

## CHECKLIST FOR THE APPLICATION FOR A CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE WITH A WILL

	<p style="text-align: center;"><b>CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE WITH A WILL (CAET)</b></p> <p><b>Yes/No APPLICATION FORM</b> – Ensure correct prescribed form 74.4/74.4.1/74.5/74.5.1  <a href="http://ontariocourtforms.on.ca/en/rules-of-civil-procedure-forms/pre-formatted-fillable-estates-forms/" style="color: red;">http://ontariocourtforms.on.ca/en/rules-of-civil-procedure-forms/pre-formatted-fillable-estates-forms/</a></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>IS THE ADDRESS OF THE COURT CORRECT?</b></p> <p><i>Check where the application is being filed – e.g. at Toronto or at Brampton</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>IS THE FILER INFORMATION COMPLETE?</b></p> <p><i>This application filed by:</i>  <i>This should be either the law firm contact details or an individual’s contact information if filing on his/her (i.e. unrepresented) own behalf; this should include a valid email address as required for communication with the Court</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>NAME OF DECEASED IS CONSISTENT?</b></p> <p><i>Name should be the same on Death Certificate, Will, Affidavit of Execution, Application, Certificate, Affidavit of Service and Notice of Application</i></p> <p><i>If the deceased’s name is spelled differently on the proof of death documents, the application materials must include the different spelling as an “also known as” (aka) name</i></p> <p style="color: red;"><i>Names should be consistent on all documents filed and include a.k.a’s</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>DATE OF BIRTH IS CONSISTENT WITH DATE OF BIRTH ON PROOF OF DEATH CERTIFICATE?</b></p> <p><i>Check for consistency</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>IS THE ADDRESS OF DECEASED IN THE CORRECT COURT JURISDICTION?</b></p> <p><i>Address of the Deceased to include the full address with postal code</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>DID THE DECEASED HAVE A FIXED PLACE OF ABODE IN ONTARIO OR PROPERTY IN ONTARIO?</b></p> <p><i>If deceased did not live in Ontario but had property in Ontario, application to be filed in the Jurisdiction of the property. Leave blank if not applicable and indicate N/A</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>IS THE MUNICIPALITY OF THE DECEASED’S ADDRESS COMPLETE? i.e.,</b></p> <p><i>If Toronto, insert “City of Toronto” in the Municipality section of the application</i>  <i>If Mississauga, insert “Regional Municipality of Peel”</i></p>

## CHECKLIST FOR THE APPLICATION FOR A CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE WITH A WILL

CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE WITH A WILL (CAET) APPLICATION FORM – Ensure correct prescribed form 74.4/74.4.1/74.5/74.5.1 <a href="http://ontariocourtforms.on.ca/en/rules-of-civil-procedure-forms/pre-formatted-fillable-estates-forms/" style="color: red;">http://ontariocourtforms.on.ca/en/rules-of-civil-procedure-forms/pre-formatted-fillable-estates-forms/</a>	
Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>LAST OCCUPATION OF DECEASED AND THE APPLICANT(S) MUST BE LISTED?</b> <i>Be consistent with the Certificate</i> <i>NOTE: if using “Retired” – must be expanded to state “retired teacher/retired accountant” etc.</i>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>IS THE CITY &amp; MUNICIPALITY COMPLETED FOR THE PLACE OF DEATH?</b> <i>i.e. – Toronto, in the Province of Ontario; or Mississauga, in the Regional Municipality of Peel – PLEASE NOTE: The Regional Municipality of Hamilton-Wentworth was changed in 2001 to City of Hamilton.</i>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>IS THE DATE OF DEATH CONSISTENT ON ALL DOCUMENTS WITH THE PROOF OF DEATH CERTIFICATE?</b> <i>Proof of Death Certificate must be filed and must be original or certified/notarial copies</i> <i>Check for consistency - Check certificate, notice of application and renunciation/consents if applicable</i>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>IS THE DATE OF THE WILL AND CODICIL(S) ON THE APPLICATION and THE CERTIFICATE CONSISTENT WITH THE WILL/CODICIL AND THE AFFIDAVIT OF EXECUTION?</b> <i>Check the date on the Will/Codicil against the Affidavit of Execution, Application, Notice of Application, Certificate, Renunciation/Consent for consistency</i>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>WAS THE DECEASED 18 YEARS OR OLDER AT DATE OF WILL OR 21 OR OLDER IF WILL DATED EARLIER THAN SEPTEMBER 1 1971?</b>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>IS THE MARITAL STATUS ACCURATE AND CONFIRMED?</b>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>DID THE DECEASED MARRY AFTER EXECUTING THE WILL?</b> <i>If “yes”, detail in schedule as will be sent to a Judge</i>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>DID DECEASED DIVORCE AFTER EXECUTING THE WILL?</b> <i>If “yes”, detail in schedule as will be sent to a Judge</i>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>DID ANY BENEFICIARY/SPOUSE WITNESS THE DECEASED EXECUTING THE WILL?</b> <i>If “yes”, detail in schedule as will be sent to a Judge</i>

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Yes/No	CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE WITH A WILL (CAET) APPLICATION FORM – Ensure correct prescribed form 74.4/74.4.1/74.5/74.5.1 <a href="http://ontariocourtforms.on.ca/en/rules-of-civil-procedure-forms/pre-formatted-fillable-estates-forms/">http://ontariocourtforms.on.ca/en/rules-of-civil-procedure-forms/pre-formatted-fillable-estates-forms/</a>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>VERIFY THAT THE TOTAL VALUE OF ASSETS AND TAXES ARE CORRECT?</b></p> <p><i>Note: The Estate Taxes are calculated on the value of the estate and are rounded up to the next thousand. i.e., if the value of the estate is \$125,395.25 the taxes is calculated on \$126,000.00 - See the estate tax calculator</i></p> <p><a href="https://www.attorneygeneral.jus.gov.on.ca/english/estates/calculate.php">https://www.attorneygeneral.jus.gov.on.ca/english/estates/calculate.php</a></p> <p><b>Effective January 1, 2020, the Ontario government provided some small relief to Estates by amending the Estate Administration Tax Act, and removing the tax payable on the first \$50,000 of the value of Estate assets reported on an Application for Certificate of Appointment. Therefore, any Estate (for which an Application for Certificate of Appointment is required), where the value of the Estate is \$50,000 or less, will no longer have to pay any EAT. For all other Estates where the value of the Estate is over \$50,000, no tax will be calculated on the first \$50,000 but the tax remains at 1.5% for the value of assets reported over \$50,000.</b></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>ARE THERE BENEFICIARIES OTHER THAN THE TRUSTEE(S)?</b></p> <p><i>If yes, Affidavit of service with /Notice of Application are required. If the Trustee/Applicant is a beneficiary, his/her name must be listed on the Notice of Application along with the other beneficiaries in paragraph 8</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	<p><b>IF THERE IS A PERSON NAMED IN THE WILL AS ESTATE TRUSTEE THAT IS NOT APPLYING, DID HE/SHE DIE/RENOUNCE AND WAS A REUNCIATION FILED?</b></p> <p><i>Renunciation or status of the named Trustee must be accounted for on the Application and on the Certificate</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>IS THE AFFIDAVIT OF APPLICANT'S APPLICATION SIGNED AND COMMISSIONED BY THE SAME COMMISSIONER WHO DATED AND MARKED THE WILL/CODICIL(S) AS AN EXHIBIT?</b></p> <p><i>Must be marked as Exhibit 'A' on the back of the signing page of the Will and Exhibit 'B' on the back of the signing page of the Codicil. If there are more codicils, they are marked as Exhibit 'C'/Exhibit 'D' and so on. Lawyer/Commissioner must print name or stamp with name</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>IF THE SPOUSE OF THE DECEASED IS AN APPLICANT, HAS THE SPOUSE ELECTED TO RECEIVE THE ENTITLEMENT UNDER SECTION 5 OF THE FAMILY LAW ACT?</b></p> <p><i>This is only applicable if the spouse is the applicant. If not, state N/A</i></p> <p><i>If yes, explain why spouse is entitled to apply</i></p>

## CHECKLIST FOR THE APPLICATION FOR A CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE WITH A WILL

<b>CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE WITH A WILL (CAET)</b>	
Yes/No	<b>APPLICATION FORM</b> – Ensure correct prescribed form 74.4/74.4.1/74.5/74.5.1 <a href="http://ontariocourtforms.on.ca/en/rules-of-civil-procedure-forms/pre-formatted-fillable-estates-forms/" style="color: white;">http://ontariocourtforms.on.ca/en/rules-of-civil-procedure-forms/pre-formatted-fillable-estates-forms/</a>
	<p style="color: red; font-weight: bold;">NOTE: ANY HANDWRITTEN CHANGES ON THE APPLICATION OR AFFIDAVIT MUST BE INITIALLED BY THE SAME COMMISSIONER WHO COMMISSIONED THE AFFIDAVIT</p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p style="color: red; font-weight: bold;">IF THE APPLICANT IS NOT NAMED AS AN ESTATE TRUSTEE, HE/SHE MUST BE AN ONTARIO RESIDENT AND IT SHOULD BE STATED WHAT RIGHT THE APPLICANT HAS TO APPLY – (IS IT WITH THE CONSENTS OF THE BENEFICIARIES OR PURSUANT TO A COURT ORDER, OR OTHER?).</p> <p style="color: red;"><i>Consents of persons who together have a majority interest in the value of the assets of the estate at the date of death (i.e, it's in the applicant's affidavit) or order of the court</i></p>
<b>Yes/No WILL/Codicil</b>	
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p style="font-weight: bold;">DOES THE NAME OF THE PERSON NAMED AS THE ESTATE TRUSTEE IN THE WILL/CODICIL APPEAR THE SAME ON THE APPLICATION?</p> <p><i>Name to be set out as given name, and also to state "referred to in the Will as ...."</i>  <i>The applicant's surname must be set out first on the Application</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p style="font-weight: bold;">DOES THE WILL/CODICIL(S) MAKE REFERENCE TO CONTINGENT BENEFICIARIES?</p> <p><i>If so, these names should be listed as beneficiaries on the Notice of Application</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p style="font-weight: bold;">DOES THE WILL/CODICIL MAKE REFERENCE TO A MEMORANDUM?</p> <p><i>If yes, memorandum must be filed, or if no memorandum can be found, an affidavit must be provided indicating none was found or in existence</i></p> <p><i>N.B. This holds true whether any such memorandum is precatory or otherwise</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p style="font-weight: bold;">ARE THERE ANY ALTERATIONS/DELETIONS TO THE WILL/ CODICIL(S)?</p> <p><i>If "yes", an affidavit explaining the changes to the condition of the will/codicil is required and the Will must be marked as an exhibit 'A' to this affidavit.</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p style="font-weight: bold;">CONFIRM IF ANY OF THE BENEFICIARIES/SPOUSE WITNESSED THE DECEASED'S EXECUTE THE WILL/CODICIL(S)?</p> <p><i>If "yes", an affidavit needs to be prepared since it will be sent to a Judge together with the consents of the beneficiaries to establish whether the gift stands, or whether there is to be an application made before the Judge</i></p>

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Yes/No	WILL/Codicil
<b>Yes/No</b>	<b>Affidavit of Execution of Will or Codicil/Affidavit Attesting to the Handwriting and Signature of a Holograph Will or Codicil- Ensure prescribed forms were used at the time the affidavit was signed. Forms 74.8/74.9</b>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>IS THE AFFIDAVIT OF EXECUTION/AFFIDAVIT ATTESTING TO HANDWRITING AND SIGNATURE OF THE HOLOGRAPH WILL SIGNED BY A WITNESS/OFFICER AND HAS THE COMMISSIONER SIGNED, COMPLETED THE JURAT AND MARKED THE WILL/CODICIL AS AN EXHIBIT?</b></p> <p><i>If witnesses to the will and/or codicil cannot be found, or both have died, an affidavit must be filed to state efforts made to find the witnesses, and an affidavit attesting to the signature of the testator must be prepared by someone who has seen the signature, and can compare it with a sample signature. The file will be sent to a Judge for determination.</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>IS THE AFFIDAVIT OF EXECUTION OF THE WILL/CODICIL MARKED AS EXHIBIT 'A' TO THE WILL?</b></p> <p><i>Must be marked as Exhibit 'A' on the back of the signing page of the Will and Exhibit 'A' on the back of the signing page of the Codicil</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>DOES THE AFFIDAVIT OF EXECUTION HAVE THE ADDRESS OF THE SECOND WITNESS?</b></p> <p><i>Remember to include the City and the Municipality</i></p>
<b>Yes/No</b>	<b>CONSENTS/RENUNCIATIONS – Ensure correct prescribed form 74.11/74.12/74.12.1</b>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>DOES THE CONSENT(S) HAVE THE NAME OF THE DECEASED (WITH AKA'S), DECEASED'S DATE OF DEATH, NAME OF BENEFICIARY (WITH AKA'S) GIVING CONSENT AND NAME OF APPLICANT (WITH AKA'S) AS APPROPRIATE?</b></p> <p><i>Be consistent with all information throughout the application, in every part of the form</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>IS THE CONSENT SIGNED BY THE BENEFICIARY, DATED AND WITNESSED?</b></p> <p><i>Name of witness must be printed</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>IS THE CONSENT BY AN ATTORNEY UNDER A POA ON BEHALF OF A BENEFICIARY?</b></p> <p><i>If yes, copy of the Power of Attorney must be filed</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>IF THE APPLICANT IS NOT NAMED AS ESTATE TRUSTEE ON THE WILL/CODICIL ARE THERE <u>CONSENTS</u> FROM THE BENEFICIARIES WHO TOGETHER HAVE A MAJORITY INTEREST IN THE VALUE OF THE ASSETS OF THE ESTATE?</b></p> <p><i>Must state that the applicant is applying with the consent of the beneficiaries, and the consents must be filed</i></p>

## CHECKLIST FOR THE APPLICATION FOR A CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE WITH A WILL

Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>DOES THE RENUNCIATION(S) HAVE THE NAME OF THE DECEASED (INCLUDING AKA'S), DECEASED'S DATE OF DEATH AND DATE OF WILL APPEARING CORRECTLY?</b></p> <p><i>Check for accuracy</i></p> <p><i>If the named trustee has renounced, the renunciation must be referenced on the Certificate</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>IS THE RENUNCIATION(S) SIGNED BY THE NAMED ESTATE TRUSTEE, DATED AND WITNESSED?</b></p> <p><i>Name of witness must be printed</i></p>
<b>Yes/No</b>	<b>AFFIDAVIT OF SERVICE WITH NOTICE OF APPLICATION – Ensure correct prescribed form 74.6 and 74.7 attached as an exhibit</b>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>IS THE NAME OF THE DECEASED (INCLUDING AKA'S) AND DECEASED'S DATE OF DEATH, CORRECT ON THE AFFIDAVIT OF SERVICE AND NOTICE OF APPLICATION, AND CONSISTENT WITH THE APPLICATION AND CERTIFICATE?</b></p> <p><i>Check for consistency on all names</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>IS THE APPLICANT'S(S) NAME (INCLUDING AKA'S) ON THE AFFIDAVIT AND NAME AND ADDRESS ON THE NOTICE OF APPLICATION CONSISTENT WITH THE APPLICATION AND CERTIFICATE?</b></p> <p><i>Check for consistency on all names</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>ARE THERE MINOR BENEFICIARIES?</b></p> <p><i>If yes, list the names, DOB, name and address of parent or guardian and estimated value of their share in the estate; if NO minor beneficiaries – state N/A</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>ARE THERE ANY PERSONS WHO ARE MENTALLY INCAPABLE WITHIN THE MEANING OF SECTION 6 OF THE SUBSTITUTE DECISIONS ACT, 1992 IN RESPECT OF AN ISSUE IN THE PROCEEDING, AND WHO HAVE GUARDIANS OR ATTORNEYS ACTING UNDER POWERS OF ATTORNEY WITH AUTHORITY TO ACT IN THE PROCEEDING, ARE ENTITLED, WHETHER THEIR INTEREST IS CONTINGENT OR VESTED, TO SHARE IN THE DISTRIBUTION OF THE ESTATE?</b></p> <p><i>If yes, the name and address of the incapable person must be completed along with the name and address of the Guardian or Attorney</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>ARE THERE ANY PERSONS WHO ARE MENTALLY INCAPABLE WITHIN THE MEANING OF SECTION 6 OF THE SUBSTITUTE DECISIONS ACT, 1992 IN RESPECT OF AN ISSUE IN THE PROCEEDING, AND WHO DO NOT HAVE GUARDIANS OR ATTORNEYS ACTING UNDER POWERS OF ATTORNEY WITH AUTHORITY TO ACT IN THE PROCEEDING, ARE ENTITLED, WHETHER THEIR INTEREST IS CONTINGENT OR VESTED, TO SHARE IN THE DISTRIBUTION OF THE ESTATE?</b></p>

## CHECKLIST FOR THE APPLICATION FOR A CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE WITH A WILL

	<i>If yes, name and address of person must be completed with the estimated value of interest in the estate provided and the Public Guardian and Trustee must be served</i>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>ARE THE ADDRESSES OF THE BENEFICIARIES LISTED CORRECTLY?</b> <i>Address should be civic address, not c/o address, not business address, not P.O. Box address</i>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>IF A BENEFICIARY WAS NOT SERVED BECAUSE OF DEATH, IS THAT BENEFICIARY LISTED IN PARAGRAPH 4 OF THE AFFIDAVIT OF SERVICE?</b> <i>Predeceased beneficiaries should only appear in paragraph 4 of the Affidavit of Service of Notice – DO NOT add this in # 10 of the Notice of Application</i> <i>If not applicable, state N/A</i>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>IF A BENEFICIARY WAS NOT SERVED BECAUSE OF INABILITY TO LOCATE, OR THE BENEFICIARY RECEIVED THE ENTITLEMENT PREVIOUSLY, IS ANY SUCH BENEFICIARY LISTED IN PARAGRAPH 5 OF THE AFFIDAVIT OF SERVICE AND PARAGRAPH 10 OF THE NOTICE OF APPLICATION?</b> <i>When beneficiaries cannot be located, an affidavit stating attempts made to locate person is required for the judge.</i> <i>Reason to be provided or state N/A</i>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>ARE THE NAMES OF THE BENEFICIARIES IN THE WILL/CODICIL(S) CONSISTENT WITH THE NOTICE OF APPLICATION?</b> <i>If “no”, the beneficiary name should be set out as the proper given name(s) and also to set out as “referred to in the will as”</i> <i>If the Applicant is a beneficiary, make sure the name is listed in #8 of the Notice of Application</i>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>ARE ALL THE QUESTIONS IN THE NOTICE OF APPLICATION COMPLETE?</b> <i>If not applicable – type N/A</i>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>IS THE NOTICE OF APPLICATION DATED?</b> <i>Must be dated on the last page of the form</i>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>IS THE APPLICANT SWEARING THE AFFIDAVIT OF SERVICE? IS THE LAWYER SWEARING THE AFFIDAVIT ON BEHALF OF THE APPLICANT?</b> <i>If it is not the Applicant, #1 of the Affidavit must be amended to state “I am the lawyer for the applicant for a certificate of appointment of estate trustee ....” to ensure correctness</i>

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Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>IS THE AFFIDAVIT SIGNED BY THE AFFIANT? HAS THE COMMISSIONER SIGNED, COMPLETED THE JURAT AND MARKED THE NOTICE OF APPLICATION AS EXHIBIT 'A'?</b></p> <p><i>This can be done on any page of the Notice of Application with corresponding name printed of the commissioner</i></p>
<b>Yes/No</b>	<b>BOND REQUIREMENTS</b>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>HAS A BOND BEEN ADDRESSED IF THE NAMED ESTATE TRUSTEE DOES NOT RESIDE IN CANADA OR A COMMONWEALTH COUNTRY?</b></p> <p><i>Look at Sec 35 of the Estates Act: <a href="https://www.ontario.ca/laws/statute/90e21#BK36">https://www.ontario.ca/laws/statute/90e21#BK36</a>, and as applicable Re Henderson Estate: <a href="http://canlii.ca/t/221lx">http://canlii.ca/t/221lx</a></i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>HAVE CONSENTS BEEN RECEIVED FROM ALL OF THE BENEFICIARIES TO DISPENSE WITH THE BOND?</b></p> <p><i>If no, then the affidavit has to address this, asking for the bond to be reduced to the share of the person who is not consenting – i.e., minor beneficiary or beneficiary who cannot be found</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>HAS AN AFFIDAVIT IN SUPPORT OF THE REQUEST FOR AN ORDER THAT THE REQUIREMENT TO POST A BOND BE DISPENSED, ADDRESSING THE DEBTS OF THE ESTATE AND WITH AN UNDERTAKING TO PAY ANY DEBTS THAT ARE OUTSTANDING?</b></p> <p><i>Must be addressed</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>HAS THE AFFIDAVIT ADDRESSED WHETHER THE DECEASED HAD A BUSINESS?</b></p> <p><i>Must be stated on the affidavit re debts</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>HAS THE AFFIDAVIT ADDRESSED THE DEBTS OF THE DECEASED?</b></p> <p><i>IF OUTSTANDING, DEBTS MUST BE INCLUDED, THEY ARE TO BE LISTED AND AN UNDERTAKING TO PAY ONCE THE CERTIFICATE HAS BEEN ISSUED</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>HAS A DRAFT ORDER TO DISPENSE WITH THE BOND BEEN FILED?</b></p> <p><i>2 copies of a Draft Order need to be filed containing the prescribed header</i>  <a href="http://ontariocourtforms.on.ca/en/rules-of-civil-procedure-forms/">http://ontariocourtforms.on.ca/en/rules-of-civil-procedure-forms/</a></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>HAS A BACK PAGE BEEN FILED FOR THE DRAFT ORDER TO DISPENSE WITH THE BOND?</b></p> <p><i>Prescribed back page must be provided</i>  <a href="http://ontariocourtforms.on.ca/en/rules-of-civil-procedure-forms/">http://ontariocourtforms.on.ca/en/rules-of-civil-procedure-forms/</a></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>IS IT PROPOSED THAT A TRUST COMPANY APPOINTED TO BE A TRUSTEE?</b></p> <p><i>If so, no bond required if Trust Company is the applicant</i></p>



## CHECKLIST FOR THE APPLICATION FOR A CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE WITH A WILL

Yes/No	CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE (CAET) 74.13/74.13.1 WITH BACKSHEET
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>IS THE NAME OF THE DECEASED (INCLUDING AKA'S) AND DECEASED'S DATE OF DEATH, OCCUPATION, ADDRESS AND DATE OF WILL/CODICIL(S) CONSISTENT WITH THE APPLICATION &amp; ALL OTHER DOCUMENTS BEING FILED?</b></p> <p><i>Check for accuracy and consistency of information</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>IS THE APPLICANT'S(S) NAME (INCLUDING AKA'S), ADDRESS, OCCUPATION CONSISTENT WITH THE APPLICATION AND OTHER DOCUMENTS BEING FILED?</b></p> <p><i>Ensure every piece of information is consistent</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>IF A NAMED ESTATE TRUSTEE IS NOT APPLYING, IS THIS ACCOUNTED FOR ON THE CERTIFICATE? IE., RENOUNCED/DIED, ETC.</b></p> <p><i>Status of named trustee must be accounted for on the Certificate, this information must be set out under the applicant's details.</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>IS THE DATE OF THE WILL/CODICIL CORRECT ON THE CERTIFICATE OF APPOINTMENT?</b></p> <p><i>Check against the Affidavit of Execution</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>IS THE COURT ADDRESS CORRECT ON THE CERTIFICATE OF APPOINTMENT?</b></p> <p><i>Court address must be completed on the Certificate – DO NOT INSERT A DATE – THIS IS FOR THE REGISTRAR TO COMPLETE</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>IS THE BACK PAGE OF THE CERTIFICATE CORRECTLY COMPLETED WITH ALL CONTACT DETAILS?</b></p> <p><i>Court requires 2 copies of the prescribed back page</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>ARE THERE CLEAN UNMARKED COPIES OF THE WILL(/CODICIL(S) FILED WITH THE CERTIFICATE?</b></p> <p><i>Court requires 2 clean unmarked copies of the Will/Codicil(s) – DO NOT STAMP 'COPY' on the Will</i></p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><b>ARE THERE 2 COPIES OF THE CERTIFICATE BEING FILED?</b></p> <p><i>Court requires 2 copies of the Certificate</i></p>

## **CHECKLIST FOR THE APPLICATION FOR A CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE WITH A WILL**

### **ADDITIONAL RESOURCES:**

<https://lso.ca/lawyers/practice-supports-and-resources/practice-area/estates-and-trusts>

<https://lawsocietyontario.azureedge.net/media/lso/media/lawyers/practice-supports-resources/best-practices-for-remote-commissioning-en.pdf>

### **HOW TO APPLY FOR PROBATE IN ONTARIO**

[https://www.attorneygeneral.jus.gov.on.ca/english/estates/how\\_to\\_apply\\_for\\_probate.php](https://www.attorneygeneral.jus.gov.on.ca/english/estates/how_to_apply_for_probate.php)

### **HOW TO AVOID COMMON ERRORS IN ESTATE APPLICATIONS**

[https://www.attorneygeneral.jus.gov.on.ca/english/estates/avoiding\\_common\\_errors.html](https://www.attorneygeneral.jus.gov.on.ca/english/estates/avoiding_common_errors.html)

### **TO OBTAIN A COPY OF THE COURT SERVICES DIVISION ESTATE MANUAL**

Law firms may email your request to: [csdmanual@ontario.ca](mailto:csdmanual@ontario.ca)

<https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/>

*This checklist is intended for the purposes of providing information and guidance only and is not intended to be relied upon as the giving of legal advice and does not purport to be exhaustive.*