

EXECUTOR DUTIES CHECKLIST

This checklist is designed to outline essential information and general responsibilities that may arise in the course of administering and finalizing an estate. It provides an overview of the duties of an executor, including matters relating to compensation, and identifies the categories of assets that an executor is typically required to identify, secure, value, and manage throughout the administration process.

Whether you are presently engaged in administering an estate or are contemplating the appointment of an executor in the future, the following checklist is intended to assist in preparing for the principal obligations and procedural steps involved.





Duties and Responsibilities of an Estate Trustee:

Whether the deceased died testate (with a valid Last Will and Testament) or intestate (without a will), as an Ontario estate law firm devoted exclusively to estate law, including probate and estate administration, we regularly assist individuals and families across the Province with navigating probate in Ontario. For many of our clients, the Ontario probate process can appear confusing, technical, and overwhelming, particularly at a time of grief. Our role as experienced estate and probate lawyers is to provide clear guidance and ensure strict compliance with Ontario law.

Where there is a valid will, the individual named as Estate Trustee, commonly referred to as the executor, is generally required to apply to the Court for a Certificate of Appointment of Estate Trustee. This step is often described as “probate with a will.” Where there is no will, Ontario legislation governs who may apply to act as Estate Trustee in an intestate estate. In either circumstance, formal court authority is frequently required before financial institutions will release estate assets. A properly retained probate attorney ensures that the court materials are accurately drafted, probate fees and Estate Administration Tax are correctly calculated, and that all statutory requirements under estate law are satisfied.

It is critically important to identify estate assets at an early stage of the probate process. Estate assets generally include property solely owned by the deceased at the time of death, such as bank accounts, investments without a designated beneficiary, real estate, vehicles, jewellery, personal belongings, digital assets, and debts owed to the deceased. Certain assets, such as jointly held property or assets with named beneficiaries, may pass outside the estate and outside probate in Ontario. A careful legal review is essential to determine what forms part of the estate and what may transfer to the entitled beneficiary directly.

Once the role has been accepted, the Estate Trustee assumes significant responsibilities. These duties may include, but are not limited to, identifying and securing estate assets, determining the rightful beneficiaries, valuing property, addressing outstanding debts, filing necessary tax returns, paying applicable estate taxes, and ultimately distributing the estate in accordance with the will or, in an intestate matter, pursuant to Ontario’s succession legislation.

Administering an estate is not merely ceremonial, it is a legal mandate that carries substantial responsibility, strict timelines, and exposure to personal liability if errors occur. Whether you are an Estate Trustee seeking guidance, a beneficiary with concerns, or a family member uncertain about the next steps, obtaining timely advice from a qualified estate lawyer can prevent costly mistakes and unnecessary delay. Our firm provides strategic, meticulous, and compassionate representation throughout the Ontario probate process, including probate applications, estate tax compliance, executor compensation guidance, and the resolution of issues arising under wills, trusts, and powers of attorney.

If you require assistance with probate, estate administration, or fulfilling the duties of an executor, our office stands ready represent and guide you through every stage of the process with clarity and confidence.



PRELIMINARY STEPS OF AN EXECUTOR

- Locate the original Last Will and Testament and review its terms in detail.
- Determine whether acting with a Will or without a Will.
- Confirm appointment as Estate Trustee.
- Open an estate bank account.
- Secure the deceased's residence and any other real property.

- Change locks, *if necessary*.

- In accordance with the deceased's wishes, where known, arrange the funeral services.
- Obtain multiple original Proof of Death.
- Notify the legally entitled beneficiaries.
- Identify and take control of all estate assets, including:
 - Bank accounts
 - Investment accounts
 - Real property
 - Corporate interests
 - Pension benefits
 - Insurance proceeds payable to the estate
 - Personal effects

- Safeguard valuable personal property.
- Redirect mail.
- Secure digital assets (email, online banking, cryptocurrency, social media, etc.).
- Value all estate assets as at the date of death.
- Review ongoing expenses and ensure critical payments continue (e.g., mortgage, utilities, property insurance).
- Determine whether probate (Certificate of Appointment of Estate Trustee) is required.
- Retain a knowledgeable and competent estate probate lawyer in Ontario, accountant, and other professional advisors as necessary.
- Draft the Certificate of Appointment of Estate Trustee (with or without a Will).
- Calculate and arrange payment of Estate Administration Tax.
- Provide formal notice to beneficiaries and other required parties.
- File the required Estate Information Return within prescribed timelines.
- To protect against unknown claims, advertise for creditors, *if necessary*.



INTERIM DUTIES OF AN EXECUTOR AND ESTATE TRUSTEE

- Collect and liquidate estate assets where appropriate.
- Close or transfer bank and investment accounts to the estate bank account.
- Sell or transfer real property in accordance with the Will or Ontario intestacy rules.
- Prepare and maintain detailed estate accounts, including:
 - Capital receipts
 - Revenue receipts
 - Capital disbursements
 - Revenue disbursements
 - Trustee compensation calculations

- Determine and pay valid debts and liabilities of the estate, including:
 - Funeral expenses
 - Credit card balances
 - Loans
 - Outstanding taxes
 - Others

- Resolve creditor claims and disputed liabilities.
- File the deceased's terminal T1 Income Tax Return.
- File T3 Estate Income Tax Returns for each taxation year during administration.
- Pay all income taxes and obtain Notices of Assessment.
- Manage estate investments prudently in accordance with the *Trustee Act, R.S.O. 1990*.
- Maintain adequate insurance coverage for estate assets.
- Obtain Releases from beneficiaries for interim distributions, *if applicable*.
- Make interim distributions to beneficiaries, where appropriate and prudent.
- Address any dependent support claims or estate litigation matters.
- Maintain communication with beneficiaries and provide updates as appropriate.
- Keep accurate records of all decisions and transactions.
- Consider and calculate Estate Trustee compensation in accordance with guidelines.



FINAL CLOSING PROCEDURES OF AN ESTATE TRUSTEE

- Confirm all estate assets have been collected or distributed.
- Ensure all debts, liabilities, and administration expenses have been paid.
- Confirm all tax returns have been filed and assessed.
- Prior to final distribution, obtain a Clearance Certificate from the Canada Revenue Agency.
- Prepare final estate accounts detailing all financial transactions.
- Provide beneficiaries with a copy of the final accounts.
- Obtain signed Releases from beneficiaries approving accounts and trustee compensation.
- Commence a formal Passing of Accounts, *if necessary*.
- Pay Estate Trustee compensation, *if taken*.
- Make final distributions to beneficiaries.
- Transfer title of any remaining assets to beneficiaries.
- Close the estate bank account.
- Retain estate records for an appropriate period following distribution.
- Once all obligations have been satisfied, conclude the estate administration.



With a steadfast commitment to precision and professionalism, our team delivers comprehensive guidance throughout every phase of the estate administration process, enabling you to move forward with clarity and assurance.

Feel free to correspond with Red Booth Law by telephone at **416 953 0040** or by email at info@redboothlaw.com and receive dedicated legal representation tailored to your specific circumstances.

This is intended for general informational purposes only and shall not to be relied upon as legal advice. The information provided may be modified, supplemented, or discontinued without notice. Nothing contained herein, including any commentary or opinion, is meant to address the specific circumstances of any individual or entity. As the application of legal principles depends on particular facts and evolving law, readers should retain an estate lawyer in the Province of Ontario and receive legal advice tailored to their own situation before taking or refraining from any action.