

Preparing your will

This tip sheet helps you gather the information you need to make a **will**. A will is a legal document that says what happens to your property after you die.

If you die without a will, the law says what happens to your property.

Talk to a lawyer about any questions you have.

This tip sheet gets you started. You will need more information about wills. Visit stepstojustice.ca/wills.

And there are different ways to make a will. Check out CLEO's Guided Pathway for making a will at stepstojustice.ca/GP-wills.

| Choose an estate trustee | Tips |
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| <ul style="list-style-type: none"> <input type="checkbox"/> Choose a suitable person. Ask if they agree to be your estate trustee. <input type="checkbox"/> Decide if you want more than one estate trustee. If you do, say how they will make decisions. <input type="checkbox"/> Decide if you want a substitute estate trustee. <input type="checkbox"/> Get the full legal name and contact information, including a mailing address, for all your estate trustees. And get any other names they used in the past. | <p>Your estate trustee carries out the directions in your will. They may also be responsible for other things that must be done when you die, like arranging your funeral and paying your debts and taxes.</p> <p>There are rules your estate trustee must follow. For example, if they do not manage the estate properly, a beneficiary or someone else could take them to court. It is a big responsibility and can last for years.</p> <p>Choose a reliable adult you trust. It is best if they live in Ontario. They can be a friend or family member. Or you can choose a trust company or a professional like a lawyer or an accountant.</p> <p>If you name more than one estate trustee, they must make all decisions together. You can change this in your will. For example, you could say which one decides if they do not agree.</p> <p>A substitute estate trustee acts if your other estate trustees are not willing or able to.</p> <p>The law says that an estate trustee can take "fair and reasonable" pay for their work, unless you say something else in your will. The law sets a rate for how much this usually is. It is paid from your estate.</p> |

| Pick your beneficiaries | Tips |
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| <ul style="list-style-type: none"> <input type="checkbox"/> Make a list of your beneficiaries. <input type="checkbox"/> Get the full legal name and contact information, including mailing address, for all your beneficiaries. And get any other names they used in the past. | <p>Beneficiaries are the people or organizations you leave property to when you die.</p> <p>If you can, leave enough to financially support your dependants. Or they might go to court and ask for more. A dependant is someone you support financially, or who the law says you must support when you die.</p> <p>Spouses and common-law partners have different rights. For example, if someone dies without a will, their spouse has a right to get part of their estate. A common-law partner does not. But they may be able to make a claim in court.</p> |

| Gather information | Tips |
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| <ul style="list-style-type: none"> <input type="checkbox"/> Make a list of all your property and debts. Include amounts you owe and to who. <input type="checkbox"/> Check if you own property jointly with someone. <input type="checkbox"/> Get the names of any designated beneficiaries. | <p>The property you own when you die is your estate.</p> <p>Your estate might include real estate, money, personal property like cars, jewellery, furniture, points from reward programs, and your pets.</p> <p>Your debts can include income taxes, mortgages, lines of credit, credit card payments, and car loans.</p> <p>Property you own jointly is treated differently and may not be part of your estate.</p> <p>If you name designated beneficiaries for property like a pension, life insurance policy, or registered investment, that money goes directly to them when you die. It is not usually part of your estate.</p> |

| Decide what to do with your estate | Tips |
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| <ul style="list-style-type: none"> <input type="checkbox"/> Decide whether to give specific gifts to beneficiaries. <input type="checkbox"/> Decide who gets the residue of your estate. <input type="checkbox"/> Decide what happens if a beneficiary dies before you. <input type="checkbox"/> Decide if you want to set up any trusts and rules for how beneficiaries get their property. | <p>When you die, your estate trustee first pays your funeral costs, debts, taxes, and any legal fees. Beneficiaries get something only after that.</p> <p>Next, they give any specific gifts you said were to go to beneficiaries. For example, this might be a sum of money or certain piece of property.</p> <p>The last thing they do is give the residue to whoever you name in your will. The residue is what is left after everything above is done.</p> <p>You can set up trusts, which can have rules about how your beneficiaries get their property.</p> <p>A trust lets someone, who is called a trustee, manage property for another person. The trustee is to do this in a way that benefits the person.</p> <p>For example, for a young person, you might pick a trustee to manage their property and set an age when they get it.</p> |

| Plan for your children | Tips |
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| <ul style="list-style-type: none"> <input type="checkbox"/> Choose someone to make decisions about your children after you die. Ask if they will do this. <input type="checkbox"/> Choose someone to manage your children’s property after you die. Ask if they will do this. <input type="checkbox"/> Decide if you want one or more substitutes. <input type="checkbox"/> Get the full legal name and contact information, including a mailing address, of anyone you name to help your children. <input type="checkbox"/> Talk to a lawyer so you can plan for any children who have a disability or are under 18. | <p>Another parent usually has decision-making responsibility for your children.</p> <p>But there might not be someone with this role. Or if there is, they may not be available when you die. For example, they could die before you or at the same time.</p> <p>In case this happens, you can name someone in your will to look after your children for 90 days after you die. They must go to family court if they want to continue.</p> <p>You can also name someone to look after the property you leave your children for 90 days after you die. They also need to go to court if they want to continue.</p> <p>You can name a substitute who can act if the main person is not willing or able to.</p> <p>If you have a child with a disability, talk to a lawyer about naming a trustee to manage your child’s property. You can set this up so your child will be well cared for and can continue to get disability benefits.</p> |

This is general information for people in Ontario, Canada. It is not legal advice.

Cette publication est également disponible en français.

Vous pourriez avoir droit à des services en français du gouvernement et des fournisseurs désignés. Visitez justicepasapas.ca/droits-linguistiques-francophones.

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