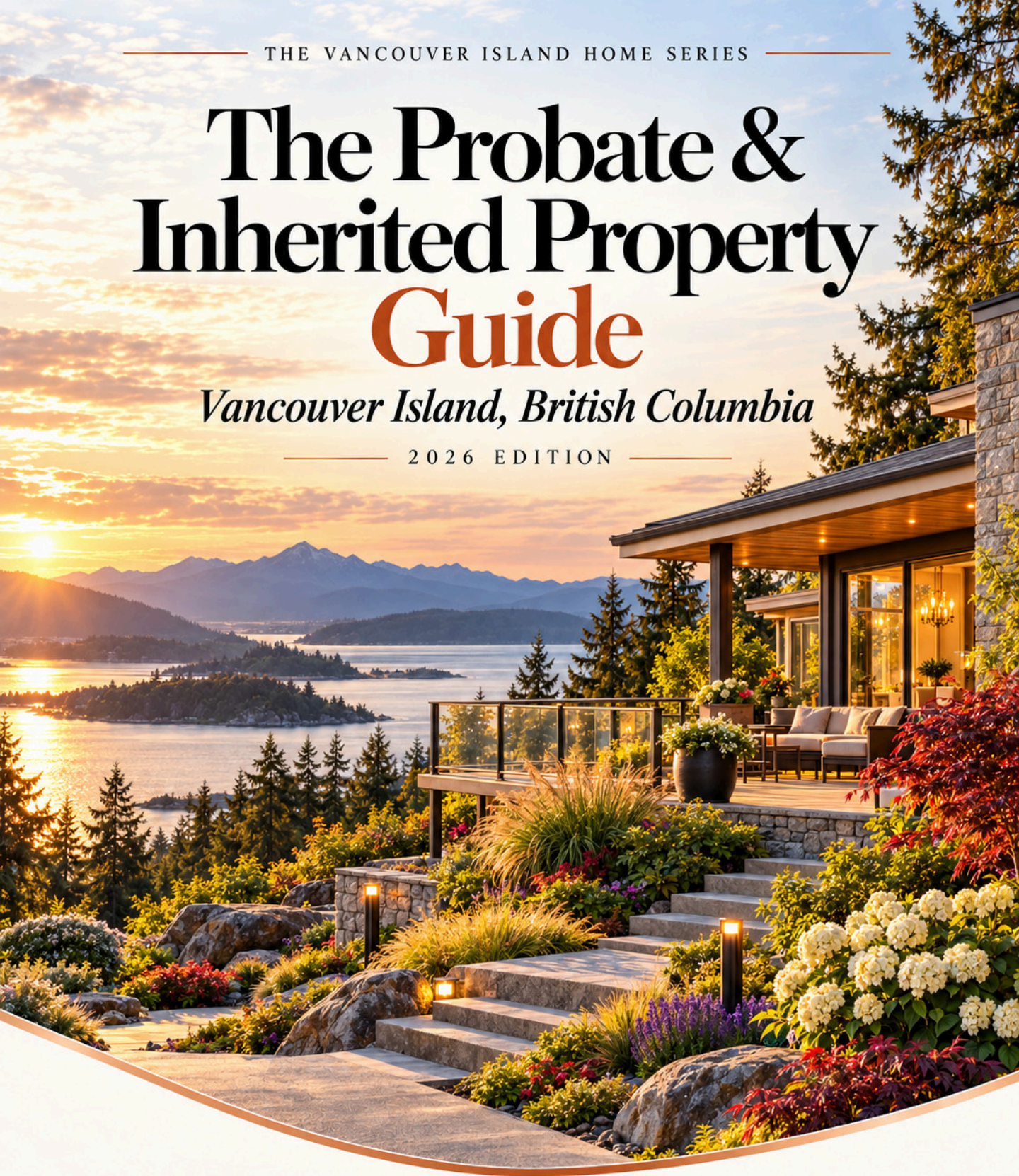


THE VANCOUVER ISLAND HOME SERIES

The Probate & Inherited Property Guide

Vancouver Island, British Columbia

2026 EDITION



Understanding probate in BC

Probate is the court process that confirms an executor's authority to deal with estate assets. In real estate, it can affect who can sign, how quickly a home can be sold, and what steps come next.



1.

What probate usually does



Confirms the executor's legal authority.



Helps deal with assets held only in the deceased's name.



Is often required when real estate was solely owned.

2.

When it may not be required



Property passing by joint tenancy may bypass probate.



Some assets transfer outside the estate.



Each estate is different, so legal advice matters.

3.

Why it matters for a home sale



Determines who can sign listing and sale documents.



Can affect timing and buyer expectations.



Works alongside legal, tax and estate administration steps.



Good to know

Not every estate needs probate, but title and ownership structure should always be confirmed before assuming a sale can proceed normally.



The first estate steps

In the days after a death, families are often managing both emotion and paperwork. Before thinking about a sale, focus on the immediate practical steps.

1.

Locate the will



Confirm who the executor is and where the original documents are kept.

2.

Secure the home



Protect the property, confirm insurance, and keep utilities and basic maintenance in place.

3.

Gather key documents



Collect title, mortgage, tax, banking and identification information that may be needed later.

4.

Get guidance early



An estate lawyer, accountant and experienced Realtor can help the next steps feel more manageable.



Important note

A home sale is often just one part of estate administration, not the first step.



Executor vs beneficiary

These roles are not the same, and understanding the difference helps avoid confusion during an inherited property sale.



Executor



Carries out the estate administration.



May apply for probate if required.



Can sign real estate documents when properly authorized.



Must act in the best interests of the estate.



Beneficiary



Receives a share of the estate under the will or intestacy rules.



May be consulted, but does not automatically control the sale.



Should understand timing, costs and communication expectations.



Important nuance

Sometimes the same person is both executor and beneficiary, but the roles are still legally different.



How long can probate take?

There is no one-size-fits-all timeline. Court processing, missing paperwork, tax issues and family complexity can all affect how long probate takes.

1.



Prepare the application

The will, death certificate, notices and supporting documents are organized.

2.



File with the court

The probate application is submitted for review.

3.



Wait for the grant

Processing times vary depending on court volume and the file itself.

4.



Move forward with the sale

Once authority is confirmed, listing, sale and distribution steps can proceed more smoothly.



Common delays

- Missing or incomplete documents.
- Valuation or title questions.
- Tax matters.
- Family disputes or contested issues.



Realistic expectation: think in months, not days.

While some straightforward estates may move relatively quickly, many take several months due to court processing and other requirements. Planning ahead helps reduce stress and keeps the eventual sale on track.

Probate costs in BC

Probate expense is often a mix of the probate fee, the court filing fee, and any professional legal or accounting help that may be needed.



No probate fee

on the first
\$25,000 of
estate value.



About \$6

per \$1,000
on value over
\$25,000 up to
\$50,000.



About \$14

per \$1,000
on value over
\$50,000.



Also budget for

- ✓ Court filing fees.
- ✓ Legal or notary support.
- ✓ Appraisals or valuations if needed.



Good practice

Always confirm current fees and get professional advice for estate-specific calculations.

Taxes, capital gains & transfers

Tax questions can affect both the estate and the people inheriting property. This page should educate gently without sounding overly technical.



Capital gains

A death can trigger a deemed disposition for tax purposes. The principal residence exemption may reduce or eliminate tax in some cases.



Ongoing estate income

Rental or investment income may continue inside the estate while the property is being managed or sold.



Property transfer tax

Some estate-to-beneficiary transfers may qualify for exemption if the legal conditions are met.



Clearance matters

Executors should be careful about distributing assets before tax responsibilities are understood.



Best next step

Treat tax questions as accountant-and-lawyer territory.
Use this guide as a starting point, not a substitute for advice.

Preparing the home for sale

A thoughtful presentation can help buyers appreciate the property while making the estate process feel calmer and more organized.



Secure and clean

Keep the home safe, insured, tidy and ready for access.



Sort belongings

Decide what will stay, what will be removed and what may need estate guidance.



Address maintenance

Take care of obvious upkeep, safety items and presentation basics.



Price strategically

Use local market data, condition and timing to choose a realistic price.



Renovation reminder

Do not assume major renovations are always worth it. Focus first on safety, cleanliness and smart presentation.

Selling an inherited property

An inherited home sale can be emotional and practical at the same time. Clear authority, thoughtful preparation and good advice help the process feel much more manageable.



1. Before you list



Confirm the executor's authority.



Verify title and ownership details.



Gather key estate, legal and tax documents.



Understand any timing limits or approvals still needed.

2. Prepare the property



Secure insurance, utilities and maintenance.



Sort belongings and decide what stays or goes.



Handle basic repairs, cleaning and presentation.



Price the home using current local market data.



Practical tip

A property may sometimes be marketed before probate is granted, but authority to complete the sale and transfer title must be confirmed carefully.



Why this matters

A beautiful presentation helps, but the legal side of the estate is what keeps the sale moving smoothly.



Can you sell before probate?

In some situations, a property may be marketed before probate is granted. However, the authority to sign the listing agreement and complete the sale depends on the estate structure, the title situation, and legal advice.

1. Marketing may be possible



A property can often be listed and marketed before probate.



The home can be prepared, photographed and shown to buyers.



Marketing early can create interest and help attract serious buyers.



This can lead to a smoother process once probate is granted and you are ready to complete the sale.

2. What must be confirmed



Confirm who has the legal authority to sign the listing agreement.



Ensure the title and ownership details are correct for the estate.



Get legal advice to understand what can and cannot be done before probate.



Even if an offer is accepted, the sale may not be able to complete until probate is granted.

3. Practical caution



Be clear with buyers that probate is required and timelines may be longer.



Manage expectations about when the sale can be completed.



Work with your real estate professional, lawyer and the buyer's agent to keep everyone informed.



Transparency helps reduce stress and keeps the process moving smoothly.



Important to know

This guide is for general information only. Every estate is different, and legal advice specific to the estate and title structure is essential before proceeding with a sale.

Buying a probate property

Estate sales can offer unique opportunities to purchase a home, often at fair market value, but they usually require more patience and due diligence than a typical sale.



1. Know who can sign



Ensure the person signing the purchase agreement is the executor and has legal authority to sell the property.

2. Expect timing differences



Probate can take time, so be prepared for a longer closing timeline compared to a standard sale.

3. Investigate the property



Complete your usual due diligence, including a home inspection, title search and review of any available disclosures.

4. Keep emotions out

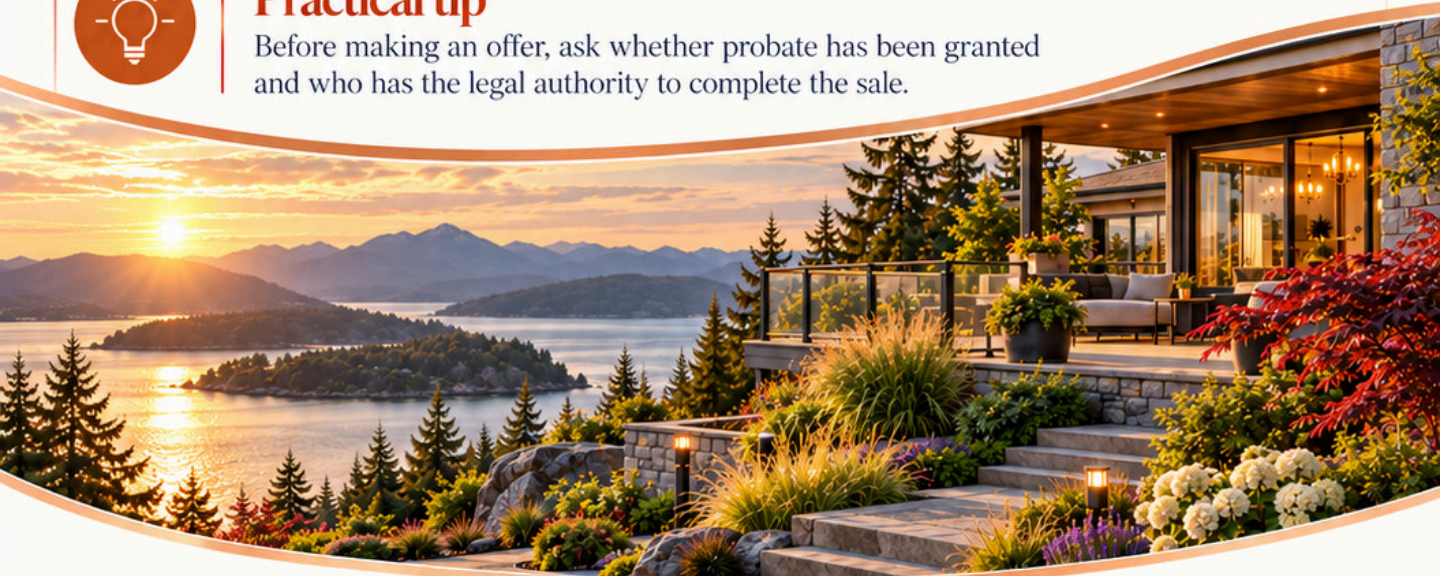


Estate sales can be emotional for all parties. Focus on the facts, market value and your long-term goals to make a sound decision.



Practical tip

Before making an offer, ask whether probate has been granted and who has the legal authority to complete the sale.



Multiple beneficiaries & decision-making

When a property is inherited by more than one person, a smooth sale is often possible when communication is clear and everyone understands their roles, rights and responsibilities.



1. Executor authority



The executor has the legal authority to manage and sell estate assets according to the will and provincial laws.



Their role is to act in the best interest of all beneficiaries.

2. Beneficiary expectations



Each beneficiary may have different goals or timelines.



Open discussions help align expectations and reduce future conflict.

3. Communication



Keep communication respectful, transparent and in writing when possible.



Regular updates help everyone feel informed and included.

4. Timing considerations



Everyone may be at a different place emotionally or financially.



Be patient and agree on a timeline that works for the estate and all beneficiaries.

5. Get legal guidance when needed



If there are disagreements, legal advice can help clarify rights, resolve conflicts and keep the process moving forward.



Why this matters

Clear communication, realistic expectations and the right guidance can prevent costly delays and help preserve family relationships during a challenging time.



Common mistakes to avoid

Even with the best intentions, it's easy to make missteps when dealing with a probate or inherited property. Being aware of common mistakes can help you save time, money and unnecessary stress.



1.

Assuming probate is automatic



Probate doesn't happen on its own. An executor must apply to the court and follow the legal process.

2.

Distributing assets too early



Assets should not be distributed before probate is granted. Doing so can create legal and financial complications.

3.

Neglecting insurance or upkeep



Inherited properties still need proper insurance, utilities and maintenance. Neglect can lead to damage, higher costs and reduced value.

4.

Pricing based on emotion rather than market data



It's natural to have an emotional connection, but pricing the home based on sentiment instead of current market data can lead to longer listing times and lower offers.

5.

Skipping tax or legal advice

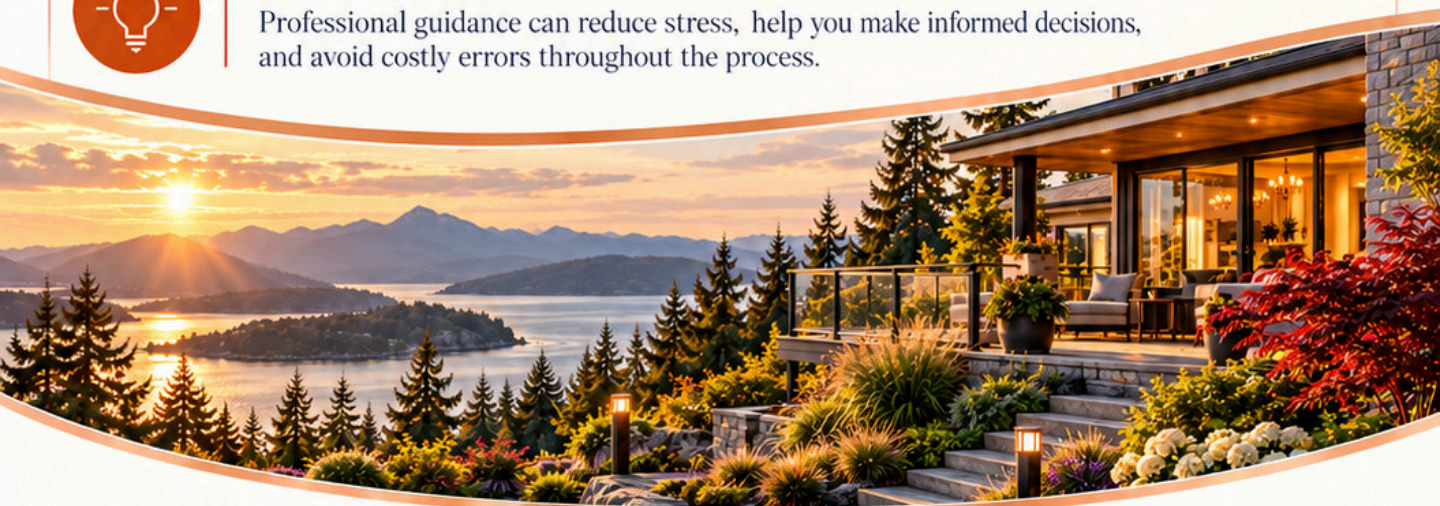


Each estate is unique, and there may be significant tax implications. Skipping professional advice can result in unexpected costs and missed opportunities.



Best move

Professional guidance can reduce stress, help you make informed decisions, and avoid costly errors throughout the process.



Executor property checklist

Managing a property as an executor involves several important tasks. This checklist will help you stay organized, protect the estate's value and prepare for a smooth sale when the time is right.



1. Secure the home



Ensure the property is safe, locked and secure.



Change locks if needed and limit access to trusted individuals.



Check regularly for maintenance issues or signs of damage.

2. Confirm insurance & utilities



Notify the home insurer of the death and confirm coverage.



Keep utilities (hydro, water, gas, internet) active during the administration period.



Review policies and accounts to ensure they remain in the estate's name or are properly transferred.

3. Gather key documents



Collect the title, survey (if available) and mortgage details.



Find recent property tax notices, insurance policies and utility records.



Locate information on warranties, permits and previous renovations.

4. Prepare for the market



Consider a professional property assessment or comparative market analysis.



Decide on necessary repairs, cleaning and staging.



Work with a trusted real estate professional to plan the timing and listing strategy.



Helpful reminder

Document the condition of the property with photos and keep records of all expenses related to maintenance, insurance, utilities and improvements. This helps with transparency and final accounting.

Your buyer checklist

Buying an inherited property can be a wonderful opportunity. Use this checklist to ensure a smooth, secure and well-informed purchase.

1. Authority & title



- ☐ Confirm the seller (executor or trustee) has legal authority to sell.
- ☐ Review title search for liens, charges or pending claims.
- ☐ Ensure the property is being sold under the proper legal process.

2. Condition & inspection



- ☐ Arrange a professional home inspection.
- ☐ Check for needed repairs, maintenance and future costs.
- ☐ Consider specialized inspections (septic, well, strata, shoreline, etc.).

3. Timing & contract terms



- ☐ Understand the seller's timeline and any probate or court requirements.
- ☐ Include subject conditions (inspection, financing, title review).
- ☐ Review completion dates and possession timetables that work for you.

4. Financing & advice



- ☐ Get pre-approved with your lender.
- ☐ Understand your down payment and total costs (taxes, insurance, fees).
- ☐ Work with a real estate professional and a lawyer experienced in inherited property transactions.



Smart-purchase reminder

A beautiful home is an exciting opportunity, but it still needs clear authority and proper due diligence before you make it yours.

Estate sale vs foreclosure

Both estate sales and foreclosures can look like special situations, and they may even present opportunities. However, they are not the same. Each has a different process, timeline and set of considerations for buyers.



Estate sale

A sale of a property owned by a deceased person, typically handled by the executor(s) of the estate.



Seller authority

Managed by the executor(s) named in the will or appointed by the court.



Court involvement

May require probate, depending on the value of the estate and how the property is held.



Due diligence

Buyers should review title, probate status and any estate documents.



Condition expectations

Often sold "as is." Condition can vary from move-in ready to needing significant repairs.



Timing

Can take longer if probate is required, but timelines vary by estate.



Foreclosure

A sale of a property when the owner has defaulted on their mortgage and the lender takes action to recover the debt.



Seller authority

Controlled by the lender, typically a bank or financial institution.



Court involvement

Yes. Foreclosure is a legal process managed through the courts.



Due diligence

Review court documents, title details and any restrictions on the sale.



Condition expectations

Usually sold "as is." Properties may have been vacant and could require repairs or have deferred maintenance.



Timing

Often follows a set legal process and may move more quickly once it reaches the sale stage, but timelines vary.



Important to know

Buyers should never assume that an estate sale works like a foreclosure, or vice versa. Each process has different rules, risks and timelines, and it's important to get professional advice.



Important BC resources

Trusted sources to help you navigate probate, real estate and estate matters in British Columbia.



Wills, Estates and Succession Act (WESA)

The primary legislation that governs wills, estates and probate in BC.

[gov.bc.ca – WESA](https://gov.bc.ca/wesa)



BC Supreme Court Probate Forms

Official forms and information for applying for a grant of probate.

bcsupremecourt.ca



BC Probate Fee Act

Information on probate fees and how they are calculated in BC.

[gov.bc.ca – Probate Fee Act](https://gov.bc.ca/probate-fee-act)



Land Title and Survey Authority

Search property titles, understand ownership and access land title resources.

ltsa.ca



BC Property Transfer Tax

Details on property transfer tax (PTT), exemptions and rates in BC.

[gov.bc.ca – Property Transfer Tax](https://gov.bc.ca/property-transfer-tax)



BC Financial Services Authority (BCFSA)

Consumer resources on dealing with estates, financial services and protection.

bcfsa.ca



Canada Revenue Agency (CRA)

Guidance on estate taxation, capital gains and reporting requirements.

[canada.ca – Deceased persons and estates](https://canada.ca/deceased-persons-and-estates)



Important note

Laws, fees and forms can change. Always confirm the most current information on the official government websites listed above or seek professional advice.

Your next chapter starts informed

Inherited-property decisions often mix emotion, timing and practical steps. With clear information and the right guidance, the process can feel calmer, more manageable and lead to a positive next chapter.



Official sources checked

This guide is based on information from trusted government sources, including:



WESA

BC's Wills, Estates and Succession Act (WESA).

WWW.BCLAWS.CA



BC Supreme Court

Probate resources and information on the court process.

WWW.BCCOURTS.CA



BC Probate Fee Act

Information on probate fees in British Columbia.

WWW.BCLAWS.CA



CRA Guidance

Canada Revenue Agency information on taxes for deceased individuals.

WWW.CANADA.CA



BC Property Transfer Tax

Information on property transfer tax in British Columbia.

WWW.GOV.BC.CA



Questions about selling an inherited property on Vancouver Island?

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