

When Someone Dies

Wills / Executor

A Will is a written document that sets out how someone's property is to be distributed. It allows for a person to be appointed who will act as the Executor of the estate after a death, and who will make certain the property is distributed according to the deceased's wishes. A Will has no legal effect until after the person has died.

There are two types of Wills:

- **Formal Will:** prepared by a lawyer
- **Holograph Will:** prepared by the deceased, completely in their own handwriting, signed and dated by them.

An Executor is a person named in a Will who is to be responsible for the administration of the estate. Some of the responsibilities of the executor are: to notify relatives and beneficiaries, dispose of perishable assets, secure any estate assets that require immediate attention; make provisions for the immediate needs of the dependants of the deceased, and to ensure that proper funeral and burial arrangements are made.

Probating the Will, a process by which the Will is proved valid by the court, Probating is not always necessary. If there is a large amount of money in the bank that is not held jointly, the bank will usually require probate before releasing it. However, if the estate is small and property is held jointly, there may be no need for probate. Any property held jointly, such as real estate, bank accounts, or bonds can be easily transferred to the surviving spouse or individual named.

If a Will cannot be found the property will be distributed according to the provisions of the Intestate Succession Act. The Court will appoint an Executor of the Will, a Guardian for any minor children, and name any beneficiaries stipulated by the provisions of the Intestate Succession Act. Under this Act:

- > When there is a surviving spouse but no children, the spouse will receive the entire estate. If the net value of the estate does not exceed \$40,000, the entire estate will go to the surviving spouse.
- > When there is a surviving spouse and one child, the first \$40,000 of the estate is transferred to the spouse and the balance is divided into two equal parts. The spouse will receive one part and the other will go to the child.
- > When there is a surviving spouse and 2 children, the first \$40,000 of the estate is transferred to the spouse. The spouse will also receive 1/3 of the remaining estate while 2/3 will be transferred to the 2 children in equal shares.
- > When there is no surviving spouse or children, the estate will be transferred to blood, or legally adopted relatives in the order of their relationship to the deceased.
- > When there is no next of kin, the entire estate will be paid to the Alberta Government.

Please contact your lawyer for more information about this Act. If you require a lawyer, you can contact the **Lawyer Referral Services at 1-800-332-1091**.

Who to Contact when Someone Dies

It is important to notify the appropriate individuals and organizations when someone dies. This may require obtaining a **Death Certificate** from any **Alberta Registries agent**. The death must be registered before a certificate can be issued. If the death occurred in Alberta, contact an Alberta Registries Agent. In some instances, a statement or certificate from the funeral home may be accepted.

For a list of **Alberta Registries agents** in the **Edmonton area call 780- 422-7330**

Outside the Edmonton area call **toll-free** through the Government of Alberta at **310-0000** then enter **422-7330**. If you do not have a touch-tone phone, dial **310-0000** and then wait for the operator to answer and ask to be connected to **780-422-7330**.

When a death occurs outside of Alberta, you must apply to that province or country for a copy of the Death Certificate.

The Executor will arrange for the estate to be processed. If probate is required, the Executor will also arrange for this to be done. It is important for the executor to contact the following agencies (as appropriate to the individuals circumstances of the deceased e.g. age, work history etc.) to inform them that the individual has passed away.

You will need to have available the name of the deceased, the date of death, their Social Insurance Number, Personal Health Number, and the name of the executor (if the deceased had a will and named an executor). In some instances you will also need a copy of the Death Certificate and the will or letters of probate.

Government Pensions:

Federal:

Canada Pension, Old Age Security, Guaranteed Income Supplement and Allowance/
Allowance for the Survivor contact:

English: 1-800-277-9914

French: 1-800-277-9915

TTY ONLY: 1-800-255-4786

Provincial:

Alberta Seniors Benefit:

Edmonton: 780-644-9992

Toll Free: 1-877-644-9992

www.seniors.alberta.ca

Alberta Health and Wellness:

The Alberta Health and Wellness Helpdesk can be contacted at 780- 427-8089
or toll-free by 310-0000 and asking for 427-8089.

Alberta Blue Cross:

Edmonton: 780- 498-8000

By mail or in person: Blue Cross Place 10009 108 St NW Edmonton AB T5J 3C5

Private Employer Pensions:

If the deceased was receiving a pension from a former employer, contact the pension plan, former employer or union. Different plans may offer various levels of pensions to the deceased's estate and surviving spouse or children. They may include lump sum payments or insurance payments to the estate, or they may provide full or reduced pension payments to the surviving spouse.

Canada Customs and Revenue Agency (CCRA):

A final income tax return must be filed for the estate within a set period of time. If the death occurred between January 1 and October 31, the final return is due by April 30 of the following year. If the death occurred between November 1 and December 31, the final return is due six months after the death. Uncompleted returns from prior years must also be filed.

If the deceased was in receipt the **GST Rebate**, CCRA must be notified. If the death occurred in a month in which the GST rebate cheque is mailed (January, April, July or October), the estate retains the payment. Otherwise, the cheque must be returned to CCRA. CCRA can provide a *Guide for Preparing T1 Returns for Deceased Persons*.

Mailing address: Goods and Services Tax, Revenue Accounting Taxation Centre,
66 Stapon Rd Winnipeg, MB R3C 3M2
Contact CCRA at: 1-800-959-8281

Banking Accounts, Credit Cards, RRSP'S, GIC's and Shares:

Notify the bank of the deceased and ask what documents they require. Different banks have different requirements. Joint accounts, RRSP's and GIC's can be transferred to the survivor. Many banking institutions will release funds to the funeral home to cover funeral and other related expenses when copies of contracts and receipts are provided. The deceased's credit cards should be cancelled as soon as possible and all cards in the name of the deceased destroyed. Some credit accounts are life insured and are paid up automatically upon death. If there are any outstanding debts, have the executor make arrangements to pay them out of the estate.

Banking institutions will require a Death Certificate and a copy of the Will. Bank Passbooks of the deceased may be required to be updated to the date of death for income tax and accounting purposes.

Car Registration/Insurance:

If a vehicle was registered in the name of the deceased, the Executor can complete transfer of ownership by contacting any **Alberta Registries agent** or a probate registry agent. The name of the deceased should be removed from any car insurance policies. You will want to have available the vehicle registration and insurance policies.

Homeowner/Land Transfer:

It is important to inform the **Land Titles Office**, in the municipality where the home of the deceased is located, of the death. A land transfer must be made by the Executor if there is real estate. Contact **Alberta Registries agent** or local Land Titles office for more information.

Associations and Club Membership:

Notify the secretaries of all clubs of the death and inquire about any outstanding dues or bills.

Funeral Arrangements:

Determine if funeral arrangements had previously been made by the deceased. If no arrangements had been made, a time and place for the funeral or memorial service will need to be decided.

If finances are not available for a funeral, contact **Alberta Social Services Funeral Benefits** office at 780-427-7876 as they may be able to provide the necessary assistance. Or you can contact a local funeral home and ask if they are an approved funeral home with the Alberta Social Services Funeral Benefits office, if they are they can submit an application for financial assistance directly to the Alberta Social Services Funeral Benefits office on your behalf.

Depending on the circumstances of the homicide and deceased, the family can apply to the Alberta Victims of Crime – Financial Benefits Death Benefit program and may be approved for funding. An application is available from Victim Services Advocates or on line at www.victims.alberta.ca or call toll free 310-0000 for specific information and assistance. Below are some agencies who may be able to provide assistance for funeral expenses.

Alberta Widow's/Widowers Pension:

780-644-5135

Widows or widowers between the age of 55 and 65 may apply for this pension.

Canada Pension Plan:

1-800-277-9914

Death Benefit: For you to be eligible for this benefit, the deceased must have paid into the Canada Pension Plan while employed.

Veterans' Affairs Canada:

1-866-522-2122

If the deceased was a veteran, a benefit may be available. Benefits vary; depending upon whether the death was from a service-connected cause or from a non-service connected cause.

Memorial Society:

780-944-0196

If the deceased was a member of a Memorial Society, please contact the local office.

Alberta Social Services Funeral Benefits office:

780-427-7876

Individuals who receive assistance from Alberta Social Services are provided with a basic funeral service and casket as stipulated by the department. Indigent persons and those receiving support from the Assured Income for the Severely Handicapped (AISH) program may also be eligible for assistance.

Worker's Compensation Board of Alberta (WCB):

780-498-3999

If the deceased was receiving a full pension from Worker's compensations Board at the time of death, contact your nearest Board office. The family may be eligible for spousal benefits and/or dependent children benefits.

The cost for funerals can vary significantly depending on the type of services requested. It is important to consult with more than one funeral director before any final decisions are made. To contact a funeral home, check the Yellow Pages under Funeral Directors.

A list of Funeral Directors for the Edmonton Area can be found at www.afsrb.ca

Planning a Funeral or Memorial Service

Funeral and Memorial services are tributes and an opportunity for friends and family to celebrate the life of the deceased. They are an important social ritual as they allow family and friends to reflect, grieve and say good bye. Guidelines and customs vary about how a service might be conducted. Your Pastor, Funeral Director and/or Family can help you make choices. Below are some things to consider if you are writing an obituary:

Full Name _____

Age at death _____ Place and Date of Death _____

Personal Information

Date and Place of Birth _____

Origin of Family _____

Occupation _____

Education or Awards _____

Memberships Held _____

Military Service _____

Outstanding Work Achievements _____

Civic Awards or Honors _____

Predeceased Family Members _____

Survivors in Immediate Family _____

Date and Time of Viewing, Prayers, Memorial Service, Service of Committal, Wake etc.

Other special information _____

Disposition of Flowers or Tributes/Donations _____

Document Check List

A detailed list of these items and their location will be useful.

- ☐ Personal Will
- ☐ Birth Certificate of the Deceased
- ☐ Marriage Certificate
- ☐ Driver's License of the Deceased
- ☐ Deceased's Social Insurance Number
- ☐ Alberta Health Care Personal Number
- ☐ Military I.D. Card
- ☐ Safety Deposit Box(s)
- ☐ Property Deeds and Leases

Insurance Policies:

Employment _____

Life _____

Disability _____

Home _____

Auto _____

Business _____

Other _____

Bank Accounts (branch, address, account numbers)

Investments: _____

Tax Deductions: _____

Government Bonds: _____

Personal Property:

Vehicles: _____

Jewelry: _____

Collectibles: _____

Other:

Trust Funds: _____

Outstanding debts: _____

Were Funeral pre-arrangements done?: _____

Professional contacts:

Attorney _____

Accountant _____

Employer _____

Other _____

Personal contacts:

Executor _____

Co-executor _____

If the deceased lived alone, notify utilities and the landlord and tell the post office where to forward mail. Take precautions against thieves, especially during the funeral/memorial services. Have someone *house-sit* for added security.

The Victim Services Unit does not assume any Liability and is not responsible for any incorrect information provided here.

Prepared by:

Edmonton Police Service – Victim Services Unit

Tel: 780-421-2217 / Fax: 780-421-2341

Email: vsu@edmontonpolice.ca