Publisher's Note

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ESTATE ADMINISTRATION Armstrong

Release No. 8, August 2025

Estate Administration: A Solicitor's Reference Manual is a how-to guide dealing with all aspects of estate administration in Ontario. Text is augmented by upto-date forms, precedents, letters and checklists. Commonly used statutes and regulations are reproduced in full. All aspects of estate administration are examined, including the conveyancing of real property and the income tax implications arising upon death.

What's New in this Update:

This release updates Appendix D (Statutes), Appendix G (Other Categories Digests) and Appendix IF (Issues in Focus).

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Highlights

APPENDIX G - DEPENDANTS' RELIEF CASES - Estates and trusts — Estates — Dependants' relief legislation — Entitlement to relief — Spouse — Claim for support — Applicant E claimed to be common law spouse of deceased — Applicant R was daughter of deceased and E - E claimed that she was common law spouse of deceased while he was married to M — Applicants brought application for dependant's support from estate - Application granted in part - E was not entitled to dependant's support — Deceased lived with M as husband and wife during his entire relationship with E — There was no evidence that deceased had sexual relationship with E, that he stayed at her residence, or that he showed commitment towards her -Deceased hid his relationship with E from M, suggesting that he did not want to be seen publicly with E and community did not see them as couple — Despite their long relationship, deceased made no change to his will or arranged to provide for E — There were insufficient indicia of quasi-marital relationship to support finding of cohabitation between deceased and E: Nikitina v. Huynh (2025), 2025 ONSC 690, 2025 CarswellOnt 2313, B. Dietrich J. (Ont. S.C.J. [Estates List]) [Ontario]

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