

Executor Duties

Being named an executor is an honour but it is also a demanding and time-consuming responsibility; increasingly so with today's complex estate and tax legislation. We draw on the estate and trust professionals at Scotiabank, part of the Scotiabank Group, who can assume responsibility for all or some of the administration of the estate on your behalf. Our specialists employ practical, impartial expertise and advice in the areas of tax, estate law, investment management and other key areas to ensure you fully meet your executor responsibilities, efficiently and free of risk. Following is a general guide to many of the duties that fall to an executor.

Preliminary Steps

Documentation:

- Locate Will and review to determine whether there are any special funeral directions.
- Ascertain whereabouts of beneficiaries.
- Assist in making funeral arrangements, if necessary.
- Obtain funeral director's statement of death and apply for provincial death certificate.
- List contents of safety deposit box.
- Review adequacy of property insurance coverage and alter if necessary.
- Consider entitlement to and apply for Canada Pension Plan Death Benefits.
- Locate and obtain title documents for real property, mortgages, share certificates, bonds, debentures and guaranteed investment certificates.
- Ascertain assets and liabilities by writing to financial institutions, insurance companies, brokers, employers, RRSP/RRIF trustees.
- Obtain prior year's income tax returns. Prepare and file any T1 returns for previous years within six months of date of death.
- Prepare inventory of assets and liabilities. List assets by class, their value and full particulars thereof including certificate number, registration particulars, maturity date, interest rate, payment frequency and dates.

Cancellations/Changes

- If deceased lived in a rental property, terminate lease or arrange sublet.
- Cancel health coverage.
- Cancel driver's license, magazine and newspaper subscriptions, cable television, club memberships, telephone and request refunds if appropriate.
- Complete or cancel outstanding broker's orders.
- Request Canada Post to reroute mail.
- Notify Social Development Canada to cancel Old Age Security cheques
- Notify dividend and bond disbursing agents to change address of record.
- Confirm outstanding balances and cancel credit cards.

Banking/Financial:

- Determine immediate cash requirements of family.
- Arrange for safe custody of personal valuables.
- Open estate bank account.

Legal:

- Arrange valuations for real estate, securities, personal property and automobiles.
- Send a copy of the Will to each residuary beneficiary.
- Notify legatees/devisees of benefit to be received under the Will.
- Notify charities of charitable bequests (and regulators where required).
- Retain and meet with estate solicitor to complete application for probate. Make provisions for any fees that may be applicable.



Administration and Distribution

Banking/Financial:

- Close safety deposit box.
- Prepare cheques for payment of debts legacies, interim, distributions
- Close bank accounts and transfer balance to estate bank account. If joint accounts, provide financial institution with death certificate and request transfer to surviving joint tenant.
- If beneficiaries approve accounts, confirm all releases received.
- Arrange for closing of estate bank account after confirming all cheques have cleared

Investments:

- Invest surplus cash.
- Initiate re-registration and transfer of securities if converting to cash.
- Arrange rollover or transfer of RRSP/RRIF proceeds.

Legal:

- Settle all claims and debts.
- Complete declarations of transmission and powers of attorney required to transfer securities.
- Ask estate solicitor to register probate on title to real estate if necessary.
- Review Will and determine scheme of distribution of assets.
- When probate is granted, obtain sufficient notarial copies to transfer assets.
- Review with estate solicitor any time periods of restrictions on distribution of estate, e.g. family law or dependents relief applications.
- Prepare Accounts for passing or approval by beneficiaries. Ask estate solicitor to prepare releases.
- If accounts are to be audited by the Court, ask estate solicitor to prepare the application and all necessary notices and to arrange an appointment.

Tax:

- Prepare and file Terminal T1 Tax Return and other returns with Revenue Canada and request Clearance Certificate.
- Prepare and file T3 Trust Information Return. The first T3 return must be filed within 90 days from the year-end of the taxation year, which the estate has chosen.
- Prepare and file necessary estate tax returns for foreign assets, if any.
- Request Clearance Certificate.

Reporting:

- Report to beneficiaries on progress of administration and provide each residuary beneficiary with a copy of the inventory of assets and liabilities.
- Arrange for publication of Advertisement for Creditors and Others prior to distribution.
- Consult with beneficiaries regarding specie distribution (distribution to kind) where appropriate
- Calculate executor's compensation.
- Write to the beneficiaries with a final report on all aspects of the administration.

Distribution:

- Deliver personal effects and obtain receipts.
- Deliver securities and obtain receipts, if distribution in kind.
- Deliver legacies and obtain receipts.
- If Will provides for outright distribution, transfer assets or funds to beneficiaries. Retain sufficient funds as a reserve for income taxes and any outstanding accounts.
- If Will provides for trusts, set up testamentary trusts and arrange for ongoing review of investments.
- Distribute any remaining funds or deliver assets.