

After the adult with a private committee dies

When the adult for whom you are committee passes away, the Public Guardian and Trustee (PGT) role and your role as a private committee changes.

The PGT's role change

The PGT no longer oversees your activities as committee after the death of the adult. It's important to note that the PGT no longer has the authority to review accounts after the adult has died. Do not send them to us. Notify our office of the adult's death and send us a copy of the death certificate.

The private committee's role change

Previously, your role was to make decisions in the adult's best interest. After the adult for whom you were committee dies, your focus is to preserve their estate for the beneficiaries or, if there is no will, for the intestate successors.

- 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
- An intestate successor (often commonly referred to as heir) is a person who is entitled to receive something from a deceased person's estate but there is no valid will or the will, as written, failed to give away the estate
- An executor is the person or one of the people named in the will and is responsible for carrying out the instructions in the will and administering the estate
- An administrator is a person responsible for administering the estate of someone who died either without a will or where a named executor

cannot act or has died. An administrator is the same as an executor, but is appointed by a court

As set out in the section 24 of the [Patients Property Act](#), your authority as a committee continues until you receive notice from the court determining who has been legally proved to be the executor named in the will through the probate process and issuing of a representation grant.

- Probate is the court process that verifies the will is real under B.C. laws. It includes the cost of the court appointing an executor or if there is no will, an administrator of the estate
- A representation grant is sometimes called an estate grant and is a document that says who has been legally proven to be the executor named in the will.

The executor or administrator takes over administering the estate when the representation grant has been issued. It can take time for an administrator or executor to be appointed. In the interim, it's important that, as committee, you focus on preserving the adult's estate until an executor or administrator has been appointed.

Matters that need immediate attention:

Determine if there is a will

Sometimes, as committee, you may already have a copy of the adult's will or know that no will exists. In other instances, you may not be sure if the will you have is current or if a will exists at all. If you're not sure if the adult for whom you are committee made a will, you can:

- Contact the adult's lawyer or Notary Public
- Order a will search at the [B.C. Vital Statistics Agency \(ecos.vs.gov.bc.ca\)](https://ecos.vs.gov.bc.ca)
- Make a search through the adult's paperwork and electronic devices for a will or will document

Facilitate funeral arrangements

Section 5 of the [Cremation, Internment and Funeral Services Act](#) outlines the responsibilities for funeral arrangements. Funeral arrangements are the responsibility of the adult's executor or nearest next of kin. It's your responsibility to liaise with the executor or administrator of the adult's estate about final arrangements for the adult. For example, you can let them know the following:

- If there are prepaid funeral arrangements
- If you know of any wishes the adult expressed about their funeral
- What funds are available to pay for the funeral costs

Secure personal effects and vacant real property

You'll need to make sure the adult's home and any personal effects of value are secure. If the adult's residence is empty:

- Ensure personal effects are safely stored
- Check the insurance coverage to ensure items of value are properly insured
- End the tenancy agreement if there is one

Get the death certificate

You'll need the death certificate to notify institutions, such as:

- Banks
- Canada Revenue Agency
- PGT

You can order copies of the death certificate from the:

- Funeral home
- B.C. Vital Statistics Agency

Some institutions require an original or certified true copy of the death certificate. The PGT accepts a photocopy or an emailed scanned copy.

Ongoing management of the adult's estate

It can take time for an executor or administrator to be appointed by the court. During this time, your focus must shift to preserving the adult's estate for the beneficiaries or, if there is no will, for the intestate successors. After the adult dies, committees typically:

- Collect income and other payments that the adult's estate is entitled to, such as rent, debt repayments, refunds and the Canada Pension Plan death benefit
- If the estate has funds and it is appropriate, you'll continue to pay bills
- Cancel payments and services that are not needed anymore, such as rent, utilities, or health insurance
- Notify financial institutions and agencies of the adult's death, including the PGT
- Pay any filing or probate fees that the court registry needs to issue the representation grant
 - Probate is the court process that verifies the will is real under B.C. laws. It includes the cost of the court appointing an executor or if there is no will, an administrator of the estate
 - Probate fees charged by the court for probate services are based on the size of the estate

You're also expected to provide information about the estate to the legal representative. A legal representative is a person or organization appointed by a legal document (e.g. power of attorney, representation agreement) to act on behalf of someone else. You should make sure they know about critical dates or matters that need immediate attention. These could include:

- Deadlines for any legal actions in which the adult is named
- Pending property sales
- Maturing investments
- Tax filings
- Payment deadlines (for example, property taxes)

The limits to your authority as committee before the adult's death still apply. In particular, as committee, you can not:

- Distribute the estate
- Sell, give away or dispose of assets unless it's necessary to preserve the estate
- Access restricted assets unless you have a court order approving your access
 - The PGT does not approve requests to access restricted assets after the adult for whom you are committee has passed away

Ending your committee ship

Once you receive a copy of the representation grant, your authority as committee ends. You can transfer the adult's assets to the estate's legal representative. You can ask the legal representative of the adult's estate to approve any accounts not already approved by the PGT. This may be necessary if you:

- Wish to take a fee from the adult's estate for acting as committee
- Are seeking the release of a bond
- Are seeking discharge from the court

If you are also the legal representative, you can ask the beneficiaries or intestate successors to approve any remaining accounts.

After you notify the PGT of the adult's death, we will ask for a copy of the death certificate. Any committee accounts you've submitted for review to the PGT that have not been reviewed will be returned to you.

If the court order appointing you as committee require you to post a bond, the PGT will consent to its release after receipt of:

- A copy of the representation grant or a Statutory Declaration from the legal representative that they are not seeking a grant, and
- A release from the executor or administrator approving or waiving the approval of your accounts

- If you are the legal representative, you can ask the beneficiaries or intestate successors for a release
- The PGT will provide you with a copy of the appropriate release form for you to complete

Approval (or waiver of approval) of committee accounts

The PGT does not review a committee's account(s) after we have been notified of the adult's death. The authority to approve or waive approval of accounts rests with the following:

- The executor or administrator of the adult's estate, or
- If you are the executor or administrator, approval rests with the adult's beneficiaries or intestate successors

You don't need to involve the court to have your accounts approved. However, it may be helpful to engage the services of a lawyer to prepare the account and waiver documents. If all persons entitled to approve the committee accounts do not approve or waive the accounts, the committee can seek court approval of the accounts. A lawyer can help you with the process of getting court approval of your accounts.

Getting a court discharge

You can obtain a discharge from the court to release you from liability for your management of the adult's estate when you were committee. This is not required but may be necessary if you are concerned that the legal representative, beneficiaries or intestate successors may challenge your management of the estate. Approval of the committee accounts is part of the discharge process.

An alternative option to a court discharge is to ask that the executor or administrator of the adult's estate sign a release confirming they release you from any claims concerning your committee ship.

Accounting issues

If a dispute over the committee's accounts cannot be resolved informally, you may have to go to court to have the accounts reviewed. You or the beneficiaries, intestate successors, and legal representative have the right to involve the court. Therefore, it's important to get legal representation if this is the case.

Transferring assets without a grant

Sometimes the executor or administrator of the adult's estate will ask that you transfer the estate without a representation grant issued by the court.

You could be personally responsible if any issues arise from the transfer of the estate. To assess your risk, consider the following:

- The size of the estate
- Your confidence in the validity of the will
- Your knowledge of the executor or administrator
- Your knowledge of the beneficiaries or intestate successors

We encourage you to get legal advice to help guide your decision.

Contact the Public Guardian and Trustee

Private Committee Services

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

Phone 604-660-1500
Email PCSadmin@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