Publisher's Note

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ESTATE LITIGATION

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Release No. 5, August, 2026

Estate Litigation, 2nd Edition, is a comprehensive, practical work covering all facets of estate litigation including mental incompetency disputes, challenges to wills, *Family Law Act* claims, passing of executors' accounts, presumption of death and dependant support claims. The publication includes extensive precedents along with relevant statutory material.

What's New in this Update:

This release features updates to Appendix A—Legislation, Appendix IF—Issues in Focus and Appendix WP—Words and Phrases, as well as minor currency updates to Appendix PS—Procedural Summaries.

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Highlights Include:

Appendix IF—Issues in Focus

- § IF:6. What are a patient's rights with respect to receiving and/or refusing treatment, either directly or through a substitute decision-maker; and do those rights apply in situations wherein a health practitioner proposes to withdraw life support measures from a patient
- § IF:7. What are the applicable costs consequences against unsuccessful litigants in the context of estate litigation? How are costs consequences triggered? What are the costs awards available to successful litigants in estates' appeals?
- § IF:9. Is it a breach of fiduciary duty for an attorney for property to accept gifts from a donor where the result is a complete depletion of the donor's assets?

Words and Phrases

ABSENTEE

Supreme Court of Canada

> • An absentee is defined in art. 84 [of the Civil Code of Québec] as "a person who, while he had his domicile in Québec, ceased to appear there, without giving news of himself, and without it being known whether he is still alive".
>
> (. . .)
>
> It is important in this regard to distinguish the concept of absence in the legal sense from that of absence in the ordinary sense. The latter simply refers to a person being away from a particular place and corresponds, in academic commentary, to the situation of a "non-present person" (. . .).
>
> (*Riddle c. ivari* (2026), 2026 CarswellQue 1598, 512 D.L.R. (4th) 379, 2026 CarswellQue 1597, 2026 CSC 9, 2026 SCC 9 (S.C.C.) at para. 45, 69 Per Wagner C.J.C. (Karakatsanis, Côté, Rowe, Martin, Kasirer, Jamal, O'Bonsawin, Moreau JJ. concurring)).

ProView Developments

Your ProView edition of this product now has a new, modified layout:

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