

Do you have a will?

A will is a legal document left by someone who has died. It lets the court know what to do with that person's estate. Making a will is a good idea. A will that is valid, easily found, and understood is important. It can help reduce the confusion and uncertainty that death sometimes brings and provide direction about your wishes to your family and the people you care about. In B.C., anyone 16 years or older can make a will.

Why you should make a will

A will:

- Clarifies for family and friends what your wishes are and who is to carry them out
- Allows you to choose someone you trust to be the executor of your estate
 - The executor is the person or organization named in your will to administer and distribute your estate
 - Your estate is all the money, assets and property you own
- Allows the person you name as your executor to act immediately, for example:
 - Make funeral arrangements
 - Take control of your estate
- Makes sure your possessions are dealt with as you have directed in the will
- Provides you the opportunity to make arrangements for minor children, other dependants and pets
- Minimizes the costs, effort and uncertainty involved in administering your estate

Use professional advice when making a will

Making a will does not need to be complicated or expensive. Self-help will kits are available, but they may not be current or valid in B.C. Wills are an area where professional help is worth the cost. We recommend that you seek professional advice to:

- Make sure your will is clear and complete, and can be administrated without confusion or additional legal costs
- Appoint a guardian for any minor children you may have
- Make sure your will is valid
- Register your will appropriately

Seek the advice of a qualified professional, such as a lawyer experienced in wills and estates. Notaries can also prepare wills, but there are limitations to the types of wills a notary can make.

Making a will in B.C.

In B.C., a valid will must be signed at its end by the will maker, in the presence of 2 or more witnesses, who also sign the will. The will-maker and all witnesses must sign the will in the presence, either in person or virtually, of each other.

Wills can be made electronically, however if you do so it is very important that your electronic will is:

- Able to be found
- Registered in B.C.
- Secure – it is important that your will cannot be accessed by others or tampered with and valid.

It must meet the same requirements for signing with witnesses as a paper will

Please refer to the [Wills, Estates and Succession Act \(WESA\)](#) for further information regarding wills and testamentary documents.

Choosing your executor

Choosing your executor is important. Most people choose their spouse, an adult child, parent, guardian or trusted friend. Some people choose a professional, such as a lawyer or trust company. Alternatively, the Public Guardian and Trustee (PGT) may agree to be your executor. Whatever you do, always make sure the person you wish to appoint as executor is willing and able to take on the responsibility. It is important that your executor also know where to find your original will.

Responsibilities of your executor include:

- Making funeral arrangements
- Identifying, securing and dealing with assets
- Identifying and paying valid debts and claims
- Filing tax returns
- Dealing with legal issues that arise
- Distributing the balance of the estate to your beneficiaries

Once you have made a will:

- Tell your executor where you keep your will and other important documents they will need to administer your estate
- Discuss with your executor and family the kind of funeral you want to have
- Make a family tree as this may be needed later
- List the current addresses and phone numbers of your beneficiaries

If you want to discuss whether it would be appropriate to name the PGT as your executor, please contact us at estates@trustee.bc.ca and ask to speak to the Manager, Quality Assurance in Estate and Personal Trust Services (or EPTS).

Guardians for children

If you are a parent or guardian of a child or children under the age of 19, it is important to:

- Appoint a guardian of your children in your will in the event there is no surviving parent with custody
- Make sure that the named guardian is willing to take on this important responsibility
- Consider the costs of caring for your children and plan for this in your will

Register your will

Registering your will can help make sure it can be found at the time of your death.

Register your will with the [B.C. Vital Statistics Agency](#). The Agency does not keep a copy of the will, only the date on which it was made and its location.

If you already have a will

If you already have a will, you should review it every few years to make sure that it is current. For example:

- Your life circumstances may have changed or
- Your executor may no longer be able to manage your estate

If your will is not up to date you should see a lawyer or notary about making a new will.

Resources

- Legal Aid B.C. mylawbc.com/paths/wills
- Finding a lawyer (Law Society B.C.) www.lawsociety.bc.ca/working-with-lawyers/finding-a-lawyer

Contact the Public Guardian and Trustee

Estate and Personal Trust Services

700-808 West Hastings Street
Vancouver, B.C. V6C 3L3

Phone	604-660-4444
Fax	604-660-0964
Email	estates@trustee.bc.ca
Website	www.trustee.bc.ca

Toll free calling

Toll free calling is available through Service BC.
After dialing the appropriate number for your area (see below)
request to be transferred to the Public Guardian and Trustee.

Vancouver	604-660-2421
Victoria	250-387-6121
Other areas in B.C.	1-800-663-7867

PGT hours of operation

Monday to Friday 8:30am to 4:30pm