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How can I find out if a person has a will?

A living person's will is private. Only the person whose will it is can choose to share its existence or what it says with anyone else.

If a person is alive, the only way to find out if they have a will is to ask them. A lawyer cannot answer this question because the lawyer is required to keep the client's business confidential.

When a person dies and it is not known if they had a will, it is important to look for one. The last will of the person must be followed unless a court rules otherwise. The estate will be intestate if no will is found. Whoever asks the court for permission to look after an intestate estate has to show they tried to find a will.

The Superior Court of Justice holds some original wills and codicils. There are rules about how these documents can be deposited, searched for and retrieved. A lawyer or the local court office can assist you.

Every lawyer in Ontario receives a weekly publication called the Ontario Reports. A lawyer looking for a possible will may put a notice in the Ontario Reports, asking if any other lawyer is holding such a will. Many lawyers who hold original wills check the reports weekly, but not all lawyers do.

Some organizations in Ontario are now looking at ways to set up websites to assist in searches for original wills. The situation is rapidly changing. It is a good idea to do an online search for other will registries.

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