

Estate and Care Planning

During our final conversation in November 2024, my darling mother instructed me to share what we learned throughout her journey. Acting as advocate to any patient has its challenges. Once they are palliative, it can become more demanding, time consuming, frightening --- and rewarding. We were fortunate, because my mother understood her care options and was able to communicate her wishes. This ranged from medical treatment and intervention through to discussions with family on what she wanted right through to her funeral. While this experience was quite the story, there is a lengthy and fascinating epilogue to it which will continue for years.

Even with planning, there are some aspects of death which can be unexpected. Why make it all harder? Review and update your Will and Powers of Attorney for both Personal Care and Property. If you do not have these documents, do it now. Don't leave a mess!

As we reach end of life, the Powers of Attorney become essential. Hospitals and care centres request copies. Providing them ensures those you have entrusted with your wishes will have authority to act. It will also protect those determined to protect and advocate for you.

Decisions and discussions happen, whether you have capacity or not, about the care needed. If it was a case of leaving your home or hospital and being transferred to an assisted living, or long-term care or nursing home or more acute care, the systems require proof that whoever is speaking has the authority to do so. They also want to make sure you can pay for it. We do not always die on schedule, so palliative patients do transfer from hospital to other "homes", and you want people who will be there fighting as you would, for where you will be moved to die.

At death, Powers of Attorney are no longer valid, and all rests with the Executor / Estate Trustee. It is the Executor, not the family, who "owns" the body. They are responsible for arranging the funeral, and in some cases identifying the body.

Much is required of executors. The Government of Canada and Province of Ontario updated checklists in 2025. These are excellent resources whether you are family member, friend, or executor / liquidator

<https://www.canada.ca/en/services/life-events/death/checklist.html>

<https://www.ontario.ca/page/what-do-when-someone-dies>

If you have a will, review it and ensure it still matches your wishes.

Where is your will located? Who else knows this? Where is the contact information for your lawyer? As this is not always shared, in 2025, an Ontario-based wills registry was launched at <https://www.onwills.ca/> to try to alleviate this problem.

Is your chosen Executor / Estate Trustee able to act, and have you named backups who could do it? Do they know that they have been chosen, and have they agreed? Do they understand the range of responsibilities and penalties and personal liability if the estate is not properly managed?

Ideally, your Executor lives close to you and is willing and assume this role. As many banks require all Executors be present in person for activity with estate accounts, distance can be a factor. Travelling for hours for a short meeting is not ideal, and in many cases, there are out-of-pocket expenses. When an estate includes properties in other countries, the Executor's responsibilities become significantly more complex and require additional consideration.

Being an Executor used to be considered an honour. While it still is, it may also include a great deal of responsibility and work. Consider what you can do to make things easier, and this should also include your "stuff". We are possessed by our possessions. Where possible, gift your treasures to others before you die. Do not leave it to the Executor to try to press items on family members and friends that do not want them. Too often, it is just given away.

Simplify matters and use named beneficiary designations with Tax-Free Savings Accounts (TFSA), Registered Retirement Savings Plans (RRSP) and Registered Retirement Income Funds (RRIF) and Insurance. These monies will pass directly to your chosen beneficiaries even if there is not a will in place.

Segregated funds, which are insurance industry investments, do not form part of the estate. Once the death is advised and paperwork submitted, the named beneficiaries will receive settlement in weeks. This is very different than non-registered investments at banks or brokerage accounts which require a probated will (exceptions may exist for the paying of funeral homes and taxes). For an Executor in Kingston, wanting to distribute assets, it takes six – nine months to obtain a probated will. In other parts of Ontario, it is six – nine weeks.

If your will is no longer what you want, update it. In Ontario, wills and powers of attorney can now be signed virtually, so any physical limitations for you to get to the lawyer's office, should not deter you.

Having your wishes clearly documented and shared lets you and your loved ones focus on happy memories instead of scrambling to handle paperwork.

We had estate plans in place for my mother, and since her passing, there have been some surprises, which makes me grateful we took the time and care to put them in place. I wish the same for you.

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