

Table of Contents

Chapter 1 — The Will	1
An Overview	1
Probate the Will	5
Probate Fees	5
Probate Fee — To Pay or Not to Pay	6
Gifting	6
Joint Tenancy	7
Life/Residual Interest	13
Registered Plans	14
Tax-Free Savings Account (TFSA)	15
Tax-Free Home Savings Account (FHSA)	16
Home Buyers' Plan (HBP)	16
Lifelong Learning Plan (LLP)	17
Registered Education Savings Plan (RESP)	17
Annuities	18
Advanced Life Deferred Annuity (ALDA)	18
Variable Payment Life Annuity (VPLA)	19
Life Insurance	19
Segregated Funds	20
<i>Inter-Vivos</i> Trust	20
Alter Ego and Joint Partner Trusts	23
Multiple Wills	25
Back to the Will	26
Terrorum Clause	28
Executor(s)	29
Specific Bequests	29
Testamentary Trusts	30
Minors	32
Henson Trust	33
Trust Tax Returns	34
Donations	34
Charitable Giving	37
Insurance Trust	38
Common Disaster Clause	39
Family Meeting	39
Letter of Wishes	39
Power of Attorney for Property	40
Power of Attorney for Personal Care	40
Marriage/Cohabitation Agreements	40
Surviving Spouse/Partner	40
Pets	41
Family Law	42
Foreign/International Wills	43
And Last But Not Least	43

Your Will(s)	43
Records	48
KISS — Your Estate	48
Shred, Shred, Shred	49
Chapter 2 — The Funeral	51
Overview	51
Funeral Arrangements	52
Body/Organ Donation	55
Insurance	55
COVID-19 Funerals	55
Chapter 3 — The Estate Liabilities	57
Overview	57
Funeral	58
Credit Cards	58
Liabilities	59
Tax Liabilities	62
Bank Statements	63
Home Buyers' Plan (HBP)/Lifelong Learning Plan (LLP)	63
Chapter 4 — The Estate Assets (Your Stuff)	65
Overview	65
Types of Stuff	65
Cash	65
Bitcoin/virtual/crypto currency	66
Cash	66
Digital Assets	69
The family home	70
The family cottage	71
Florida and/or other foreign condo(s)	72
Real estate	73
Mortgages	73
Family Loans	74
Investments	74
Life insurance	76
Mutual funds	76
Exchange traded funds (ETF)	77
Segregated funds (Seg funds)	77
Annuities	78
Advanced Life Deferred Annuity (ALDA)	79
Variable Payment Life Annuity (VPLA)	79
RRSPs, RRIFs, LIFs, FHSA	80
Foreign Retirement Arrangements	81
Registered Education Savings Plan (RESP)	82
Family Business	82
Business assets	83
Business Arrangements	83
Proprietorship	83
Partnership	84

Limited liability partnership (LLP).....	85
Limited partnership (LP).....	86
Joint venture.....	87
Corporation.....	88
Trust(s).....	89
Offshore structure.....	89
All That Other Stuff.....	91
Chapter 5 — The Estate — Contracts/Agreements.....	93
Employment.....	93
Retired Employee.....	95
Partner.....	96
Retired Partner.....	98
Shareholder.....	99
Royalty.....	102
Pre-nuptial/Co-habitation Agreements.....	103
Class Actions/Lawsuits.....	103
Chapter 6 — The Tax Return(s).....	105
COVID-19 and its Variants.....	105
Year of Death.....	105
What date is the final return due?.....	105
Previous Year Return.....	106
Testamentary Spousal/Partner Trust.....	106
What Happens If You File the Final Return Late?.....	106
What is the Due Date for a Balance Owing?.....	107
How to Complete the Final Return.....	107
Identification.....	107
Foreign Income.....	107
Total Income.....	107
Amounts an Employer Pays to the Deceased Person’s Estate.....	108
Employment Income.....	108
Old Age Security Pension.....	109
CPP or QPP Benefits.....	109
Other Pensions or Superannuation.....	109
Elected Split-Pension Amount.....	109
Employment Insurance Benefits.....	109
Investment Income.....	110
Registered Disability Savings Plan (RDSP) Income.....	110
Capital Gains.....	110
What is a capital gain?.....	111
What is a capital gains deduction?.....	111
What is a capital loss?.....	111
Recaptures and Terminal Losses.....	112
Deceased’s Deemed Proceeds — Transfer to Spouse/Partner or Testamentary Spousal/Partner Trust.....	112
Example.....	112
Deceased’s Deemed Proceeds — All Other Transfers.....	113
Depreciable Property — Deceased’s Deemed Proceeds.....	113

Transfer to spouse/partner or testamentary spousal/partner trust.....	113
Deceased's deemed proceeds — All other transfers.....	114
Farm or fishing property transferred to a child.....	114
Conditions.....	114
Deceased's deemed proceeds — Transfer of farmland to a child.....	115
Deceased's deemed proceeds — Transfer of depreciable farm or fishing property to a child.....	115
RRSP Income.....	116
Payments from a matured RRSP.....	116
Payments from an unmatured RRSP.....	116
Transfers to Registered Disability Savings Plans.....	117
Eligible individual.....	117
Locked-in RRSP.....	117
Home Buyers' Plan (HBP).....	118
Lifelong Learning Plan (LLP).....	118
Death Benefits (Other Than Canada or Quebec Pension Plan Death Benefits)....	118
Income From a Registered Retirement Income Fund (RRIF).....	118
Self-Employment Income.....	119
Reserves in the Year of Death.....	119
Other Types of Income.....	120
Net Income.....	120
RRSP/PRPP deduction.....	120
Taxable Income.....	120
Net capital losses — What is a net capital loss?.....	120
Net capital losses in the year of death.....	121
Method A.....	121
Method B.....	121
Net capital losses before the year of death.....	121
Federal non-refundable tax credits.....	121
Amounts transferred from your spouse/partner.....	121
Donations and gifts.....	122
Signing the return.....	125
Optional Returns.....	125
What are the three optional returns?.....	126
1. Return for rights or things.....	126
Employment rights or things.....	126
Other rights or things.....	126
How to file.....	127
Election to delay payment of income tax.....	127
2. Return for a partner or proprietor.....	127
How to file.....	127
3. Return for income from a graduated rate estate.....	128
How to file.....	128
Amounts for optional returns.....	128
Amounts one can claim in full on each return.....	128
Amounts one can split between returns.....	129
Amounts you can claim only against certain income.....	129

GST/HST	130
Clearance Certificate	131
Foreign Tax Returns	131
Chapter 7 — The Life After Death	133
Testamentary Trust Return(s)	133
Capital Property Loss/Stock Option Deduction	133
Registered Plans	134
Post Mortem Planning	134
Surviving Spouse/Partner	134
Chapter 8 — Last But Not Least	135
Memberships	135
Computer Passwords	135
Death Notices	136
Appendix	141
<i>Succession Law Reform Act, Ontario</i> [Selected Sections]	141
<i>Family Law Act, Ontario</i> [Selected Sections]	145
Selected Readings	149
Index	151

