

ONTARIO PROBATE FEES: HIGHEST IN CANADA

Probate fees (properly called “probate tax”) are payable after death on the value of the estate.

On an estate of \$1,000,000, the fees in each province would be:

Quebec:	\$45
Alberta:	\$400 (or less)
All other provinces (except Ontario):	\$3,000 to \$6,000
Ontario:	\$14,500

Avoiding probate fees may be a valid estate planning objective. It may be appropriate to deal with specific assets which will not become part of your estate.

Here are some ideas to avoid probate, which you must discuss with your lawyer:

- (1) Hold jointly assets that pass by survivorship—real property, bank accounts, Canada Savings Bonds, Guaranteed Investment Certificates.
- (2) Hold real estate outside of Ontario.
- (3) Designate named beneficiaries of life insurance and RRSPs.
- (4) Transfer assets without probate (*e.g.*, motor vehicles, personal effects, household goods, jewellery and similar articles which do not have a registered title, shares in private corporation under some circumstances, and real property under the registry system (by a *separate will*, or without probate if there are no other assets which require probate).

Avoiding probate fees means avoiding the probate process. Your executors will not have assets to administer, *but* it may be necessary to have assets in your estate in order to pay taxes, to create trusts for children, spouses and others with special needs, and to pay charitable and sentimental legacies.

However, if the only purpose for probate is to “clear title” to your assets, then avoiding the whole process may be possible.