



Bryan Gilmartin, BMus, JD/JD

PRACTICE

Bryan Gilmartin is a Partner at WEL Partners where he practices exclusively in the areas of estate, trust, power or attorney, capacity, and guardianship litigation. Practice areas include:

- Wills, Estates, Trusts Disputes
- Advising Fiduciaries
- Dependant Support Claims
- Passing of Estate, Trustee, Attorney, Guardian & Fiduciary Accounts
- Capacity Proceedings
- Guardianships
- Power of Attorney Disputes
- Consent and Capacity Board
- End-of-Life and Treatment Decisions
- Medical Assistance in Dying
- Elder Law
- Elder Financial Abuse
- Solicitor's Negligence
- Representation of Persons Under Disability
- Probate Applications
- Opinions
- Agency Services
- Approval Motions Under Rule 7

EXPERIENCE

Bryan came to the practice area honestly. Growing up an only child in a small town in northern Ontario, he lived and worked in the family funeral home alongside his mother and father. At a young age, Bryan was immersed in the sensitivities, tragedies, and emotions that accompany death. He also had the opportunity to learn how to navigate the challenges of running a small business. He relies on these experiences every day when navigating the challenges that accompany the practice area.

Leaving his undertaking days behind him, Bryan left the north to pursue an education in music at the University of Toronto where he studied jazz performance. During his studies, he had the opportunity to play with some of the great jazz musicians in the country and the world. He also taught music all over the city of Toronto. After a few years of playing late nights into early mornings with several incredible yet forgettable bands, Bryan set his sights on a career in law and he attended the Dual JD program at the University of Windsor and the University of Detroit Mercy.

Bryan joined WEL Partners as a Summer Student and worked there throughout his law school years. Upon his graduation, he returned as an Articling student and then as an Associate following his call to the Ontario Bar in 2020. Bryan has worked on matters at all levels of court, including the Ontario Court of Appeal and the Supreme Court of Canada. His articles have been featured in the Globe and Mail, he regularly presents at Continuing Legal Education programs and has been named in Best Lawyers since 2021. Bryan is a member of the Society of Trust and Estate Practitioners, the Baycrest Foundation Professional Advisory Group, and the National Academy of Elder Law Attorneys. He also currently sits as a Member at Large on the Ontario Bar Association Elder Law Executive Committee and Alternative Dispute Resolution Executive Committee.

When not at work, Bryan enjoys making his way around the city in search of the best cup of coffee with his wife and their newborn son (hence why coffee is required). You may also find him on a golf course with friends, cooking elaborate meals on his kamado grill, or back up north wetting a line at his favorite fishing hole.

SPECIAL RECOGNITIONS

Best Lawyers: Ones to Watch, 2022

Best Lawyers: Ones to Watch, 2021

PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

- Law Society of Ontario (LSO)
- Ontario Bar Association (OBA)
- Canadian Bar Association (CBA)
- Society of Trust and Estate Professionals (STEP)
- Toronto Lawyers' Association (TLA)
- The Advocates Society (TAS)

PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

- The Professional Advisory Group at Baycrest Foundation, Group Member, January 2021 – present

- Estate List User Committee (ELUC) of the Ontario Superior Court of Justice at Toronto June 2020 – December 2021

SPEAKING & PRESENTATIONS

- Speaker, 2022 Colloquium
- Speaker, Osgoode Hall Professional Development, Estate Litigation: The Practical Guide for Legal Professionals, Toronto, Ontario, October 6, 2022
- Speaker, Ontario Bar Association Elder Law Day, Toronto, Ontario, June 20, 2021
- Faculty, University of Toronto Faculty of Medicine, The Role of the Medical Expert in Estate Litigation, Toronto, Ontario, June 27-28, 2022
- Speaker, Reach Canada, Reach 2022 Hoarding Conference, Increasing Awareness, Legal Challenges and Community Collaboration, Ottawa, Ontario, June 1, 2022
- Speaker, Osgoode Hall Professional Development, Incapacity Planning and Powers of Attorney, Toronto, Ontario, April 19, 2022
- Speaker, Canadian Bar Association, Assessing Incapacity in a Digital World, Toronto, Ontario, April 7, 2022
- Speaker, Malvern Family Resource Centre, Senior's Active Living Fair, Scarborough, Ontario, March 25, 2022
- Interview, SAGE Magazine, National Association of Federal Retirees, December 2021
- Speaker, Greater Toronto Area Accountant Network, Trusts and Estates for Financial Professionals, Toronto, Ontario, October 21, 2021
- Speaker, Ontario Bar Association Elder Law Day, Toronto, Ontario, June 21, 2021
- Speaker, Ontario Police College Elder Abuse Investigation Course, Aylmer, Ontario, November 23, 2020
- Speaker, Greater Toronto Area Accountant Network, Trusts and Estates for Financial Professionals, Toronto, Ontario, October 20, 2020
- Speaker, Toronto Police Seminar, Elder Abuse, Toronto, Ontario, November 1, 2019

PUBLICATIONS

Co-Author, Globe and Mail, Four Changes to Ontario's Estate Planning Laws Advisors and their Clients Need to Consider, February 9, 2022

Co-Author, Civil Procedure and Practice in Ontario, Parties and Joinder, Rule 9 - Estates and Trusts, 2021

Co-Author, Civil Procedure and Practice in Ontario, Parties and Joinder, Rule 10 - Representation Orders, 2021

Co-Author, Civil Procedure and Practice in Ontario, Particular Proceedings, Rule 73 - Reciprocal Enforcement of United Kingdom Judgments, 2021

NOTABLE CASES

Lockhart v. Lockhart, 2021 ONCA 807

Lockhart v. Lockhart, 2021 ONCA 329

Lockhart v. Lockhart, 2020 ONSC 7620

LEGAL EMPLOYMENT HISTORY

WEL Partners / Whaley Estate Litigation: Associate, 2020 – Present, Wills, Estates, Trusts, Fiduciary and Capacity Litigation

WEL Partners / Whaley Estate Litigation: Articling Student, 2019 – Present. Wills, estates, trust, fiduciary and capacity litigation.

WEL Partners / Whaley Estate Litigation: Summer Student, May 2018 – August 2018. Wills, estates, trust, fiduciary and capacity litigation.

EDUCATION AND QUALIFICATIONS

Juris Doctor, University of Windsor: May 2019

Juris Doctor, University of Detroit Mercy School of Law: May 2019

Bachelor of Music (honours), University of Toronto: May 2015