

BENEFICIARY DESIGNATIONS AND LAW REFORM

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Power to Continue Designations

- Difficulties posed by replacement products
 - *Bramley v. Bramley Estate*
 - *Desharnais v. T.D. Bank*
- If testamentary, attorney cannot make
- If inter vivos
 - *Banton v. Banton?*

Law Reform - Continued Designations

- British Columbia
 - *Power of Attorney Act*, ss 20(5)
 - *Wills, Estates and Succession Act*, s. 90
- Alberta
- Manitoba

Power to Change Designations

- If testamentary, attracts traditional view
- If *inter vivos*
 - Barred as too personal
 - Sidebar: Can power to gift be delegated?
 - *Richardson Estate v. Mew*

Law Reform – Changing Designations

- Judicial Power to make statutory wills
 - England, Australia, New Zealand, New Brunswick
 - *Re Davey* (Eng.)
- British Columbia, ss 85(3) WESA + 20(5) PoA
- Alberta
- Manitoba