

h ESTATES g
APPLICATION FOR REPRESENTATION GRANT
PROCEDURE

INDEX

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For unusual situations, see index to "Web Supplement" in Chapter IV.

GENERAL NOTES

This chapter deals with the preparation and the filing of application documents for representation (estate) grants.

All the procedures leading up to this chapter are described in the **Pre-Application Procedure** chapter.

Representation Grants v. Estate Grants

WESA only refers to “**representation grants**” – never to “**estate grants**”. The definition of “**representation grant**” in WESA includes **all** grants:

- grant of probate;
- grant of administration with will annexed;
- grant of administration without will annexed;
- ancillary grant of probate;
- ancillary grant of administration with will annexed;
- ancillary grant of administration without will annexed;
- the resealing of a foreign grant.

On the other hand, the Probate Rules refer to “**estate grants,**” which means all of the above grants **except** the resealing of a foreign grant as the resealing of a foreign grant is really a certificate of resealing a foreign grant.

Court’s Authority to Issue Grant

Section 129(1) of WESA gives the court authority to grant probate of a Will or administration of an estate for general, special or limited purposes on proof:

- of the validity of the Deceased’s Will or that the Deceased died without a Will; and
- that the Deceased was ordinarily resident or domiciled:
 - in British Columbia at the time of his or her death; or
 - outside British Columbia at the time of his or her death but owned property in British Columbia; or
 - outside British Columbia at the time of his or her death, but the personal representative will be a party to an action commenced in British Columbia.

In addition, the court may grant probate of a Will or administration of an estate even though the Deceased:

- was not ordinarily resident or domiciled in British Columbia at his or her death; and
- left no property in British Columbia.

In other words, the Deceased may have had no connection to British Columbia, but the applicant has a reason to obtain a British Columbia grant (for example, to start a law suit on behalf of the estate).

Spousal Home

If the Deceased died intestate and his/her estate included a spousal home that is not the subject of a gift or otherwise disposed of by a Will, the surviving spouse may acquire the spousal home from the personal representative to satisfy, in whole or in part, the surviving spouse's interest in the estate.

At the time an application for a representation grant is made, the personal representative must give notice to the surviving spouse of his or her right to acquire the spousal home. Procedures for the personal representative to give notice to the surviving spouse, as well as all procedures relating to the spousal home, are covered in a separate chapter entitled **Spousal Home**.

FLOW OF APPLICATION – OVERVIEW

Prepare the application forms for each separate type of grant listed below when:

- you have ascertained who the applicant(s) is/are and have obtained the requisite renunciations or consents from those persons who have a prior (or sometimes, equal) right to apply pursuant to sections 130 and 131 of WESA (see **Pre-Application Procedure** and **Pre-Application Documents**);
- you have received all the information regarding:
 - the persons entitled to the estate, that is: the beneficiaries under a Will (if there is one) and those entitled on an intestacy or partial intestacy (see **Notices**);
 - the assets comprising the estate (see **Pre-Application Procedure**);
- Notices have been delivered pursuant to Probate Rule 25-2 (see the **Notice** chapter).

The following is the logical sequence of the steps to prepare and file the application documents with the probate registry:

1. prepare documents – see instructions for each representation grant;
2. arrange for execution of documents;
3. if applicable, send signed copies of documents to the Public Guardian and Trustee with letter (see **Notices** chapter);
4. file documents with the probate registry (without cheque for probate fee);
Note: If the original will is not included in the application, you may file the documents electronically – see **Electronic Filing System in chapter IV**
5. if applicable, when the letter with comments is received from the Public Guardian and Trustee, send the original to the probate registry;
6. when the probate registry advises that the application has been approved, arrange to obtain a cheque or money order for the probate fees from the client, and remit same to the probate registry;
7. receive and check representation grant.

PREPARE DOCUMENTS

Appendix A.I to Part 25 of the *Supreme Court Civil Rules* (the “Probate Rules”) contains all the forms to be used for an application for an estate grant or the resealing of a foreign grant. These forms, with extensive explanations with respect to their use, completion and processing, are found in the **Forms** chapter. The forms are in numerical order. In the tables below, the numbers refer to the Probate Rules forms. Those forms that do not have a number are covered in other chapters of the *Guide*, and there is an explanation as to where they can be found.

We have also included an appendix to the **Forms** chapter that provides more information about the general procedures regarding forms, along with some specific forms such as the various Affidavits and Statements of Assets, Liabilities and Distribution.

Different forms must be used for different kinds of representation grants. The types of representation grants are described in detail in **Description of Types of Grants – Pre-Application Procedure**.

In order to demystify the procedure under WESA, we have listed below the documents that are required for each application separately. Document that are common to several applications are listed under each application so the list of documents for each application is complete.

In addition, in order for the user to see the “big picture,” we have prepared a table offering an overview of all the types of applications at a glance (see *Table of Grants* at the end of this chapter). The table shows the highlights of each application, their similarities and differences, who the applicants are, and how the estate assets are distributed. It also lists the probate forms to be prepared.

Grant of Probate or Grant of Administration <i>with</i> Will Annexed		
Form No.	Name of Form	Remarks
Form P2	Submission for Estate Grant	Filed with all applications (except resealing)
	Results of Search for Wills Notice	See: Order Search of Wills Notice – Pre-Application Procedure ; and Application for Search of Wills Notice – Pre-Application Documents .
	Original Deceased’s Will	
	Copies of orders affecting validity of Will	Only if applicable
Form P3	Affidavit of Applicant for Grant of Probate or Grant of Administration <u>with</u> Will Annexed	Short form Affidavit is prepared when there are no issues with the Will (Sub-rule 25-3 (6)). If there are several applicants, this Affidavit may be sworn by one of the applicants.

Grant of Probate or Grant of Administration <i>with</i> Will Annexed		
Form No.	Name of Form	Remarks
or:		
Form P4	Affidavit of Applicant for Grant of Probate or Grant of Administration <u>with</u> Will Annexed	Long form Affidavit is prepared when there are issues with the Will (Sub-rule 25-3 (6)). Additional documents to be filed with or attached to this Affidavit. If there are several applicants, this Affidavit may be sworn by one of the applicants.
Form P16	Affidavit of Interlineation, Erasure, Obliteration or Other Alteration	Affidavit sworn by a witness to the signature of the Will-Maker if the applicant swore Form P4 (long form).
Form P17	Notice of Renunciation	This form is signed by the non-applying executor who has a prior (or equal) right to the applicant(s), is alive, but is unable or unwilling to apply. Form P17 is filed with the application.
Form P8	Affidavit in Support of Application for Estate Grant	If there are several applicants and only one swears Form P3 or Form P4, the remaining applicants must swear Form P8.
Form P9	Affidavit(s) of Delivery	If different persons attend to the delivery of the Notice, each must swear this Affidavit; and if there are several Affidavits, they must collectively confirm that the documents were properly delivered to all persons entitled to them.
Form P10	Affidavit of Assets and Liabilities for <u>Domiciled</u> Estate Grant	If you have all the information to complete the Statement of Assets, Liabilities, and Distribution, file Form P10 concurrently with all the other documents. If you do not, prepare Form P18 and file with application. You can file Form P10 at a later date when you receive all information.
and if you are unable to obtain information at the time of application		
Form P18	Authorization to Obtain Estate Information	Prepare this form only if you are unable to obtain information regarding an asset (or assets) to complete Form P10.
and, at a later date, if there are additional assets or changes to description of value of assets:		
Form P14	<u>Supplemental</u> Affidavit of Assets and Liabilities for <u>Domiciled</u> Estate Grant	Form P14 is supplemental to Form P10 and prepared when additional assets or changes to the description of assets are discovered, either before or after an estate grant is issued.
Form P19	Grant	The grant may be prepared by the law firm or the probate registry

Grant of Administration <i>without</i> Will Annexed		
Form No.	Name of Form	Remarks
Form P2	Submission for Estate Grant	Filed with all applications (except resealing).
	Results of Search for Wills Notice	See: Order Search of Wills Notice – Pre-Application Procedure and Application for Search of Wills Notice – Pre-Application Documents.
Form P5	Affidavit of Applicant for Grant of Administration without Will Annexed	If there are several applicants, this Affidavit may be sworn by one of the applicants.
Note: If the application is pursuant to section 130(g) of WESA, see Web Supplement for additional documents		
Form P8	Affidavit in Support of Application for Estate Grant	If there are several applicants and only one swears Form P5, the remaining applicants must swear Form P8.
Form P9	Affidavit(s) of Delivery	If different persons attend to the delivery of the Notice, each must swear this Affidavit. If there are several Affidavits, they must collectively confirm that the documents were properly delivered to all persons entitled to them.
Form P10	Affidavit of Assets and Liabilities for Domiciled Estate Grant	If you have all the information to complete the Statement of Assets, Liabilities and Distribution, file Form P10 concurrently with all the other documents. If you do not, prepare Form P18 and file with application. You can file Form P10 at a later date when you receive all information.
and if you are unable to obtain information at the time of application:		
Form P18	Authorization to Obtain Estate Information	Prepare this form only if you are unable to obtain information regarding an asset (or assets) to complete Form P10.
and, at a later date, if there are additional assets or changes to description of value of assets		
Form P14	<u>Supplemental</u> Affidavit of Assets and Liabilities for <u>Domiciled</u> Estate Grant	Form P14 is supplemental to Form P10 and prepared when additional assets or changes to the description of assets are discovered, either before or after an estate grant is issued.
Form P19	Grant	The grant may be prepared by the law firm or the probate registry
Form 35	Order	Required for applications for deaths that occurred before March 31, 2014. Note that Renunciations and Consents under the <i>Estate Administration Act</i> may also be required (“ Guide to Wills & Estates (Pre-WESA) ” in Appendix A – Table of Links)

<u>Ancillary Grant of Probate and Ancillary Grant of Administration with Will Annexed</u>		
Form No.	Name of Form	Remarks
Form P2	Submission for Estate Grant	Filed with all applications (except resealing).
	Court certified copy of foreign grant	
	Copy of Will	If not attached to foreign grant.
	Results of Search for Wills Notice	See: Order Search of Wills Notice – Pre-Application Procedure and Application for Search of Wills Notice – Pre-Application Documents.
	Power of Attorney	Document signed by the foreign personal representative to appoint an attorney with power limited to the Deceased's estate situated in British Columbia.
Form P6	Affidavit of Applicant for <u>Ancillary Grant of Probate</u> or <u>Ancillary Grant of Administration with Will Annexed</u>	If there are several applicants, this Affidavit may be sworn by one of the applicants.
Form P8	Affidavit in Support of Application for Estate Grant	If there are several applicants and only one swears Form P6, the remaining applicants must swear Form P8.
Form P9	Affidavit(s) of Delivery	If different persons attend to the delivery of the Notice, each must swear this Affidavit and if there are several Affidavits they must collectively confirm that the documents were properly delivered to all persons entitled to them.
Form P11	Affidavit of Assets and Liabilities for <u>Non-Domiciled Estate Grant</u>	If you have all the information to complete the Statement of Assets, Liabilities, and Distribution, file Form P11 concurrently with all the other documents. If you do not, prepare Form P18 and file with application. You can file Form P11 at a later date when you receive all information.
If you are unable to obtain information at the time of application:		
Form P18	Authorization to Obtain Estate Information	Prepare this form only if you are unable to obtain information regarding an asset (or assets) to complete Form P11.
and, at a later date, if there are additional assets or changes to description of value of assets:		
Form P15	<u>Supplemental Affidavit of Assets And Liabilities for Non-Domiciled Estate Grant</u>	Form P15 is supplemental to Form P11 and prepared when additional assets or changes to the description of assets are discovered either before or after an estate grant is issued.

Ancillary Grant of Probate and Ancillary Grant of Administration <i>with</i> Will Annexed		
Form No.	Name of Form	Remarks
Form P19	Grant	The grant may be prepared by the law firm or the probate registry
Ancillary Grant of Administration <i>without</i> Will Annexed		
Form No.	Name of Form	Remarks
Form P2	Submission for Estate Grant	Filed with all applications (except resealing).
	Court certified copy of foreign grant	
	Results of Search for Wills Notice	See: Order Search of Wills Notice – Pre-Application Procedure and Application for Search of Wills Notice – Pre-Application Documents.
	Power of Attorney	Document signed by the foreign personal representative to appoint an attorney with power limited to the Deceased's estate situated in British Columbia.
Form P7	Affidavit of Applicant For <u>Ancillary Grant of Administration without Will Annexed</u>	Ancillary grant (no Will – similar to Form P5). If there are several applicants, this Affidavit may be sworn by one of the applicants.
Form P8	Affidavit in Support of Application for Estate Grant	If there are several applicants and only one swears Form P7, the remaining applicants must swear Form P8.
Form P9	Affidavit(s) of Delivery	If different persons attend to the delivery of the Notice, each must swear an Affidavit, and if there are several Affidavits they must collectively confirm that the documents were properly delivered to all persons entitled to them.
Form P11	Affidavit of Assets And Liabilities for <u>Non-Domiciled Estate Grant</u>	If you have all the information to complete the Statement of Assets, Liabilities and Distribution file Form P11 concurrently with all the other documents. If you do not, prepare Form P18 and file with application. You can file Form P11 at a later date when you receive all information
and if you are unable to obtain information at the time of application		
Form P18	Authorization to Obtain Estate Information	Prepare this form only if you are unable to obtain information regarding an asset (or assets) to complete Form P11.

<u>Ancillary Grant of Administration <i>without</i> Will Annexed</u>		
Form No.	Name of Form	Remarks
and, at a later date, if there are additional assets or changes to description of value of assets		
Form P15	Supplemental Affidavit of Assets And Liabilities for <u>Non-Domiciled</u> Estate Grant	Form P15 is supplemental to Form P11 and prepared when additional assets or changes to the description of assets are discovered either before or after an estate grant is issued.
Form P19	Grant	The grant may be prepared by the law firm or the probate registry
Form 35	Order	Required for applications for deaths that occurred before March 31, 2014 (“ Guide to Wills & Estates (Pre-WESA) ” in Appendix A – Table of Links)

<u>Resealing of Foreign Grant of Probate or Administration <i>with</i> Will Annexed</u>		
Form No.	Name of Form	Remarks
Form P21	Submission for Resealing	All the personal representatives in the foreign grant must be applicants.
	Court certified copy of foreign grant	
	Copy of Will.	If not attached to foreign grant.
	Results of Search for Wills Notice	See: Order Search of Wills Notice – Pre-Application Procedure and Application for Search of Wills Notice – Pre-Application Documents
	Power of Attorney	Document signed by the foreign personal representative to appoint an attorney with power limited to the Deceased’s estate situated in British Columbia.
Form P22	Affidavit of Applicant for Resealing of Grant of Probate or Grant of Administration with Will Annexed	If there are several foreign personal representatives, this Affidavit may be sworn by one of the applicants.
Form P24	Affidavit In Support of Application for Resealing	If there are several foreign representatives (and thus several applicants) and only one swears Form P22, the remaining applicants must swear Form P24.

<u>Resealing of Foreign Grant of Probate or Administration <i>with</i> Will Annexed</u>		
Form No.	Name of Form	Remarks
Form P9	Affidavit(s) of Delivery	If different persons attend to the delivery of the Notice, each must swear an Affidavit and if there are several Affidavits they must collectively confirm that the documents were properly delivered to all persons entitled to them.
Form P25	Affidavit of Assets and Liabilities for Resealing	If you have all the information to complete the Statement of Assets, Liabilities and Distribution file Form P25 concurrently with all the other documents. If you do not, prepare Form P27 and file with application. You can file Form P25 at a later date when you receive all information.
and if you are unable to obtain information at the time of application		
Form P27	Authorization to Obtain Resealing Information	Prepare Form P27 only if you are unable to obtain information regarding an asset (or assets) to complete Form P25.
and, at a later date, if there are additional assets or changes to description of value of assets		
Form P26	Supplemental Affidavit of Assets and Liabilities for Resealing	Form P26 is supplemental to Form P25 and prepared when additional assets or changes to the description of assets are discovered either before or after the foreign Grant is resealed.
Form P 28	Certificate of Resealing of Foreign Grant	The grant may be prepared by the law firm or the probate registry

<u>Resealing of Foreign Grant of Administration <i>without</i> Will Annexed</u>		
Form No.	Name of Form	Remarks
Form P21	Submission for Resealing	All the personal representatives in the foreign grant must be applicants.
	Court certified copy of foreign grant	
	Results of Search for Wills Notice	See: Order Search of Wills Notice – Pre-Application Procedure and Application for Search of Wills Notice – Pre-Application Documents
	Power of Attorney	Document signed by the foreign personal representative to appoint an attorney with power limited to the Deceased's estate situated in British Columbia.

Resealing of Foreign Grant of Administration <i>without</i> Will Annexed		
Form No.	Name of Form	Remarks
Form P23	Affidavit of Applicant for Resealing of Grant of Administration without Will Annexed	If there are several foreign personal representatives, this Affidavit may be sworn by one of the applicants.
Form P24	Affidavit In Support of Application for Resealing	If there are several foreign representatives (and thus several applicants) and only one swears Form P23, the remaining applicants must swear Form P24.
Form P9	Affidavit(s) of Delivery	If different persons attend to the delivery of the Notice, each must swear this Affidavit, and if there are several Affidavits they must collectively confirm that the documents were properly delivered to all persons entitled to them.
Form P25	Affidavit of Assets and Liabilities for Resealing	If you have all the information to complete the Statement of Assets, Liabilities and Distribution file Form P25 concurrently with all the other documents. If you do not, prepare Form P27 and file with application. You can file Form P25 at a later date when you receive all information.
and if you are unable to obtain information at the time of application		
Form P27	Authorization to Obtain Resealing Information	Prepare Form P27 only if you are unable to obtain information regarding an asset (or assets) to complete Form P25.
and, at a later date, if there are additional assets or changes to description of value of assets		
Form P26	<u>Supplemental</u> Affidavit of Assets and Liabilities for Resealing	Form P26 is supplemental to Form P25 and prepared when additional assets or changes to the description of assets are discovered, either before or after the foreign grant is resealed.
Form P28	Certificate of Resealing of Foreign Grant	The grant may be prepared by the law firm or the probate registry
Form 35	Order	Required for applications for deaths that occurred before March 31, 2014 (Pre-WESA0).

Notes: If court certified copies of the *Grant, Disclosure Statement* or *Authorization to Obtain Estate/Resealing Information* are required, insert the request in the first page of *Form P2* or *Form P21*. If there are several properties in different Land Title Offices, only one court certified copy of the Grant and the Disclosure Statement is required as all documents are filed centrally online through the Land Title and Survey Authority of BC. At a later date, you may order certified copies do so by way of a *Form 17 – Requisition*.

As the *Statement of Assets, Liabilities and Distribution* attached to the various *Affidavits of Assets* does not contain the distribution scheme, we recommend that you also prepare separate *Statements of Distribution*, one for a situation where there is a Will, and one in the case of intestacy (see *Statement of Distribution – Checklists – Helpful Information*) and have it signed by the applicant when the other application documents are signed.

PRE-WESA DEATHS (BEFORE MARCH 31, 2014)

Part 2 [Fundamental Rules], Part 3 [When a Person Dies Without a Will] and Part 6 [Administration of Estates] of WESA only apply in respect of deaths occurring on or after the date on which those Parts come into force (March 31, 2014). However, there are still some instances when an application for an estate grant is made under WESA for a death that occurred before March 31, 2014. These applications are treated differently as, in such instances, certain documents previously required under the *Estate Administration Act* must be prepared and submitted with the application for an estate grant.

These requirements are described in more detail in the “Web Supplement”. The Index for the Web Supplement and the explanation as to how to access it are in Chapter IV – **Helpful Information**.

ARRANGE FOR EXECUTION OF DOCUMENTS

Check what arrangements you have made for the personal representatives to sign the documents (see **Appendix – Forms** chapter). It may be that the personal representatives sign the documents together (at the same time and in the same location) or that the documents are sent to different cities, provinces, or even countries for signature.

Complete the exhibit notations on each exhibit (e.g. the Will) and arrange to have the exhibits sworn, ensuring that the dates on the exhibits are the same as the dates on which the affidavits to which they are attached are sworn.

Note: Affidavits of Applicants in Forms P3, P4, P5, P6, P7, P8, P22 and P23 have the following paragraph:

“I have read the submission for estate grant and the other documents referred to in that document and I believe that the information contained in that submission for estate grant and those documents is correct and complete.”

Accordingly, they must be sworn on or after the date of the Submission for Estate Grant.

SEND COPIES OF SIGNED DOCUMENTS TO PUBLIC GUARDIAN AND TRUSTEE

This step only applies if any beneficiaries or intestate successors are minors or mentally incompetent persons and you have, accordingly, given Notice to the Public Guardian and Trustee (see the **Notice** chapter).

Rule 25-3(11) of the Probate Rules requires that the applicant must deliver to the Public Guardian and Trustee copies of filed documents. However, if notarized signed but unfiled documents have already been delivered with the Notice, this requirement may be waived. In addition, there is no need to deliver to the Public Guardian and Trustee copies of the exhibits to the affidavits of delivery, or copies of an affidavit of delivery that only confirms delivery of the *Notice of the Proposed Application*.

The signed (or filed) documents should not be delivered to the Public Guardian and Trustee until 21 days have expired from the date of delivery of the Notice.

For a more detailed explanation, see *Letter 2 to Public Guardian and Trustee (with Application Documents)* – Notice chapter.

When the Public Guardian and Trustee receives the package with the Notice, a file is opened and assigned to a paralegal of the Grant Application Review Services (“GARS”) to review the application for the representation grant. The Public Guardian and Trustee will only issue its comments after receipt of the requested documents.

Note: GARS is different from EPTS (Estates and Personal Trust Services). The former reviews the applications for representation grants and the latter is a department of the Public Guardian and Trustee that provides estate administration and personal trust services.

FILE DOCUMENTS WITH PROBATE REGISTRY

You can only submit the application documents for filing with the probate registry after 21 days have elapsed from the date of delivery of the Notice and the documents required pursuant to Rule 25-2(1) of the Probate Rules. If the documents were delivered electronically by fax or e-mail, then only when you have received acknowledgements of receipt (see the **Notices** chapter).

If you are not filing the *Affidavits of Assets and Liabilities* concurrently with the application because you have insufficient information about the assets, file with the application a *Form P18 – Authorization to Obtain Estate Information*, and make a diary notation to file the appropriate *Affidavit of Asset and Liabilities* when you have obtained the information.

Make sufficient copies of the documents to be filed so that you have:

- the original and one copy of each document for the probate registry. The copy will be stamped and returned to you;
- one copy for your file; and
- one copy for the client(s).

Pursuant to Rule 25-3(5), all documents must be separate (that is, not stapled to any other document) and an originally-signed version of the Will, when submitted for filing, must not be attached to any other document. Note: The requirements for the number of copies to be submitted for filing with different registries may vary from one probate registry to another. At the outset, ascertain the requirements of the registry where you are usually filing your applications and make a note of it.

Once you have assembled the documents, follow the checklist (*Checklist – Filings of Documents with Probate Registry – Checklists – Helpful Information*)

Attach a cheque for filing fees payable under the *Supreme Court Civil Rules* to file the application and to commence a proceeding to obtain an estate grant (or reseal a foreign grant). This is **basic flat fee** (see **Fees – Helpful Information**).

Note: When the grant has been approved, the probate registry will advise the contact person listed in Part 2 of the *Submission for Estate Grant/Resealing* of the amount of the probate fees payable. The fees must be paid the issue (or resealing) of any grant.

**SEND LETTER WITH COMMENTS FROM PUBLIC GUARDIAN
AND TRUSTEE TO PROBATE REGISTRY**

If applicable, if the Public Guardian and Trustee has been served with Notice (chapter III B-2 – **Notice of Proposed Application in Relation to Estate**), after examining the request, the Public Guardian and Trustee will send to the law firm a letter with its comments: consenting to the application, making a recommendation, or imposing some conditions on the personal representative (such as requiring a bond or some other form of security). The original of this letter must be delivered to the probate registry.

If the Public Guardian and Trustee imposes a security requirement, you will have to arrange to obtain the appropriate security (see **Security** below).

OBTAIN AMOUNT OF PROBATE FEES AND REMIT TO PROBATE REGISTRY

When the application has been approved, depending on the contact information provided in Part 2 of either *Form P2 – Submission for Estate Grant* or *Form P21 – Submission for Resealing*, the probate registry will advise (by fax, telephone call or e-mail) the contact person of the amount of probate fees payable.

Unless you have already made arrangements with the client to obtain the amount of probate fees, contact the client to request either a bank draft, money order, or solicitor's trust cheque or certified cheque in that amount. The cheque must be made payable to the **Minister of Finance**.

On the other hand, if you have made arrangements with the client to obtain the amount of probate fees from the Deceased's bank, prepare the *Letter to Bank (Requesting Probate Fees) – Pre-Application Letters*.

Send the cheque to the probate registry with a simple covering letter referring to the court file number, which is located on the stamped copies of the documents returned by the probate registry. Make a copy of the cheque before sending it to the registry.

RECEIVE AND CHECK REPRESENTATION GRANT

When you receive the estate grant or resealed foreign grant, check carefully that all the information in it is correct.

Pursuant to Rule 25-5 (1) and (2), if you discover that there is a clerical mistake in the grant or an error arising from an accidental slip or omission (for example, the name of the personal representative is misspelled or the Deceased's date of death is incorrect), you may apply to the registrar to correct the estate grant or resealed foreign grant. This can be done by a simple letter to the probate registry describing the error and requesting that it be corrected.

If the registrar is satisfied that there was a clerical error in the grant, the registrar may correct the mistake by issuing to the applicant a **Form P20 – Correction Record**.

SUPPLEMENTAL AFFIDAVITS OF ASSETS AND LIABILITIES

At the time of the application, the applicant swears in the *Affidavit of Assets and Liabilities* (see **Forms** chapter) that:

“If I determine that there is any property or liability that has not been disclosed in Exhibit A, I will promptly after learning of the same file an Affidavit of assets and liabilities in Form P__ to disclose that information.”

It may happen that, after filing the application documents, whether or not an estate grant is issued, the following are discovered that made the information in a previous *Affidavit of Assets and Liabilities* incomplete or incorrect:

- another asset; or
- a liability (i.e. debt);
- a change in value of an asset because it was over or under-estimated, or an asset was reported twice; or
- an error in the description of an asset.

The applicant must then prepare and file the appropriate *Supplemental Affidavit* with an amended *Statement of Assets, Liabilities and Distribution* that lists only any additional property, the new value of the property, and additional liabilities that charge or encumber such property.

If there is an increase in the estate’s value, the additional fee resulting from such an increase must be paid when the Supplemental Affidavit is filed. The fee is calculated on the additional value at the rate in effect at the time of the original filing. If there is a reimbursement, a refund of the overpayment may be requested when the *Supplemental Affidavit* is filed.

APPLICATIONS RELATED TO GRANTS⁽¹⁾

If there is already a court file opened with respect to the estate, Rule 25-14 allows that later applications related to the initial application for probate or administration be filed in the same court file (that is, the later application will be made under the original file and bear the same style of cause and file number). Having a single court file related to all matters involving an estate makes it easier for the court and the public to find all relevant information related to an estate.

Note: Under the *Estate Administration Act*, applications to settle disputes relating to applications for probate and administration were filed separately and received a new number.

The list below shows the issues for which an order pursuant to Rule 25-14 may be sought. As these issues relate to contentious matters, we are only providing a short explanation for the forms

⁽¹⁾ The procedures for the miscellaneous applications under Rule 25-14 (with the exception of securities and dispensing with Notice) are not covered in this *Guide* as they are deemed contentious matters. For the user’s convenience, we are setting out precedents for those forms included in the Probate Rules and some forms that we deem essential (see **Forms**).

in the **Forms** chapter except for the most common applications (when a page number below is shown):

- (a) altering or dispensing with Notice (under Rule 25-2(14));
- (b) granting administration with or without will annexed in circumstances where the right to be appointed as the administrator is contested;
- (c) revoking an authorization to obtain estate information, an authorization to obtain estate or resealing information, or the resealing of a foreign grant;
- (d) removing or substituting a personal representative or, if different, the holder of an authorization to obtain estate or resealing information (see Chain of Executorship or Second Grants on page 19);
- (e) discharging a personal representative or, if different, the holder of an authorization to obtain estate or resealing information;
- (f) passing over an executor;
- (g) appointing an administrator of an estate under section 132 of WESA [Special Circumstances] for the appointment of an administrator of an estate (despite sections 130 and 131 of WESA);
- (h) removing or renewing a *Notice of Dispute* (see page 18);
- (i) requesting that a foreign grant of probate or administration not be resealed;
- (j) requiring security (bond) for the administration of an estate (see **Security** – page 18);
- (k) varying or substituting security for the administration of an estate;
- (l) directing that security be assigned to a person named in the order;
- (m) respecting production, delivery or filing of:
 - (i) a testamentary document;
 - (ii) a certified or notarial copy of an authorization to obtain estate information;
 - (iii) an estate grant;
 - (iv) an authorization to obtain resealing information; or
 - (v) a resealed foreign grant;
- (n) that a document, or a writing or marking on a testamentary document or other document, be fully effective as though it had been made as:
 - (i) a Deceased's Will or part of a Deceased's Will;
 - (ii) a revocation, alteration or revival of a Deceased's Will; or
 - (iii) the Deceased's testamentary intention;
- (o) for the passing of accounts (see below);
- (p) fixing and approving the remuneration of a personal representative, or
- (q) subject to subrule (2), respecting any other matter concerning an authorization to obtain estate or resealing information, or a grant of probate or administration with or without will annexed, an ancillary grant, a resealing or the office of personal representative, other than a question or matter covered by Rule 2-1(2)(c) or (d).

To bring in an application for one of the above:

- if there is an existing file with respect to an estate, an application for an order may be brought in by a **Notice of Application (Form 32)** pursuant to Part 8 (Rule 8-1(4)).
- if nothing has been filed in relation to an estate, then the application is brought in by filing a **Form P41 – Requisition**.

Note: **Form P41 – Requisition** may be also used to file an application within the existing estate application with respect to the estate if an application has not been filed (see Part 8 of the *Supreme Court Civil Rules* (Applications)) and Rule 17-1 applies, instead of Rule 2-1 (1) and (2) (a) and (b)). The subsequent filings relating to the same estate will have the same court number.

In both cases, in addition to the either of the above documents, one should prepare and file:

- an Affidavit in support of the application; and
- an Order (either a **Consent Order – Form 34** or **Order Made After Application – (Form 35)**).

Note: The type of order depends on whether the matter must be “spoken to” or not. As dealing with court application is beyond the scope of the Guide, consult with your supervising lawyer.

The following issues do not fall within any of the above rules. Accordingly, if there is already an existing proceeding under which to seek the following orders:

- section 30 of WESA determining the value of a Deceased’s interest in a spousal home within the meaning of WESA;
- section 33 of WESA relating to a spousal home within the meaning of WESA;
- section 58 of WESA respecting deficiencies in a document that does, or may, disclose a testamentary intention or testamentary disposition of a Deceased;
- section 59 of WESA rectifying a Will;

such applications are brought by filing **Form P42 – Notice of Application (Spousal Home or Deficiencies in Will)** or, if there is no existing proceeding under which to apply for an order, by filing a **Form P43 – Requisition**.

And finally, there are four “miscellaneous” issues that do not fall within Rule 25-14. Applications relating to these issues are dealt with in Rule 25-15:

- if a minor is entitled to become a personal representative of an estate, the court may, with the consent of the Public Guardian and Trustee, appoint the guardian of a minor to apply for a grant of probate on the minor’s behalf, provided that the guardian has parental responsibilities referred to in section 41(k) of the *Family Law Act* (that is: starting, defending, compromising or settling any proceeding relating to the child, and identifying, advancing and protecting the child’s legal and financial interests);
- the address for service in any document filed may be changed pursuant to Rule 4-1(3) by filing a **Form 9 – Notice of Address for Service** that shows the new address;
- if no address for service is provided, the document may be served by mailing a copy of the document by ordinary mail to the party’s lawyer, or if the party has no representative lawyer in the proceeding, to the party’s last known address. A document sent for service

by ordinary mail is deemed to be served one week from the same day of mailing or, if that day is deemed a Saturday or holiday, on the next day that is not a Saturday or holiday; and

- unless the court determines that there were no reasonable grounds for requiring proof in solemn form, a respondent to a petition or application that a Will be proven in solemn form is not liable for costs if the respondent merely requires that the Will be proved in solemn form and only intends to cross-examine the witnesses produced in support of the Will.

Notice of Dispute

Pursuant to Rule 25-10 of the Probate Rules, a **Form P29 – Notice of Dispute**⁽¹⁾ may filed with the probate registry of the Supreme Court by a person (the “Disputant”) who has an interest in the estate, is entitled to Notice pursuant to Rule 25-2, and intends to oppose (s. 106 of WESA and subrule 26-10(1)) the issue of:

- an estate grant; or
- an authorization to obtain estate information; or
- an authorization to obtain resealing information; or
- a resealing of a foreign grant.

While the **Notice of Dispute** is in effect, the registrar may not, with respect to the estate in question (subrule 25-10(8)):

- issue:
 - an estate grant;
 - an authorization to obtain estate or resealing information; or
- reseal a foreign grant.

To withdraw (or cancel) a **Notice of Dispute**, the person who filed the **Notice of Dispute** in the first place may file a **Form P30 – Withdrawal of Notice of Dispute**.

If a person who is interested in the estate in relation to which a **Notice of Dispute** has been filed (including the applicant for an estate grant or the resealing of a foreign grant, but excluding the Disputant) wants to have the dispute withdrawn and cancelled, he or she may apply on notice to the Disputant for an **Order of Removal of Notice of Dispute (Form P31)**.

All three forms (P29, P30 and P31) are explained in detail in the **Forms** chapter.

Passing of accounts

Pursuant to Rule 25-13, either:

- the personal representative; or
- another person interested in the estate

may apply for an order for either or both:

- the passing of the personal representative’s accounts in relation to the estate; and/or

⁽¹⁾ A **Notice of Dispute** was formerly known as a “Caveat”

- the fixing of remuneration by the personal representative.

Generally, the passing of accounts is waived by consent of all the beneficiaries. However, the personal representative, or another person with an interest in the estate, may apply for an order (or court approval):

- for the passing of accounts of all estate assets that have passed through the personal representatives hands; and/or
- fixing the remuneration of the personal representative (an amount typically between 3-5% of the value of the estate paid to the personal representative for his or her time and trouble in administering the estate).

If all residuary beneficiaries and/or intestate heirs consent, the application may be made by filing:

- **Form 31 – Requisition for Consent Order or for Order Without Notice**; and
- **Form 34 – Consent Order** (in accordance with *Supreme Court Civil Rule 8-3*, which deals with consent applications) (pursuant to Rule 25-13(2)(a)(iii));
- **Form P38 – Affidavit in Support of Application to Pass Accounts** (Rule 25-13(2)(b));
- **Form P40 – Statement of Account Affidavit** (Rule 25-13(6)(a)).

If the application is not by consent and the matter must be spoken to, the application may be made by filing:

- **Form 32 – Notice of Application** (in accordance with *Supreme Court Civil Rule 8-1(4)*) (pursuant to Rule 25(14)(1)); and
- **Forms P38 and P40**, as above.

If the court refers the matter of the passing of accounts and/or remuneration of the personal representative to the registrar, pursuant to Rule 25-13(5), a certificate may be obtained by filing **Form P41 – Requisition** and **Form P39 – Certificate** (pursuant to Rule 25-14(1)).

As the exact procedure for contested applications and dealing with court applications are beyond the scope of the **Guide**, consult with your supervising lawyer.

Chain of Executorship or Second Grants

If a Will-Maker was the executor of an estate and dies before completing its administration, then the executor of the deceased Will-Maker takes on the rights and responsibilities of that estate's administration, unless a contrary intention appears in the Will of the deceased person for whom the Will-Maker was acting as executor (s. 145 of WESA).

This “chain of executorship” prevents unnecessary disruption in the administration of an estate should an executor die before completing his or her duties. When an executor dies mid-administration, the person acting as his or her executor may need to apply under Rule 25-14(1)(d) for an order to verify that s/he will now administrate the original estate. The need for such an order will depend on how much of the administration has been completed and what tasks remain. Because not only the rights, but also the responsibilities of administering the estate devolve on the executor's executor, he or she may also need to seek a formal discharge either before or after the administration is complete. The procedure for an application formally substituting or discharging a personal representative is, at this time, beyond the scope of the **Guide**.

Should you encounter a situation in which an executor has died during the administration of an estate, consult the Will of the deceased person whose estate was being administered in order to determine whether an alternate executor was appointed and then seek instructions from the supervising lawyer.

Basically, a **second grant** appointing a new executor is applied for when the administration of an estate is not completed and:

- the sole or the last surviving executor dies before completing the administration of the estate and an **alternate** executor is **named** in the Will of the Deceased; or
- one of the executors appointed in the grant dies before completing the administration of the estate and the Will states that if one of the executors dies, the alternate executor named in the Will must replace the deceased executor; or
- the number of executors falls below a minimum required by the Will of the Will-Maker, and there is an alternate executor named in the Will.

On the other hand, if the Will appoints two executors and states that both must die before the appointment of an alternate then, if one of the executors dies, the surviving executor continues to act.

Revocation of Grant of Probate or Administration

The grant of probate or administration may be revoked by the court, in which case the executorship is terminated and the administration of the estate passes as if the person had never been appointed executor (s. 141 of WESA).

However, the court cannot revoke a grant of probate or administration on the sole ground that a notice could not be given to:

- a person described in the *Supreme Court Civil Rules* who could not be discovered, identified or found; or
- a person to whom notice was not required to be given under the Probate Rules.

Simply put, under s. 141 of WESA, a grant of probate or administration is protected, provided that the personal representative has made reasonable efforts to identify and locate all persons entitled to notice under the Probate Rules. The court is prevented from having to revoke a grant simply because notice could not be given in these circumstances.

SECURITY

If security for the administration of an estate is required (section 128(1) of WESA), the applicant will have to arrange for a form of security acceptable to the court and to the Public Guardian and Trustee (see also **Security – Pre Application Procedure**).

Currently, the preferred security is a bond to be posted in the amount of the minor's share of the estate for the full length of the administration, that is between the time that the bond comes into effect and the administration is completed either by distributing the amount owing to the minor or by paying the funds into Court. If the funds are paid into Court for a minor, they remain there

until the minor has reached the age of majority. The procedures to obtain and cancel a bond are set out in the online **Web Supplement**.⁽¹⁾

An applicant may also apply to the court for an alternate form of security or to dispense with security if the Public Guardian and Trustee agrees to such a dispensation.

If the estate consists mainly of real property, in lieu of the administration bond being posted, the Public Guardian and Trustee may recommend that an Order be registered against the real property restricting the Administrator from selling, encumbering and conveying or otherwise dealing with such property without the consent of the Public Guardian and Trustee or further Order of the Court. In this instance, the Public Guardian and Trustee will provide a letter setting out the Public Guardian and Trustee's recommendations to the Court.

⁽¹⁾ See the electronic precedents for the link. If you do not have the precedents, email contact@evinross.ca.

CHECKLIST FOR FILING OF APPLICATION DOCUMENTS WITH THE PROBATE REGISTRY

- Check (pages 4 to 11 of the **Applications for Representation Grants Procedure** chapter) for a list of documents required to be prepared and filed for each representation grant and ensure that you have prepared all documents for the application in question.
- Notice of Proposed Application in Relation to Estate (for all grants)**
Note: This document is filed as an Exhibit to the *Form P9 – Affidavit of Delivery*.
 - 21 days have expired from the date of mailing/delivery of the Notice (do not include the date of mailing and the last date: count 23 clear days).
 - All acknowledgements have been received for Notices sent by electronic means (email or fax).
 - If, when required, a Notice has been given to the Public Guardian and Trustee of British Columbia, Public Guardian and Trustee’s comments pursuant to Section 124 of WESA are attached or will follow.
- Form P9 – Affidavit(s) of Delivery**
 - Affidavit(s) are sworn by the persons who actually attended to the delivery.
 - The date(s) in the Affidavit(s) is/are at least 23 days before the application is filed.
 - The date(s) in the Affidavit(s) is/are after the expiry of the longest survivorship period in the Will or if no Will, a period of five days prescribed by section 10 of WESA.
 - The names in paragraph 2 collectively list all the names in the Schedule to the *Submission* and if there are several *Affidavits of Delivery*, they collectively list all the names of the persons to whom Notice was delivered.
 - Form P1 – Notice of Proposed Application in Relation to Estate* is attached as Exhibit A to each Affidavit of Delivery.
 - Exhibit A is sworn on the same date as the affidavit it is attached to and before the same person.
 - The date the affidavit is made (sworn) is completed in the top right hand corner.
- Submission (Forms P2 or P21)**
 - Full legal name of the Deceased and, if applicable, all other names used by the Deceased are completed in Part 1.
 - The request for court-certified copies of the *Grant, Statement of Assets, Liabilities and Distribution* and *Authorization to Obtain Estate/Resealing Information* is included on the first page of the Submission.
 - All documents listed in Part 3 (**Documents filed with the Submission**) are prepared, signed (sworn if applicable) and ready to be filed with the Submission.
 - The appropriate Schedule is completed and lists:
 - co-executors who are not applying (when there is a Will only); and
 - all persons entitled to Notice and that the list of those persons matches the list of those persons listed in the *Form P9 – Affidavit(s) of Delivery*.

- Will or Foreign Grant**
 - Original Will (if there is one) and any other testamentary documents are filed with application **plus two copies of each.**
 - In the case of an application for an ancillary grant or resealing of a foreign grant, the foreign grant is attached to the application.
 - If the Will is not attached to the foreign grant, a copy of the Will is filed with the application.

- Results of Search for Wills Notice**
 - All the names used by the Deceased are included in the Search.
 - The names in Part 1 of the Submission are listed in the Search.
 - Both copies of the Search and any Wills Notices disclosed therein are attached.

- Notice of Renunciation – Form P17**
 - If there are executors named in the Will ahead of the applicant, their renunciation is filed with the application.
 - Form P17 is listed in paragraph 7 of Part 3 of the Submission for Estate Grant.

- Affidavits of Applicant(s)**

For each situation, check the appropriate affidavit, then see the checklist below the tables (“**For each Affidavit, the following should be checked**”):

AFFIDAVITS OF APPLICANT FOR BC GRANTS	
Probate or Administration <u>with</u> Will Annexed	Administration <u>without</u> Will Annexed
<input type="checkbox"/> Form P3 – Affidavit of Applicant for Grant of Probate or Grant of Administration <u>with</u> Will Annexed (short forms). <i>or:</i> <input type="checkbox"/> Form P4 – Long form.	<input type="checkbox"/> Form P5 – Affidavit of Applicant for Grant of <u>Administration without</u> Will Annexed.
<input type="checkbox"/> There are several applicants and only one of them swore the above Affidavits <ul style="list-style-type: none"> <input type="checkbox"/> Form P8 – Affidavit in Support of Application for Estate Grant. Date of this Affidavit must be after P3 or P4 Affidavit 	
<input type="checkbox"/> Form P10 – Affidavit of Assets and Liabilities for <u>Domiciled</u> Estate Grant with Disclosure Statement attached as Exhibit A.	
<input type="checkbox"/> Form P18 – Authorization to Obtain Estate Information.	

AFFIDAVITS OF APPLICANT FOR ANCILLARY GRANTS	
Foreign Grant of Probate or Administration with Will Annexed	Foreign Grant of Administration without Will Annexed
<input type="checkbox"/> Form P6 – Affidavit of Applicant for <u>Ancillary Grant of Probate or Ancillary Grant of Administration with Will Annexed</u> .	<input type="checkbox"/> Form P7 – Affidavit of Applicant For <u>Ancillary Grant of Administration without Will Annexed</u> .
<input type="checkbox"/> There are several applicants and only one of them swore the above Affidavits	
<input type="checkbox"/> Form P8 – Affidavit in Support of Application for Estate Grant. <input type="checkbox"/> Date of this Affidavit must be after Forms P3 or P4 Affidavit	
<input type="checkbox"/> Form P11 – Affidavit of Assets And Liabilities for <u>Non-Domiciled</u> Estate Grant with Disclosure Statement attached as Exhibit A.	
<input type="checkbox"/> Form P18 – Authorization to Obtain Estate Information.	

AFFIDAVITS OF APPLICANT FOR RESEALING OF FOREIGN GRANT	
Foreign Grant of Probate or Administration with Will Annexed	Foreign Grant of Administration without Will Annexed
<input type="checkbox"/> Form P22 – Affidavit of Applicant for <u>Resealing of Grant of Probate or Grant of Administration with Will Annexed</u> .	<input type="checkbox"/> Form P23 – Affidavit of Applicant for <u>Resealing of Grant of Administration without Will Annexed</u> .
<input type="checkbox"/> There are several applicants and only one of them swore the above Affidavits	
<input type="checkbox"/> Form P24 – Affidavit In Support of Application for Resealing.	
<input type="checkbox"/> Form P26 – Affidavit of Assets and Liabilities for <u>Resealing</u> .	
<input type="checkbox"/> Form P27 - Authorization to Obtain <u>Resealing</u> Information.	

- For each affidavit the following is checked:
- When an affidavit listed above is referring to another document filed with the application (for example: orders or other affidavits), that document is filed with the application and listed in paragraph 7 of Part 3 of the **Submission**.
 - Each affidavit is signed and sworn.
 - The date the affidavit is made (sworn) is completed in the top right hand corner.
 - The affidavit is dated **after** Form P2 or Form P21 – Submission for Estate Grant/Resealing.
- Statement of Assets, Liabilities and Distribution attached to various Affidavits of Assets and liabilities (Disclosure Statement)**
- Parts I, II and III are completed (if they do not apply, insert: “Nil” or “None”). No spaces should be left blank.
 - All figures are checked and compared to adding machine tape or Excel spreadsheet (which are not filed).

- If the information for some items is not available, prepare and attach:
 - Form P18** – Authorization to Obtain Estate Information
 - Form P27** - Authorization to Obtain Resealing Information
- Exhibit notation is properly completed, sworn and the date is the same as the date on which the *Affidavit of Assets* to which this Exhibit is attached is sworn.
- Grant (Form P19) or Resealing Certificate (Form P28)**
 - Form P19**
 - All the names of the Deceased as shown in Part 1 of Form P2 –Submission (if an application for an estate grant) match the names in the Grant.
 - The correct references to the orders and the ancillary grants are included.
 - Dates of death and Will are completed.
 - or*
 - Form P28**
 - description of the foreign grant to be resealed is inserted.
 - the name of the Deceased is identical to the name of the foreign grant.
 - the name(s) of the applicant(s) is/are identical to the names of applicants in the foreign grant.

Note: This document may be prepared by the Probate Registry

- Deaths before March 31, 2014 (before WESA came into effect) – Administration with or without Will annexed**
 - Form 35 Order** is attached
 - Form 41– Requisition** (for Order) is attached.
 - Renunciations and Consents, or Consents** (if required) are attached.
 - Consents of Creditors** (if required) are attached.
- Probate or Administration with Will annexed when proving a copy or a notarial copy of a Will**
 - Form 35 Order** is attached
 - Form 41– Requisition** (for Order) is attached.

ARE ALL DOCUMENTS DATED, SIGNED AND SWORN?

ARE ALL EXHIBIT STAMPS PROPERLY DATED AND SWORN?

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Unless a documents states that another documents is attached to is as exhibit, none of the documents, not even an originally signed Will, may be attached or stapled to any other document.

1. **Do not affix** “blue corners” to any Probate documents.
2. If you require stamped copies of filed documents, attach one extra set of documents to be stamped by the probate registry. Check with your probate registry to determine their requirements and make a note of it.
3. Only attach backing for **Orders** – not for other documents (unless the Will already has one).
4. If the original will is not included in the application, you may file the documents electronically – see **Electronic Filing System in chapter IV**.

Rush Requests:

The Probate Registry will “rush” an application when a Grant is needed urgently, for example when there is a deadline for closing a real estate transaction or a court case is imminent. A letter from the supervising lawyer stating the reasons for the urgency should accompany the documents when they are filed. The Registry has requested that this kind of request not be abused. They will do their best to process the application before the deadline depending on the volume of the applications being handled at the time.

When using an agent to drop off the rush application and the letter, ensure that the agent delivers the documents to the Registry staff indicating the urgency. Unless the matter is brought to attention of the Probate Registry’s staff, the application may stay buried among other less urgent applications and will be processed in the ordinary course of business.

Table of Grants under the BC Wills, Estates and Succession Act (WESA)

BC Grants			Ancillary Grants			Resealing a Foreign Grant	
Probate	Administration <u>with</u> Will Annexed	Administration <u>without</u> Will Annexed	Probate	Administration <u>with</u> Will Annexed	Administration <u>without</u> Will Annexed	Probate <u>or</u> Administration <u>with</u> Will Annexed	Administration <u>without</u> Will Annexed
Deceased resided in BC and most of the assets in BC administered by BC personal representative			Deceased resided outside BC, most assets in foreign jurisdiction			Deceased resided outside BC, most assets in foreign jurisdiction	
			Grant obtained in non -prescribed(*) jurisdiction -- assets in BC require Foreign Grant to be brought into BC			Grant obtained in prescribed (*) jurisdiction -- assets in BC require Foreign Grant to be resealed in BC	
Valid Will		No Will	Foreign Grant with Will		Foreign Grant without Will	Foreign Grant, with Will	Foreign Grant, No Will
Executor Appointed in Will	Administrator Appointed (S. 131, WESA)	Administrator Appointed (S. 130, WESA)	Executor Appointed in Foreign Grant	Administrator Appointed in Foreign Grant		Executor or Administrator appointed in Foreign Grant	Administrator Appointed by Foreign Grant
Original Will		Not Applicable	Court certified copy of Foreign Grant (and copy of Will if not attached to Foreign Grant, if there's a Will)				
Form P1 Notice of Proposed Application in Relation to Estate delivered to all persons entitled 21 days before application is filed							
Results of Search for Wills Notice							
Form P2 Submission for Estate Grant					Form P21 Submission for Resealing		
Form P3 Affidavit of Applicant (Short) <i>or</i> Form P4 Affidavit of Applicant (Long) (**)		Form P5 Affidavit of Applicant	Form P6 Affidavit of Applicant (Ancillary Grant Probate or Administration with Will Annexed)		Form P7 Affidavit of Applicant (Ancillary Grant of Admin. without Will Annexed)	Form P22 Affidavit of Applicant for Resealing (Probate or Admin. with Will Annexed)	Form P23 Affidavit of Applicant for Resealing (without Will Annexed)
Form P8 Affidavit of Applicant (***)					Form P24 Affidavit of Applicant (***)		
Form P17 Notice of Renunciation		Not Applicable	Power of Attorney for Foreign Grants if a foreign rep. appoints BC attorney			Power of Attorney for Foreign Grants if a foreign rep. appoints BC attorney	
Form P9 Affidavit(s) of Delivery (of Notice) for all persons who attended to the delivery							
Form P10 Affidavit of Assets and Liabilities for Domiciled Grant			Form P11 Affidavit of Assets and Liabilities for Non-Domiciled Grant			Form P25 Affidavit of Assets and Liabilities for Resealing	
Form P18 Authorization to Obtain Estate Information					Form P27 Authorization to Obtain Resealing Information		
Form P14 Supplemental Affidavit of Assets and Liabilities for Domiciled Estates			Form P15 Supplemental Affidavit of Assets and Liabilities for Non-Domiciled Estate Grants			Form P26 Supplemental Affidavit of Assets and Liabilities for Resealing	
(*) Prescribed jurisdictions -- WESA Sec. 138 and WESA Regulation 3: all provinces and territories of Canada; any member of the British Commonwealth of Nations; any state of the United States of America; Hong Kong (Special Administration Region of China). (**) Affidavit P3 is sworn if there are no issues with the execution or appearance of the Will. Affidavit P4 is used when there are issues. (***) This Affidavit is sworn if there are several applicants but only one swears Form P3, P4, P23 or P24.							



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