
  - power to order sale in proper cases, TA, s. 15
  - conveyance by, implied covenants, CLPA, s. 23(1)
  - costs ordered to be paid out of estate, TA, s. 64
  - definitions, TA, s. 1
  - “assign”, TA, s. 1
  - “contingent right”, TA, s. 1
  - “convey”, TA, s. 1
  - “trust”, TA, s. 1
  - “will”, TA, s. 1
  - express terms of trust instrument to prevail, TA, s. 68
  - indemnity, TA, s. 63
  - investments, TA, ss. 26–35
  - agent’s duty, TA, s. 27.2
  - mutual, pooled and segregated funds, TA, s. 27.2(2.1)
  - proceeding against agent, TA, s. 27.2(3)
  - authorized by other Acts or regulations, TA, s. 26
  - damages, assessment of, TA, s. 29
  - delegation of functions to agent, TA, s. 27.1
  - duty of trustee, TA, s. 27.1(4), (5)
  - protection from liability, TA, s. 28
  - regulations, TA, s. 30
  - standards, investment, TA, s. 27
  - criteria, TA, s. 27(5)
  - diversification, TA, s. 27(6)
  - new trustees, court’s power to appoint, TA, s. 5
  - nominated trustee dying before testator, TA, s. 8
  - payment into court, TA, s. 36

## Index

- Trustees (*cont'd*)
- affidavit, accompanying, TA, s. 36(6.2), (6.3)
  - mentally incapable person, TA, s. 36(6.3)
  - minor, TA, s. 36(6.2)
  - document, copy of, TA, s. 36(6.4)
  - *Perpetuities Act*, application of, TA, s. 65
  - personal representatives and devisees in trust, TA, s. 37
  - removal of personal representatives, TA, s. 37(1)
  - security by person appointed, TA, s. 37(2)
  - when new appointment unnecessary, TA, s. 37(4)
  - personal representatives, rights and liabilities of, TA, ss. 38–46
  - account action, TA, s. 39
  - action for torts, TA, s. 38
  - action against executors and administrators, TA, s. 38(2)
  - action by executors and administrators, TA, s. 38(1)
  - limitation of actions, TA, s. 38(3)
  - contract by deceased, conveyance in pursuance of, TA, s. 43
  - duties and liabilities of executor and administrator, TA, s. 45
  - power of administrator, TA, s. 42
  - power of executor, TA, ss. 40, 41
  - conveying land, TA, s. 41
  - probate granted, to whom, TA, s. 40
  - raising money to satisfy charges, TA, s. 44
  - purchaser's position, TA, s. 44(2)
  - survivorship, TA, s. 46
  - powers and rights of trustees, TA, ss. 17–25
  - accounts, filing, TA, s. 23
  - compensation for trustee, fixing, TA, s. 23(2)
  - expenses of trustees, TA, s. 23.1
  - insuring buildings, TA, s. 21
  - municipal highway, dedication or sale of land for, TA, s. 19
  - receipt of money, power to authorize, TA, s. 20
  - receipts of trustees to be effectual discharges, TA, s. 24
  - renewable leases, renewing, TA, s. 22
  - raising money for renewal, TA, s. 22(2)
  - sale, trust for, TA, s. 17
  - sales by trustees not impeachable, TA, s. 18
  - collusion between purchaser and trustee, TA, s. 18(2)
  - two or more trustees, powers of, TA, s. 25
  - powers of new trustee, TA, s. 7
  - retirement of trustees, TA, s. 2
  - revocation of erroneous grant, TA, s. 47
  - fraud, TA, s. 47(3)
  - validity of prior acts, TA, s. 47(1)
  - surviving trustee's authority to appoint successor by will, TA, s. 4
  - trustees buying or selling, TA, s. 62
  - vesting instruments, TA, s. 9
  - vesting orders, TA, ss. 10–13
  - contingent rights of unborn persons, orders as to, TA, s. 11
  - minor mortgagee, vesting order in place of conveyance by, TA, s. 12
  - stock and choses in action, vesting orders as to, TA, s. 13
  - transfer, TA, s. 13(4)–(6)
  - vesting in new trustee, TA, s. 13(2)
  - vesting of estate, TA, s. 10(2)
  - what able to be done upon appointment of new trustee, TA, s. 6

## Index

- Trustees (*cont'd*)
- who able to apply for appointment or vesting order, TA, s. 16

## V

### Valuation Date

- defined, FLA, ss. 4(1), 56.1, 59.4.1; PBA, s. 67.1(1)

### Variation of Trusts

- court's jurisdiction to vary trusts, VTA 1(1)
- • benefit of person, whether, VTA 1(2)

### Vesting Orders

- contingent rights of unborn persons, orders as to, TA, s. 11
- minor mortgagee, vesting order in place of conveyance by, TA, s. 12
- stock and choses in action, vesting orders as to, TA, s. 13
- • transfer, TA, s. 13(4)–(6)
- • vesting in new trustee, TA, s. 13(2)
- vesting of estate, TA, s. 10(2)

### Vital Statistics

- administration, VSA, ss. 2–7
- • filing, VSA, s. 2(4)
- • health insurance information, VSA, s. 7.1
- • indexing, VSA, s. 2(3)
- • registrations, numbering, VSA, s. 2(2)
- • registrations, safekeeping, VSA, s. 2(5)
- • uniform registration system, VSA, s. 2(1)
- adoption orders
- • birth outside jurisdiction, VSA, s. 30
- • change in birth registration, VSA, ss. 28(2), 28(3), 28(4), 28(5), 29
- • registration, VSA, s. 28(1)
- appointment of staff, VSA, s. 6(1)
- affidavits, swearing, VSA, s. 6(3)

- • Deputy Registrar General, VSA, s. 6(1), 5.2
- • inspectors, VSA, s. 6(1)
- • Registrar General, delegation by, VSA, s. 5.1
- archives
- • access by Registrar General, VSA, s. 5(4)
- • agreements re, VSA, s. 5(5)
- • authority of archivist, VSA, s. 5(3)
- • definition, VSA, s. 5(1)
- • transfer of registrations, VSA, s. 5(2)
- certificates
- • admissibility, VSA, s. 46
- • contents, VSA, s. 43
- • • birth, VSA, s. 43(1)
- • • change of name, VSA, s. 43(4)
- • • death, VSA, s. 43(2)
- • • marriage, VSA, s. 43(3)
- • • seal, VSA, s. 43(6)
- • • still birth, VSA, s. 43(5)
- • obtaining, VSA, s. 44
- • • birth certificate, VSA, ss. 44(1), 45.2
- • • change of name certificate, VSA, s. 44(4)
- • • death certificate, VSA, s. 44(2)
- • • marriage certificate, VSA, s. 44(3)
- • • who may obtain, VSA, ss. 45, 45.1
- deaths
- • burial permits, VSA, s. 22
- • • required, VSA, s. 22(1), Reg. 1094, s. 39
- • • retention of, VSA, s. 22(2)
- • by cause other than disease, VSA, s. 21(5)
- • coroner, VSA, s. 21(5)
- • • warrant to bury, VSA, s. 21(6), Reg. 1094, s. 38
- • • warrant to bury, VSA, s. 24
- • death certificate

## Index

- Vital Statistics (*cont'd*)
- copies of, VSA, s. 21(4)
  - coroner, VSA, s. 21(6)
  - death except by disease, VSA, s. 21(5)
  - division registrar, VSA, s. 21(3)
  - form of, Reg. 1094, s. 62
  - disclosure of information, VSA, s. 48.13
  - duties of division registrar, VSA, s. 21(3), Reg. 1094, s. 36
  - duties of funeral director, VSA, s. 22
  - evidence of, Reg. 1094, ss. 44–46
  - on board ship, VSA, s. 33
  - outside Ontario, VSA, s. 26(2)
  - registration of deaths, VSA, ss. 21, 26, Reg. 1094, ss. 35–40, 44–47
  - removal of body, VSA, s. 26(1)
  - sub-registrars, duties, Reg. 1094, s. 71
  - definitions, VSA, s. 1
  - disclosure re adopted persons
  - designation re exercise of powers, VSA, s. 6.1
  - disclosure to adopted person, VSA, s. 48.1
  - disclosure to birth parent, VSA, s. 48.2
  - disclosure veto, VSA, s. 48.5
  - notice
  - preferred manner of contact, VSA, s. 48.3
  - wish not to be contacted, VSA, s. 48.4
  - review re disclosure, VSA, s. 48.7
  - unsealing of files, VSA, s. 48.6
  - division registrars
  - appointment, VSA, s. 38(1)
  - duties, VSA, s. 39
  - deputy registrars, VSA, s. 38(2)
  - reporting, VSA, s. 40
  - sub registrars, VSA, s. 38(3)
  - territories, VSA, s. 38(2)
  - divorce decrees, VSA, s. 32
  - examination of registrations, VSA, s. 3(1)
  - annual report, VSA, s. 3(5)
  - cause of death, VSA, s. 3(3)
  - instructions re observance, VSA, s. 3(6)
  - publication of information, VSA, s. 3(4)
  - registration not signed, VSA, s. 3(2)
  - forms, VSA, s. 42
  - registration of deaths, VSA, ss. 21, 26
  - usage, VSA, s. 42(b)
  - health insurance information, VSA, s. 7.1(1)
  - collection and disclosure, VSA, s. 7.1(1), s. 7.1(2)
  - subsequent registration, VSA, s. 16(4)
  - cancellation of prior certificate, VSA, s. 16(6)
  - date of, VSA, s. 16(5)
  - name changes
  - born in Ontario, name changed outside Ontario, VSA, s. 31
  - born outside Ontario, name changed outside Ontario, VSA, s. 31.1
  - certificate, VSA, s. 31.2
  - registration, VSA, s. 30.1
  - sealing original marriage registration, VSA, s. 31.3
  - offences, VSA, ss. 55–59.1
  - recording of information, VSA, s. 4(1)
  - adding notations, VSA, s. 4(3)
  - application, VSA, s. 4(4)
  - documents, VSA, s. 4(2)
  - registration
  - amending registration, VSA, s. 15
  - births, VSA, s. 8
  - after marriage of parents, VSA, s. 17

## Index

- Vital Statistics (*cont'd*)
- errors, correction of, VSA, s. 34
  - on board ship, VSA, s. 33
  - child's name, VSA, s. 10(1)
    - both parents agree, VSA, s. 10(3)(1)
    - both parents do not agree, VSA, s. 10(3)2
    - determination of surname, VSA, s. 10(3), 10(4), 10(3)5
    - forename not required, VSA, s. 10(2)
    - non parent certifies, VSA, s. 10(3)5
    - one parent certifies, VSA, s. 10(3)3, 10(3)4
  - copies, VSA, s. 45
    - amendment by Registrar General, VSA, s. 9(6)
    - applicability, relevant provisions, VSA, s. 18
  - election to change name, VSA, s. 14.1
    - child under 12 years of age, VSA, s. 14.1
  - registration of marriages, VSA, s. 19, Reg. 1094, ss. 30–34
    - requirement for, VSA, s. 19(1)
    - procedure, VSA, s. 19(2)
    - by Registrar General, VSA, s. 19(2)
  - statement of birth, VSA, s. 9(1)
    - by parents, VSA, s. 9(2)
    - definitions, VSA, s. 9(1)
    - exceptions, VSA, s. 9(3)
    - parent's particulars, VSA, s. 9(6)
    - Registrar General's amendment, VSA, s. 9(7)
    - timeframe, VSA, s. 9(2)
  - substitute registrations, VSA, s. 35(1)
    - application of, VSA, s. 35(5)
    - effect, VSA, s. 35(1)
    - orders, VSA, s. 35(1), 35(2)
    - prior certificates, VSA, s. 35(4)
    - procedure, VSA, s. 35(1)
    - replacement certificates, VSA, s. 35(3)
    - unlawfully obtained, VSA, s. 52
  - registration divisions
    - required, VSA, s. 37(1)
    - division of territories, VSA, s. 37(3)
    - municipal units, VSA, s. 37(2)
    - records, maintenance, VSA, s. 37(4)
    - validity of, VSA, s. 37(5)
  - regulations, VSA, s. 60
  - registrar general, VSA, s. 61
  - seal of office, VSA, s. 7(1)
    - effect, VSA, s. 7(2)
  - searches, VSA, s. 48
  - secrecy, VSA, s. 53
  - sex change
    - request for, VSA, s. 36(1)
  - application contents, VSA, s. 36(2), 36(3)
  - birth registration, notations, VSA, s. 36(4)
  - new certificates, VSA, s. 36(6)
  - prior certificates, VSA, s. 36(5)
- W**
- Will**, *see* Testate Succession
- Will Depository**
- access to deposited will or codicil, R. 74.02(5), (6), Form 74.2
  - delivery to estate trustee, R. 74.02(7)
  - deposit of will and codicils for safekeeping, EA, s. 2; R. 74.02
  - notice to estate trustee, R. 74.02(4)
- Workplace Safety and Insurance**
- additional indexing factor, WSIA, ss. 52.0.1, 54, 148

## Index

- Workplace Safety and Insurance (*cont'd*)
- death benefits, WSIA, s. 48(1)
  - • apportionment between spouses, criteria, WSIA, s. 48(8)
  - • bereavement counselling, WSIA, s. 48(12)
  - • burial expenses, WSIA, s. 48(22)
  - • cessation of payments to children, WSIA, s. 48(16)
  - • deductions of survivor benefits, WSIA, s. 48(23)
  - • entitlement of dependants, no spouse or children, WSIA, s. 48(21)
  - • entitlement of parent, WSIA, s. 48(20)
  - • entitlement of separated spouse, WSIA, s. 48(7)
  - • exceptions to cessation of children's payments, WSIA, ss. 48(17), 48(18)
  - • exceptions to payment formulas, WSIA, ss. 48(5), 48(6)
  - • maximum payable to spouse and children, WSIA, s. 48(19)
  - • modifications to labor market re-entry plan, WSIA, s. 48(10), 48(11)
  - • net average earnings, WSIA, s. 48(24)
  - • payment to dependent child or children, no spouse, WSIA, ss. 48(13), 48(14), 48(15)
  - • payment to spouse, no children, WSIA, ss. 48(3), 48(4)
  - • spouse lump sum payment, WSIA, s. 48(2)
  - • spouse's labor market re-entry plan, WSIA, s. 48(9)
  - payments to estates, WSIA, s. 61(1)
  - • application, WSIA, s. 61(6)
  - • court costs, WSIA, s. 61(4)
  - • court orders, WSIA, s. 61(2)
  - • discharge of liability, WSIA, s. 61(5)
  - • payments to entitled persons, WSIA, s. 61(3)
  - presumptions re: firefighters, etc., WSIA, ss. 15.1-15.2
  - regulations, additional indexing factor, WSIA, s. 184

