

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
Annuities	16
Advanced Life Deferred Annuity (ALDA)	17
Variable Payment Life Annuity (VPLA)	17
Life Insurance	18
Segregated Funds	18
<i>Inter-Vivos</i> Trust	19
Alter Ego and Joint Partner Trusts	21
Multiple Wills	23
Back to the Will	24
Terrorum Clause	26
Executor(s)	27
Specific Bequests	28
Testamentary Trusts	28
Minors	30
Henson Trust	31
Trust Tax Returns	32
Donations	32
Charitable Giving	35
Insurance Trust	37
Common Disaster Clause	37
Family Meeting	37
Letter of Wishes	38
Power of Attorney for Property	38
Power of Attorney for Personal Care	38
Marriage/Cohabitation Agreements	38
Surviving Spouse/Partner	39
Pets	40
Family Law	40
Foreign/International Wills	41
And Last But Not Least	41
Your Will(s)	42
Records	46
KISS — Your Estate	47
Shred, Shred, Shred	47

Chapter 2 — The Funeral	49
Overview.....	49
Funeral Arrangements.....	50
Body/Organ Donation.....	53
Insurance	53
COVID Funerals	53
Chapter 3 — The Estate Liabilities	55
Overview.....	55
Funeral	56
Credit Cards.....	56
Liabilities	57
Tax Liabilities	60
Bank Statements.....	61
Chapter 4 — The Estate Assets (Your Stuff)	63
Overview.....	63
Types of Stuff	63
Cash	63
Bitcoin/virtual/crypto currency.....	64
Cash	64
Digital Assets	67
The family home	68
The family cottage.....	69
Florida and/or any other foreign condo(s)	70
Real estate.....	71
Mortgages	71
Family Loans.....	72
Investments	72
Life insurance	74
Mutual funds	74
Exchange traded funds (ETF)	75
Segregated funds (Seg funds)	75
Annuities	76
Advanced Life Deferred Annuity (ALDA).....	77
Variable Payment Life Annuity (VPLA).....	77
Family Business.....	78
Business assets	78
Business Arrangements	79
Proprietorship.....	79
Partnership	80
Limited liability partnership (LLP)	81
Limited partnership (LP).....	82
Joint venture.....	83
Corporation.....	83
Trust(s).....	85
Offshore structure	85
All That Other Stuff	87

Chapter 5 — The Estate — Contracts/Agreements	89
Employment	89
Retired Employee	91
Partner	92
Retired Partner	94
Shareholder	95
Royalty	97
Pre-nuptial/Co-habitation Agreements	99
Class Actions/Lawsuits	99
Chapter 6 — The Tax Return(s)	101
COVID-19 and its Variants	101
Year of Death	101
What date is the final return due?	101
Previous Year Return	102
Testamentary Spousal/Partner Trust	102
What Happens If You File the Final Return Late?	102
What is the Due Date for a Balance Owing?	103
How to Complete the Final Return	103
Identification	103
Foreign Income	103
Total Income	103
Amounts an Employer Pays to the Deceased Person's Estate	104
Employment Income	104
Old Age Security Pension	105
CPP or QPP Benefits	105
Other Pensions or Superannuation	105
Elected Split-Pension Amount	105
Employment Insurance Benefits	105
Investment Income	106
Registered Disability Savings Plan (RDSP) Income	106
Capital Gains	106
What is a capital gain?	107
What is a capital gains deduction?	107
What is a capital loss?	107
Recaptures and Terminal Losses	108
Deceased's Deemed Proceeds — Transfer to Spouse/Partner or Testamentary Spousal/Partner Trust	108
Example	108
Deceased's Deemed Proceeds — All Other Transfers	109
Depreciable Property — Deceased's Deemed Proceeds	109
Transfer to spouse/partner or testamentary spousal/partner trust	109
Deceased's deemed proceeds — All other transfers	110
Farm or fishing property transferred to a child	110
Conditions	110
Deceased's deemed proceeds — Transfer of farmland to a child	111
Deceased's deemed proceeds — Transfer of depreciable farm or fishing property to a child	111

RRSP Income	112
Payments from a matured RRSP.....	112
Payments from an unmatured RRSP	112
Transfers to Registered Disability Savings Plans	113
Eligible individual	113
Locked-in RRSP.....	113
Home Buyers' Plan (HBP)	114
Lifelong Learning Plan (LLP)	114
Death Benefits (Other Than Canada or Quebec Pension Plan Death Benefits)	114
Income From a Registered Retirement Income Fund (RRIF)	114
Self-Employment Income	115
Reserves in the Year of Death	115
Other Types of Income	116
Net Income.....	116
RRSP/PRPP deduction	116
Taxable Income.....	116
Net capital losses — What is a net capital loss?	116
Net capital losses in the year of death	117
Method A.....	117
Method B.....	117
Net capital losses before the year of death	117
Federal non-refundable tax credits	117
Amounts transferred from your spouse/partner.....	117
Donations and gifts.....	118
Signing the return	121
Optional Returns	121
What are the three optional returns?	121
1. Return for rights or things	121
Employment rights or things	122
Other rights or things	122
How to file	122
Election to delay payment of income tax.....	123
2. Return for a partner or proprietor	123
How to file	123
3. Return for income from a graduated rate estate	123
How to file	124
Amounts for optional returns.....	124
Amounts one can claim in full on each return.....	124
Amounts one can split between returns	125
Amounts you can claim only against certain income	125
GST/HST	126
Clearance Certificate	127
Foreign Tax Returns	127
Chapter 7 — The Life After Death	129
Testamentary Trust Return(s)	129
Capital Property Loss/Stock Option Deduction.....	129
Registered Plans	130

Post Mortem Planning	130
Surviving Spouse/Partner	130
Chapter 8 — Last But Not Least	131
Memberships	131
Computer Passwords	131
Death Notices	132
Appendix	137
<i>Succession Law Reform Act, Ontario</i> [Selected Sections]	137
<i>Family Law Act, Ontario</i> [Selected Sections]	141
Selected Readings	145
Index	147