Estate Planning Basics in Canada

How to prepare for your Will and
Power of Attorney planning meeting

(Educational only. Not individualized advice.)

At-a-Glance: Estate Planning Basics in Canada

A one-page orientation before you meet with a lawyer

What estate planning is really for

Estate planning is not about documents.

It is about reducing confusion, delay, and conflict when someone else has to step in.

Without a plan, decisions may be made by courts, institutions, or people you wouldn't have chosen.

With a plan, the right people have clear authority to act, and they know what you want.

The three core documents (most common)

Will — who gets what, who is in charge

Power of Attorney for Property — who handles money decisions if you can't

Power of Attorney for Personal Care — who makes health and living decisions if you can't

Names vary by province. The functions are similar. A qualified lawyer in your province should draft them.

Common reasons people delay

- They don't know where to start.
- They're unsure how to choose people.
- They're putting off hard conversations.
- They assume it's too early.

The minimum to do

1. Have the documents drafted by a lawyer.
2. Name the right people and alternates.
3. Store documents securely and tell named people where they are.
4. Review every few years or after a life change.

This guide is for education and preparation. Estate law is provincial and personal. A qualified lawyer should confirm and implement your plan.

Reality Check

Estate planning is one of those tasks that feels complicated and emotional, so it gets delayed.

But the truth is simpler than most people think.

You need three types of documents. You need to choose a few people. And you need to make those choices known.

Without them, your family may face delays, legal costs, and decisions made by courts or institutions instead of people you trust.

With them, the right people have clear authority to act, and they know what you want.

> **This guide is a preparation guide.**
>
> It is not legal advice. It is meant to help you understand what estate planning involves, prepare for conversations, and make informed choices before meeting with a lawyer.

Who This Guide Is For / Who It's Not For

This guide is for you if:

- You do not have a Will or Power of Attorney, or yours are outdated.
- You want to understand what the documents are and what decisions you will be asked to make.
- You want to feel confident and prepared when you meet with a lawyer.
- You have dependents, assets, or people who rely on you and need clear instructions.

This guide may not be for you if:

- You have a complex estate (business interests, cross-border holdings, blended families with contested expectations).
- You are looking for specific tax minimization or estate freeze strategies.
- You are already working with an estate lawyer and need legal advice.

This guide is about foundations. If your situation is complex, start here and then layer in the right professional support.

The Three Core Documents

Most Canadian estate plans include three core documents.

1. Will (Last Will and Testament)

This is the document that says what happens to your assets after you die.

- Who gets what (beneficiaries)
- Who is in charge of distributing it (executor)
- Who cares for minor children (guardian, if applicable)

Without a Will, the province decides how assets are divided (under "intestacy" rules). This may not match your wishes.

2. Power of Attorney for Property

This gives someone the legal authority to manage your financial and property decisions if you cannot.

- Paying bills
- Managing investments
- Handling banking and real estate matters

Without one, your family may need to apply to the courts to manage your affairs, which takes time and money.

3. Power of Attorney for Personal Care

This gives someone the legal authority to make health and personal care decisions if you cannot.

- Medical treatment decisions
- Housing and living arrangements
- Diet, hygiene, and safety

Without one, family members may not have legal authority to make medical decisions on your behalf.

Names vary by province. For example, a "representation agreement" in BC or a "mandate" in Quebec. Your lawyer will use the correct form.

How to Choose the Right People

Estate planning requires you to name people for specific roles. Choosing the right person matters.

Key roles to understand

Executor (or Estate Trustee)
The person responsible for carrying out your Will: gathering assets, paying debts, distributing to beneficiaries, and handling paperwork.

Attorney for Property
The person who manages your finances if you are alive but unable to manage them yourself.

Attorney for Personal Care
The person who makes medical and personal care decisions if you cannot.

Guardian (if minor children)
The person who would care for your children if both parents cannot.

What to consider when choosing

- **Trust:** Can you trust this person with sensitive responsibility?
- **Judgment:** Will they act in the best interests of those involved, even in complex situations?
- **Availability:** Are they local enough, healthy enough, and willing to serve?
- **Organization:** Will they follow through, stay on top of paperwork, and communicate clearly?
- **Relationships:** Will their involvement create unnecessary conflict?

Always name alternates

If your first choice is unavailable, ill, or unwilling when the time comes, you need a backup. Always name at least one alternate for each role.

Common questions

Can I name the same person for multiple roles?

Yes. Many people name the same person as executor and attorney for property. But you may want different people depending on their strengths or the complexity of the role.

Should I name co-executors or co-attorneys?

You can. It can help balance workload, but it can also create delays if they don't agree. Consider one primary and one alternate instead.

Should I tell the people I've named?

Yes. Let them know they've been named, what role you've asked them to fill, and where the documents are stored. Preferably discuss it before they're needed.

> **Tip:**
>
> If choosing feels hard, start with: "Who do I trust to make tough decisions calmly, even under pressure?"

What Happens Without an Estate Plan

If you die without a Will in Canada, provincial law decides what happens to your assets. This is called "intestacy."

Common outcomes under intestacy

- Assets may be split based on formula. A spouse may not automatically receive everything. Children (including adult children) may be entitled to a share.
- Courts appoint an administrator. This may not be the person you would have chosen.
- Minor children's inheritance may be held by the public trustee. Access may be limited until they reach age of majority.
- Common-law partners may have limited or no automatic entitlement. Rules vary by province.

Without a Power of Attorney

- If you become incapable, your family may need to apply to the court to manage your affairs.
- This can take months, cost thousands of dollars, and delay access to your accounts and medical decisions.

> **The goal is not perfect documents.**
>
> The goal is clarity. A basic plan is far better than no plan.

Common Mistakes

Delaying indefinitely

Estate planning is rarely urgent, until it is. Waiting for the "right time" often means it doesn't get done.

Using a DIY kit without understanding the implications

Templates can help for simple situations, but they may not account for provincial law, tax issues, or family complexity. A lawyer provides legal certainty.

Choosing people based on fairness, not capability

You are not required to choose equally among children or family members. Choose people based on their ability to do the job well.

Forgetting beneficiary designations

Some assets (like registered accounts and insurance policies) pass directly by beneficiary designation, not through the Will. These must be reviewed and updated separately.

Not reviewing documents after life changes

A Will written 15 years ago may no longer reflect your relationships, assets, or wishes. Review every 3 to 5 years, or after major changes.

Not telling anyone where the documents are

If no one can find your documents, they cannot be used. Store them safely and tell named people where they are.

Preparing for Your Lawyer Meeting

A good estate planning meeting with a lawyer will be more efficient if you come prepared. Here is what to gather:

Information about your assets

- High-level list of assets: real estate, registered accounts (RRSP, TFSA, RRIF), non-registered investments, pensions, insurance policies, business interests
- Any major debts: mortgage, loans, liabilities

Information about your people

- Full legal names and birthdates of spouse/partner, children, beneficiaries
- Names and contact info for those you are considering as executor, attorney, and guardian

Decisions to think through in advance

- Who should be executor? (And alternates)
- Who should be attorney for property? (And alternates)
- Who should be attorney for personal care? (And alternates)
- Who should be guardian for minor children?
- How should assets be divided?
- Are there any specific gifts, charities, or conditions you want included?

Documents to bring or have accessible

- Existing Will or estate documents (if any)
- Marriage certificate, separation agreement, or divorce documents (if applicable)

You don't need to have answered every question before the meeting. The lawyer is there to guide you. But coming prepared saves time and reduces stress.

What Good Looks Like

If you did this well, you would have:

- A valid, signed Will drafted by a lawyer in your province.
- An enduring Power of Attorney for Property.
- A Power of Attorney for Personal Care.
- Named people and alternates who have been told they were chosen.
- Documents stored securely, with named people informed where to find them.
- Beneficiary designations on registered accounts reviewed and updated.
- A note in your calendar to review every 3 to 5 years or after major life changes.

A good estate plan is not about complexity.

It's about the right people having the right authority and clarity, when they need it.

Natural Next Step

If you don't have a Will and Powers of Attorney, or they are outdated, the next step is simple:

1. Use this guide to prepare your thinking.
2. Book a meeting with an estate lawyer in your province.
3. Bring the information and names you've gathered.
4. Have the documents signed, witnessed, and stored properly.
5. Tell your named people what you've done and where the documents are.

If your situation is more complex (blended family, business ownership, real estate in multiple jurisdictions, cross-border considerations), your lawyer may recommend additional planning, such as trusts, corporate restructuring, or tax-efficient strategies.

Estate planning is not about dying. It is about protecting the people you love from confusion and delay.

Clarity creates calm. Calm creates confidence. Confidence inspires action.

Usable Checklist – Basic Estate Planning

Use this as a working tool. Add notes and dates. Bring it to your lawyer meeting.

Documents

- Will (drafted by a lawyer, signed and witnessed)
- Power of Attorney for Property
- Power of Attorney for Personal Care

People

- Executor named (and alternate)
- Attorney for Property named (and alternate)
- Attorney for Personal Care named (and alternate)
- Guardian for minor children named (if applicable)

Communication

- Named people informed of their role
- Named people know where to find documents

Storage

- Original documents stored securely
- Location known by at least two trusted people

Beneficiary Review

- Registered accounts reviewed (RRSP, TFSA, RRIF, etc.)
- Insurance policies reviewed
- Pension designations reviewed

Review Schedule

- Calendar reminder set for review (every 3 to 5 years or after major life changes)

Your Next Steps

Prepare Your Thinking

Meet With a Lawyer

Clarity Creates Calm

Estate planning is not about dying. It is about protecting the people you love from confusion and delay. The right people, with the right authority, when they need it.