



LE GROUPE
RIOPELLE
GROUP

Avocats

Lawyers

SOCIÉTÉ PROFESSIONNELLE | PROFESSIONAL CORPORATION

TAKING PRIDE IN YOUR LEGACY

Presented by Claire Dutrisac

Presentation Outline

Summary of today's topics

- Our Firm
- Changes to the **Succession Law Reform Act**
 - Predatory Marriages
 - Effect of Separation
 - Validity of Wills





About Riopelle Group

Making sure families and businesses are protected according to their wishes in case of incapacity or death.

Riopelle Group provides Wills and Estates legal services including:

- estate planning;
- preparation of Last Wills and Testaments;
- preparation of Powers of Attorney
- preparation of codicils;
- survivorship and transmission applications;
&
- obtaining certificates of appointment of estate trustees and distribution of estates

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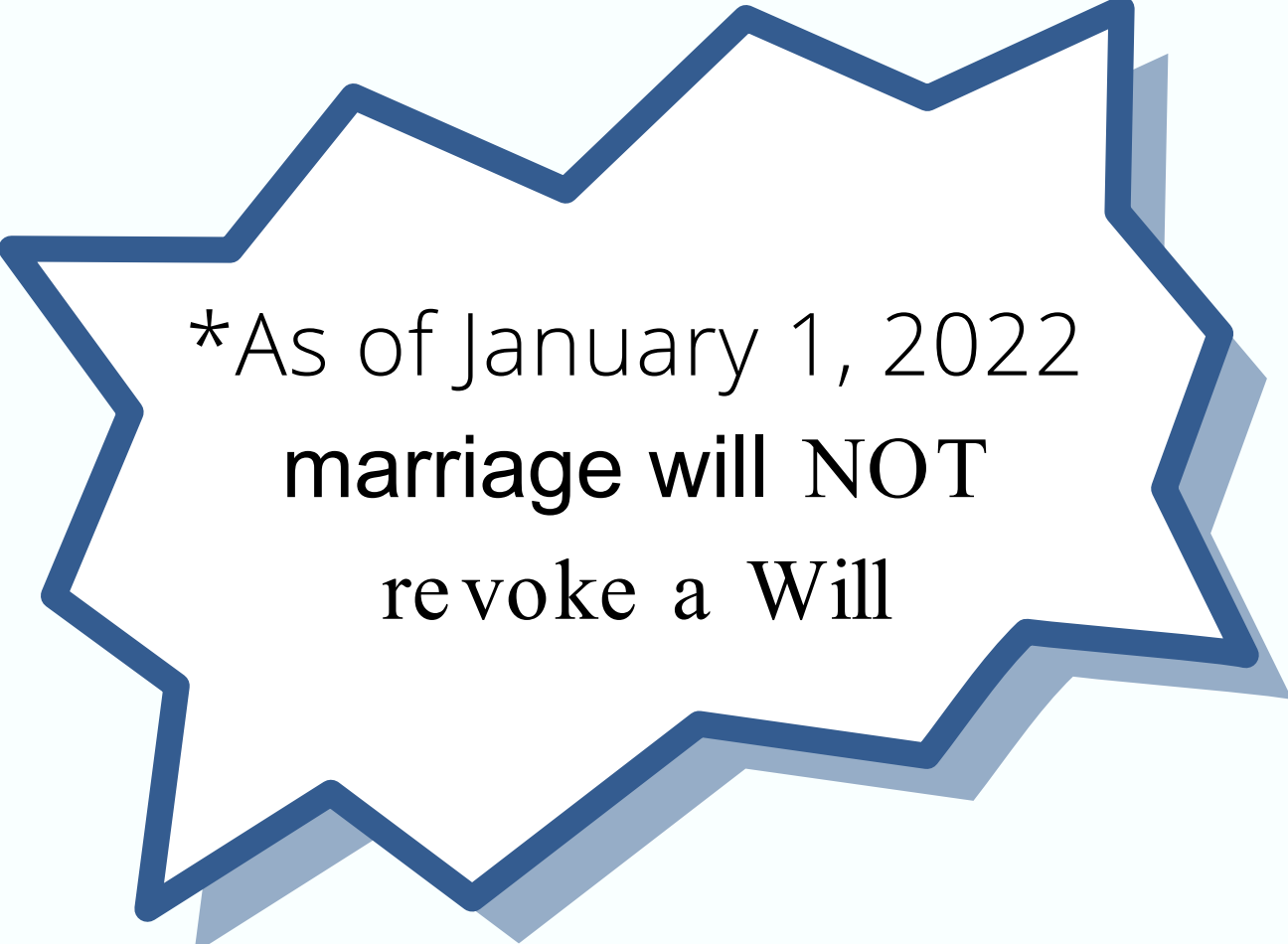
Changes to the SRL Act

- Revocation by Marriage (no longer applicable) - s. 16
- Effect of separation on Wills - s. 17
- Not properly executed Wills may be valid - s. 21.1
- Death without a Will and separation - s.43.1



Revocation by Marriage

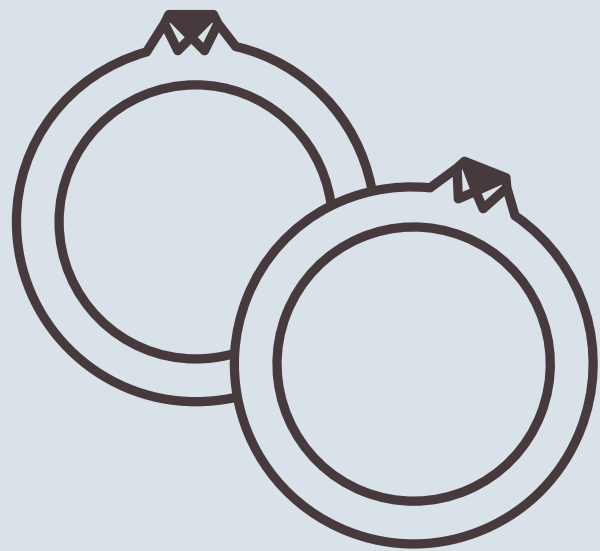
- s.16 provided that a Will would be revoked after marriage (unless it was made in contemplation)
- s. 16 is repealed
- Helps prevent predatory marriages



*As of January 1, 2022
marriage will NOT
revoke a Will

Scenario - Effect of Marriage

Before : Your elderly parent has a Will in place that leaves their entire estate divided between their children, or perhaps to a charity, this Will is automatically cancelled if they remarry. The new spouse may have married your elderly parent to inherit.



After: Your elderly parent has made a Will in 2000, marries in 2022. The 2000 Will is still applicable and not revoked. The new spouse may still make a claim against the estate but beneficiaries named in the 2000 Will can inherit. Your parent has not died intestate (without a Will)

Effect of Separation - Before

Before the changes proclaimed on January 1, 2022, separation had no effect on a deceased's Will or Estate.

- If the deceased bequeathed to a separated spouse (did not change Will after separation) - spouse would still get a share of the estate
- Many couples are separated without obtaining divorce
- Divorced spouses would not inherit from each other
- Spouses had to make a new Will or execute a separation agreement

Effect of Separation - After January 1, 2022

- Separation will revoke gifts to a separated spouse in a Will
- Separated spouse will not be able to act as executor or trustee - s. 17

Conditions

a. separated at the moment of death (after Jan 1, 2022)

- Separated 3 years immediately prior to death; or
- Separation agreement; or
- Court order; or
- Arbitration award.

b. living separate and apart at the moment of death

Effect of Separation - After January 1, 2022

- Part II of the SLR Act (Intestate Succession) is amended
- Separated spouses prior to January 1, 2022 that passed away without a Will (intestate) could inherit from each other
- Now, separated spouses cannot inherit from each other if there is no Will
- Same conditions as s. 17 for definition of separated spouse

Scenario - Separation

Jack and Jill are separated since January 1, 2022, Jill passed away January 2, 2025 with a Will that was executed in 1998. Jack is named as Jill's executor and first beneficiary. Jack and Jill never signed a separation agreement and did not divorce. Jack will not inherit even though he is named in the Will



Validity of Wills

- S. 21.1 added - New Compliance Regime
- SCJ can recognize a document as a valid Will even though it was not properly executed or made
- The document only needs to set out the testamentary intentions of a deceased person
- allows for those who may not be aware of the legal requirements for a valid will to be maintained
- **DANGER!** There are still some essentials requirements
 - has to be written - needs to be signed - needs to be dated

Changes to SLR Act = Room for Interpretation

- Changes to SLR Act since January 1, 2022 are "game changing"
- Impact on family law, and protection of elderly persons vulnerable to predatory marriages
- Changes regarding separation reflect intentions
- Legal advice is still very important to verify that your intentions are addressed
- Estate litigation may be more frequently seen

How Can Riopelle Group Help?

- Draft a Will and Powers of Attorney
- Provide effective legal advice in planning your estate
- Prepare the required court forms to apply for probate
- Assist the Estate Trustee in searching for your Will
- Provide advice to your Estate Trustee as to the administration of your Estate
- Prepare the Estate's Information Return:
 - Beginning January 1, 2020, an Estate Trustee must file an Estate Information Return with the Ministry of Finance within 180 calendar days after the estate certificate has been issued.



The Riopelle Group Difference

ALL-INCLUSIVE PRICING for WILLS AND POWERS OF ATTORNEY

\$750

Will and Powers of Attorney for Single

\$900

Wills and Powers of Attorney for Couple*

\$500

Powers of Attorney for Couple*

\$500

Codicil to Will for Couple*

Multiple Wills for family business corporations starting at \$1,250.



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SOCIÉTÉ PROFESSIONNELLE | PROFESSIONAL CORPORATION

A formal, professionally drafted Last Will and Testament and Powers for Attorney ensure your wishes are honoured in life and in death. Prices include legal fees, disbursements and HST.

*married or common-law couple

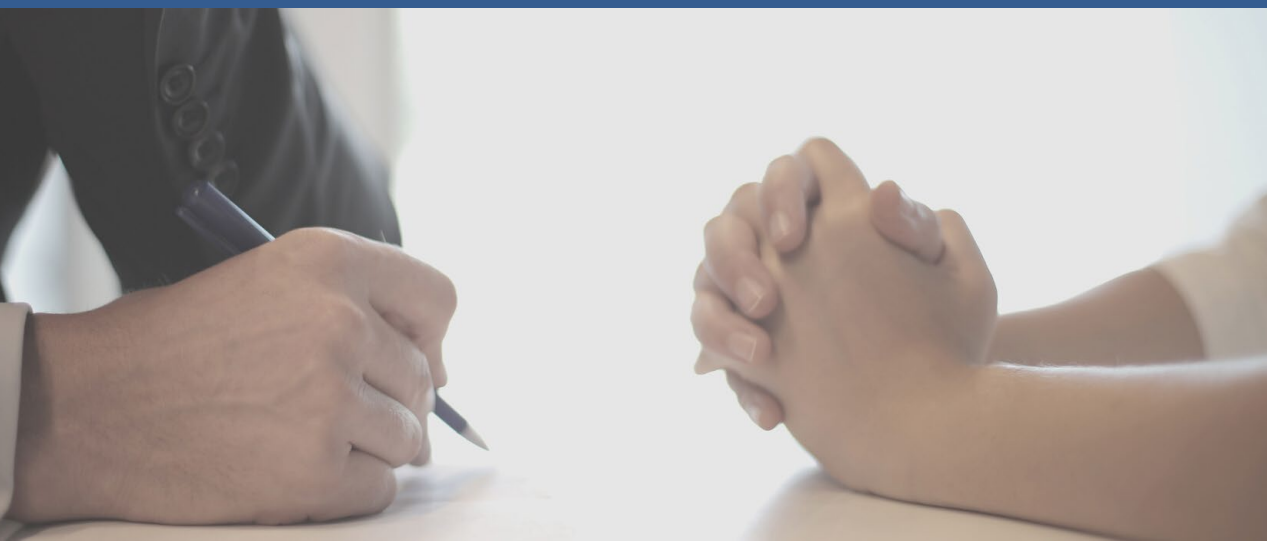
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THE DRAFTING PROCESS



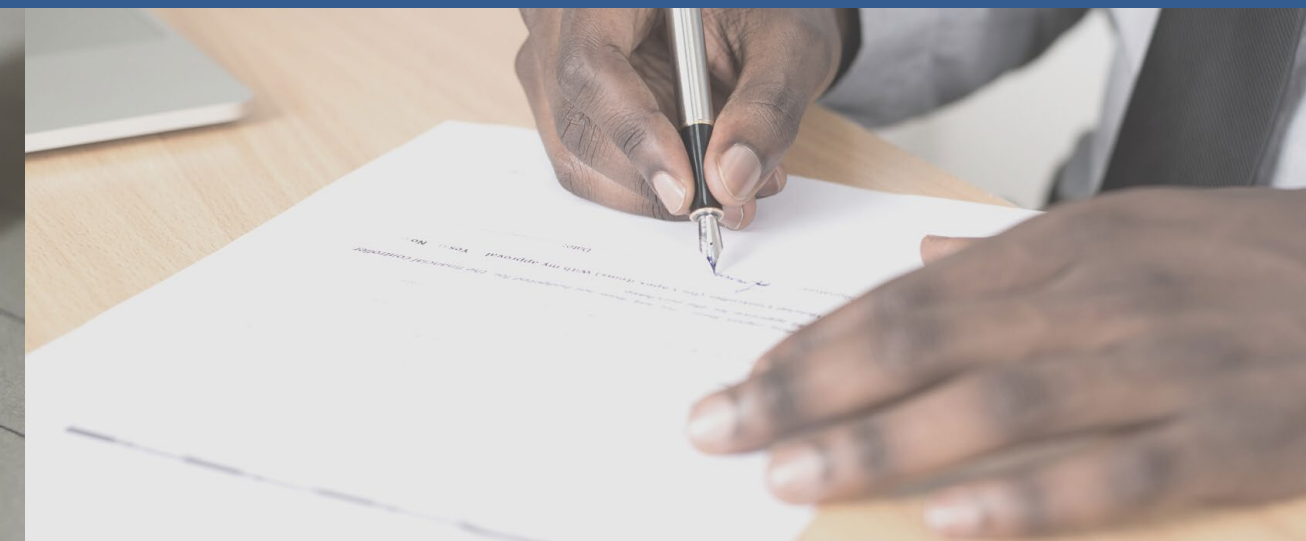
FIRST INTAKE

Client questionnaire
Initial meeting to review
estate plan



DRAFTING & REVIEW

Review of first draft with
client in person or on the
phone



SIGNATURE

Final review and signature
with proper witnesses

Questions?

We're ready for your ideas

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