

# GUNN & ASSOCIATES

o/b Douglas George Gunn Professional Corporation  
Barristers, Solicitors & Notaries Public

## **What is a Will and why do I need one?**

No one likes to think about dying, but a properly drafted Will can ensure your wishes are carried out and save your loved ones time and money after your death. Below are several reasons why it's important to have a Will.

## **Choosing Beneficiaries**

A properly drafted Will enables you to choose your beneficiaries - whether these are family members, friends, or charitable institutions - and ensures that your Estate will be divided in accordance with your wishes.

In Ontario, when a person dies without a Will, legislation sets out who will inherit the person's assets. Dying without a Will does not mean your assets automatically pass to the government, but the beneficiaries of your Estate may not be the people that you would choose and this can lead to situations that may feel unfair or frustrating for surviving loved ones. For example, in the case of a married person with a large Estate and minor children, the person's spouse is only entitled to the first \$200,000.00 of the Estate, while the rest would need to be held in trust for the children until they reach the age of majority.

## **Choosing Estate Trustees**

The choice of Estate Trustee/Executor can be just as important as the choice of beneficiaries.

When a person dies without a Will, it is necessary for someone, usually a close relative, to apply to the Ontario Superior Court of Justice to be appointed as Estate Trustee Without a Will in order to administer the Estate. This can be a lengthy process and may mean that family members wait longer than normal to access funds needed to cover Estate expenses. If there is any dispute about who should be appointed, a Judge may need to decide on the most appropriate person. All of this adds delay and expense to the Estate administration.

A Will ensures that an Estate Trustee is in place immediately after your death to begin doing the work of administering your estate.

## **Effective Distribution of Assets**

A Will also enables you to set specific terms for the distribution of your assets to your beneficiaries. For example, you might wish to hold a piece of real estate so that a loved one can live there for a period of time after your death or to set up a special trust to care for a dependant. A lawyer can help you to make these plans and can draft a Will to ensure they are carried out effectively.

A Will can also help to ensure that your Estate is handled in a tax-effective manner. Preparing a Will with the help of your legal and tax advisers can help you to anticipate and minimize future tax liability.

Having a properly-drafted Will is important for everyone and a lawyer can help you to plan for the support of loved ones and the timely and cost-effective administration of your Estate.