

## When is a Certificate of Appointment of Estate Trustee needed?

In Ontario a certificate of appointment of estate trustee is the legal name for **probate**.

When an estate trustee applies to court for a certificate, anyone who does not think the will is valid has a chance to object. The court does not issue the certificate until the objection is resolved. The court also makes sure that it is the last known will.

Third parties who deal with the estate trustee want to know that the estate trustee has authority, whether it is to sell a house or take control of the deceased's investments. The certificate is proof of the estate trustee's authority.

An estate trustee does not always need a certificate. It depends upon what is in the estate and who the beneficiaries are.

A lawyer can advise on whether the estate trustee needs a certificate. In some parts of Ontario, it takes a long time to get a certificate. It is a good idea to ask a lawyer for advice early on, so that if a certificate is needed the delay is minimized.

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