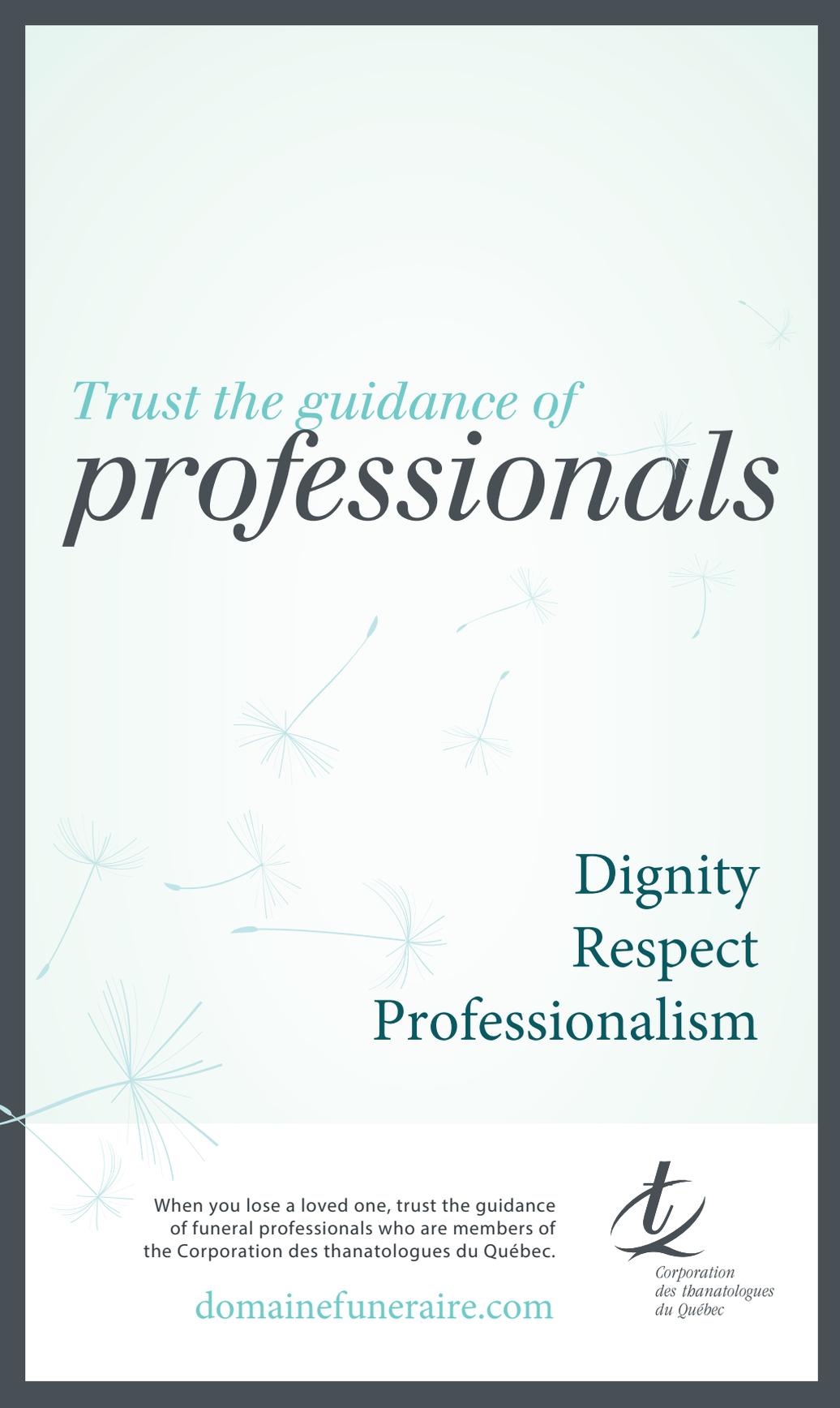


WHAT TO DO IN THE EVENT OF DEATH

20¹⁶₁₇ Edition





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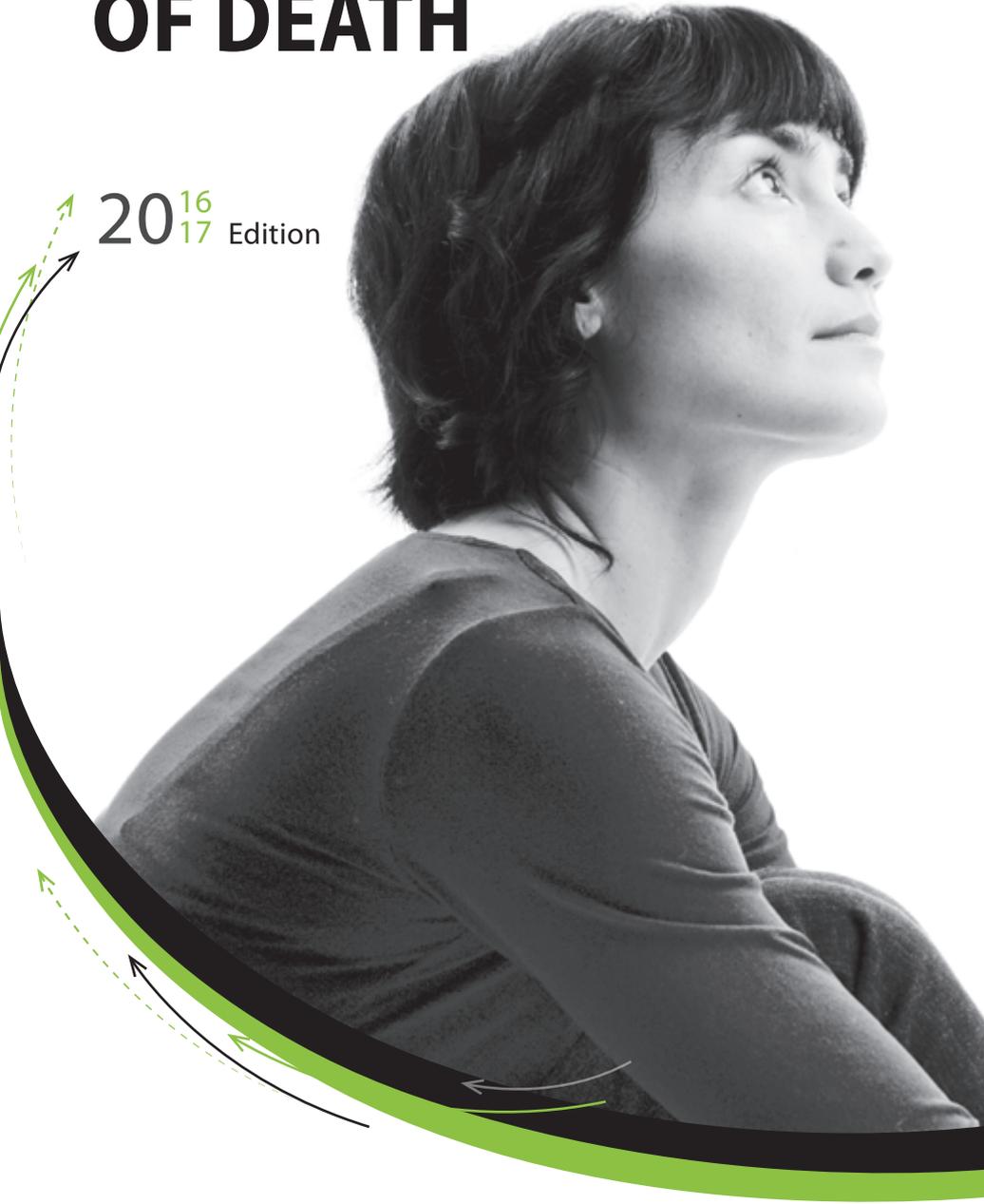


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WHAT TO DO

IN THE EVENT OF DEATH

20¹⁶₁₇ Edition





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The guide is also available for sale from Les Publications du Québec. To order three or more copies, call **1-800-463-2100** or go to www.publicationsduquebec.gouv.qc.ca.

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PREFACE



The death of a loved one is a difficult ordeal that requires the completion of a number of administrative steps. What do you need to do first? Are you entitled to survivors' benefits? What are the responsibilities of the liquidator of a succession?

You can find the answers in this guide, which is aimed at providing you with information about the main steps you have to take following a death. The document gives an overview of the obligations you have to fulfil and the deadlines if you are responsible for settling a succession. It also indicates how to contact government departments and bodies in order to apply for pensions, survivors' benefits and other amounts.

At the end of the guide, you will find a list of useful documents for settling a succession, a checklist of what to do in the event of a death and a list of definitions. Although the guide provides legal information, it does not cover exceptions and does not replace wise counsel from a notary or lawyer.

We invite you to consult the online version of the guide, at www.gouv.qc.ca. It provides additional information about the topics covered, along with online services and forms. You can even create a personalized itinerary enabling you to access a list of steps adapted to your situation.

For general information on programs and services offered by the Gouvernement du Québec, visit the Québec Portal at www.gouv.qc.ca or call Services Québec at **644-4545**, preceded by area code **418** for Québec or **514** for Montréal, or by **1-877** (toll free). You can also go to a Services Québec office in person.

We want to thank our colleagues at the government departments and bodies who contributed to the update of this publication.

Note concerning the *Application for the Simplified Forwarding of Information Relative to the Death*

As part of the formalities to be performed after a person's death, the funeral director will ask you to complete an *Application for the Simplified Forwarding of Information Relative to the Death* form. He or she will then forward it to the Directeur de l'état civil (DEC). The form authorizes the DEC to notify certain government departments and bodies of the person's death, on your behalf, by providing them with the necessary information concerning the death. It also saves you from having to provide proof of death. Please note that in order to receive pensions or benefits, you still have to file an application with the departments and bodies in question.

Note concerning the term "heir"

The term "heir" is used in a general sense in this guide. However, the *Civil Code of Québec* makes a distinction between a person who is entitled to inherit (successor) and a person who accepts a succession (heir). A person who receives a legacy by particular title is not considered to be an heir.

Note concerning de facto spouses

The *Civil Code of Québec* does not recognize a surviving de facto spouse as a legal heir. However, certain government programs make it possible for de facto spouses to receive benefits in the event of death. To find out the criteria for recognition of a de facto spouse, you need to check with each of the government departments and bodies concerned. As a rule, de facto spouses must have lived in a conjugal relationship for at least **three years** prior to the death of one of the spouses, or for **one year** if a child was born or will be born shortly of their union or if a child was adopted.

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PREPARING FOR DEATH



Contracts for prearranged funeral services and sepulture (burial/inurnment)

To avoid administrative steps and expenses for your family when you die, you can enter into a prearranged funeral services contract (embalming, viewing of the body, cremation, etc.) or a sepulture contract (regarding the site where your body or ashes will be placed in a cemetery, columbarium or mausoleum).

Persons who sell pre-purchased funeral services contracts or sepulture contracts must abide by certain rules, including the following:

- Abstain from any solicitation by telephone or in hospitals, seniors' residences, reception centres and similar institutions, unless an individual personally requests such solicitation
- Abstain from any solicitation of a person who is ill or his or her family or relatives, or a person who is bereaved

Only holders of a funeral director's permit or their representatives are authorized to negotiate and enter into prearranged funeral services contracts and sepulture contracts. Two separate contracts are required for prearranged funeral services and sepulture, and both contracts must be in writing. The seller must give you a copy of the contracts and send another copy to a person of your choice within **10 days** following the signing of the documents. This will ensure that at least one member of your family is aware of the arrangements you have made.

To find out whether the business providing the funeral services has a valid permit, see the directory of funeral directors on the website of the Ministère de la Santé et des Services sociaux, at www.msss.gouv.qc.ca/sujets/organisation/domaine-funeraire/directeurs-de-funerailles.

The cancellation conditions for prearranged funeral services and sepulture contracts may vary, depending on the nature of the contract and according to whether the contract was signed at the seller's place of business or elsewhere.

For more information, contact the Office de la protection du consommateur.

Website

www.opc.gouv.qc.ca

Telephone

Québec area: 418-643-1484

Montréal area: 514-253-6556

Elsewhere in Québec: 1-888-672-2556

Whole body donation to an educational institution

You may decide that, after your death, your body will be donated to an educational institution for training or research purposes. In Québec, five educational institutions are authorized to accept donated bodies: Université Laval, McGill University, Université de Sherbrooke, Université du Québec à Trois-Rivières and Collège de Rosemont.

If you wish to donate your body to science, you must fill out a donor card, sign it and have two witnesses aged 18 years or over countersign it. You must then carry it with you in your wallet, along with your ID cards. If you change your mind about donating your body, simply destroy your donor card.

To report the death of a person who has donated his or her body, inform the hospital personnel. If the person dies at home, telephone the general information desk at the Ministère de la Santé et des Services sociaux. Outside office hours, contact the funeral service provider designated by the chosen educational institution.

The educational institution may keep the donor's body for a period ranging from a few months to four years. The body is then cremated or buried in a private cemetery plot at no cost to the next of kin. If the donor's next of kin want to recover the body or ashes at the end of the study period, they must reach an agreement with the educational institution in the days following the death and, if applicable, pay the funeral expenses.

For more information about donating your body to an educational institution, contact Service des relations avec la clientèle at the Ministère de la Santé et des Services sociaux.

Website

<http://sante.gouv.qc.ca/programmes-et-mesures-daide/don-de-corps/demarche/>

Email

funeraire@msss.gouv.qc.ca

Telephone

Monday to Friday, from 8 a.m. to 8 p.m.

Québec area: 418-644-4545

Montréal area: 514-644-4545

Elsewhere in Québec: 1-877-644-4545 (toll free)

Teleprinter (TDD): 1-800-361-9596

Organ and tissue donation

If you want your organs or tissue to be donated when you die, it is important to inform your next of kin. Organ and tissue donation is a gesture of human and social solidarity and profound generosity. Various organizations work together to ensure that authorized health professionals have access at all times to the official list of people entered in the registers of consent to organ and tissue donation administered by the Régie de l'assurance maladie du Québec (RAMQ) and the Chambre des notaires du Québec.

REGISTERS OF CONSENT TO ORGAN AND TISSUE DONATION

To enter your consent in the register of consent to organ and tissue donation administered by the RAMQ, you must fill out the *Consent to Organ and Tissue Donation* form.

The form can be downloaded from the RAMQ website (www.ramq.gouv.qc.ca). You can also obtain the form by mail by calling the RAMQ. In addition, a copy is mailed to you automatically with your health insurance card renewal notice. Send your completed form to the RAMQ, which will enter your consent in the register.

To enter your consent in the register of consent to organ and tissue donation administered by the Chambre des notaires du Québec, you must ask your notary to record your consent when you draw up your will.

CONSENT STICKER

To indicate your consent, you can also sign the sticker on the flyer *Sign FOR LIFE!* and affix it to the back of your health insurance card, in the space provided at the bottom. The RAMQ sends you the *Sign FOR LIFE!* flyer with your new health insurance card. You can also order the flyer on the website of the Ministère de la Santé et des Services sociaux.

For more information, visit the *Signez DON!* website, at www.signezdon.gouv.qc.ca, or contact any of the following organizations:

TRANSPLANT QUÉBEC

Website

www.transplantquebec.ca

Email

info@transplantquebec.ca

Telephone

Anywhere in Québec: 1-855-373-1414

RÉGIE DE L'ASSURANCE MALADIE DU QUÉBEC

Website

www.ramq.gouv.qc.ca

Telephone

Québec area: 418-646-4636

Montréal area: 514-864-3411

Elsewhere in Québec: 1-800-561-9749

CHAMBRE DES NOTAIRES DU QUÉBEC

Regular mail

Bureau 600

1801, avenue McGill College

Montréal (Québec) H3A 0A7

Website

www.cnq.org

Telephone

Montréal area: 514-879-1793

Elsewhere in Québec: 1-800-263-1793

Wills

CONDITIONS FOR MAKING A WILL

You must be at least 18 years of age and of sound mind to make a will. That means that a person under curatorship may not draw up a will. However, if you are under 18, you may draw up a will to bequeath property of little value. As for wills made by persons under tutorship, the court may determine their validity. A person's capacity to make a will is assessed at the time of the making of the will. The person must be free from any pressure, threat or constraint. If the person requires assistance from an advisor, this does not alter his or her ability to make a will.

In Québec, individuals are responsible for making their own will. A couple, for instance, may not make a joint will. However, a "surviving spouse" clause in a marriage or civil union contract has much the same effect as a notarial will.

Before you draw up a will, you should make a written inventory of your property (house, cottage, savings bonds, etc.) and your debts (mortgage, loans, etc.). A complete and dated inventory will be extremely helpful for the person or persons responsible for settling your succession. If you have property of a certain value or the transfer of which may have tax implications (for example, an RRSP), you may wish to consult a financial advisor before making your will.

A will is an official document that enables you to choose your heirs and the way in which your property will be distributed among them upon your death. If you do not make a will, your property will be distributed among your legal heirs, that is, your spouse (the person with whom you are married

or in a civil union, but not a de facto spouse), your children and your close relatives. In the absence of a will, your legal heirs and how your property will be distributed among them will be determined on the basis of the *Civil Code of Québec*.

You can also indicate in your will the name(s) of the liquidator(s) of your succession and the replacement method to be used if the liquidator is unable to fulfil his or her duties. You can also stipulate that the liquidator is to be remunerated, even though the liquidator is entitled to the reimbursement of expenses incurred in the course of his or her duties.

In anticipation of your death, you may designate a person who will become the tutor of your child, if the child is under 18 years of age. For more information, see the "Tutor to a Minor" section.

TYPES OF WILLS

When you draw up your will, you can choose between three different types of wills, namely, a notarial will, a holograph will or a will made in the presence of witnesses.

You can revoke or modify your will at any time. For instance, you can modify it after a divorce. If you have opted for a notarial will, your notary may advise you to add a codicil or to draw up a new will. Only the most recent will is legally valid.

A notarial will is the only type of will that does not have to be probated upon a person's death. Holograph wills and wills made in the presence of witnesses, including those made by a lawyer, must be probated by a notary or the court (a process called "homologation"), and the succession is responsible for paying the related fees. For the procedure,

see “Probate of a Will” in the “Steps in Settling a Succession” section of this guide.

Probating a will that has not been notarized delays the liquidation of the succession, as the liquidator must await the court’s judgment or the notary’s minutes of the probate before he or she can continue with his or her duties.

NOTARIAL WILL

A notarial will is subject to more formalities than the two other types of wills. A notary must draft the content and read it in the presence of the testator. The testator may be alone or in the presence of a witness or, in certain cases (for example, if the testator is blind), two witnesses. The will must indicate the date and place where it was made. Once the will has been read, it must be signed by the testator, the notary and the witness or witnesses, in each other’s presence.

A notarial will has many advantages. There is no risk of its being lost or stolen, since the notary keeps the original document in his or her register and enters the will in the registers of wills and mandates of the *Chambre des notaires du Québec*. The advice of a notary can be very useful for ensuring your will complies with the law and reflects your wishes. A notarial will takes effect upon the testator’s death and does not have to be probated.

There is no legal obligation to read a notarial will to the heirs after the testator’s death. However, doing so has many advantages, since the notary can answer

the heirs’ questions and explain to the liquidator his or her duties. Therefore, wills often contain a clause stipulating that they must be read out loud.

HOLOGRAPH WILL

A holograph will is the simplest form of will. It costs nothing and may contain only a few lines. A holograph will must be written entirely by hand and signed by the testator. It cannot be drawn up using a computer or form. No witnesses are required for this type of will. It is preferable to date the document; if the testator makes more than one will, the date will make it easy to identify the most recent one. If you make a holograph will, make sure that someone you trust knows where you keep it.

WILL MADE IN THE PRESENCE OF WITNESSES

Like a holograph will, a will made in the presence of witnesses is a document you draw up yourself. You can write it by hand or using a computer. You can also have it prepared by someone else. In all cases, you must declare in the presence of two witnesses aged 18 or over that the document is indeed your will, and sign it. The witnesses must not be your heirs. You are not required to divulge your will’s content to the witnesses. As soon as you have signed the will, your witnesses must sign it.

In the case of a will written by hand by a third party or using a computer, you and your witnesses must sign or initial each page. As in the case of a holograph will, be sure to tell someone you trust where the will is kept. You can also entrust it to

a notary or lawyer, who will enter it in the registers of wills and mandates.

A will prepared and drafted by a lawyer is deemed to be a will made in the presence of witnesses. Therefore, even if the lawyer has entered it in the registers of wills and mandates of the Barreau du Québec, it has to be probated by a notary or the court after your death.

“SURVIVING SPOUSE” CLAUSE IN A MARRIAGE OR CIVIL UNION CONTRACT

Some marriage or civil union contracts contain provisions that are applicable in the event of death. A clause can thus provide for the transfer of specific property or all of the property of a person to his or her spouse upon the person’s death. For example, a “surviving spouse clause” (as it is commonly known) enables the surviving spouse to receive all of the deceased spouse’s property.

Note

For more information, see the brochure *My Will* published by the Ministère de la Justice, which explains the different types of wills and contains a template. You can purchase the brochure at sales outlets of Les Publications du Québec, by calling **418-643-5150** or **1-800-463-2100** (toll free) or by placing an online order at **www.publicationsduquebec.gouv.qc.ca**. You can also purchase the brochure in certain bookstores. It is preferable not to use other will templates sold in stores or online, as they do not always take into account the legislation in force in Québec.

For additional information, contact the Ministère de la Justice.

Website
www.justice.gouv.qc.ca

Telephone
Québec area: 418-643-5140
Elsewhere in Québec: 1-866-536-5140

Power of attorney, mandates, etc.

A power of attorney, protection mandate (formerly known as a “mandate in case of incapacity”) or other mandate ends on the death of the person concerned. The person’s death also ends curatorship or tutorship, if applicable. Therefore, when a person for whom you have power of attorney dies, you may no longer use the power of attorney for banking or other purposes.

Tutor to a minor

If you are the parent of a child under 18 years of age, you are automatically the child's legal tutor. In anticipation of your death, you may designate a person who will become the tutor of your minor child in the following situations:

- You and the child's other parent die at the same time.
- The other parent is unable to assume the child's tutorship upon your death.
- The other parent is already deceased upon your death.
- The other parent has been deprived of parental authority.

You can designate a tutor in three different ways: by naming the person in your will, by naming the person in your protection mandate (formerly known as a "mandate in the case of incapacity") or by completing the *Declaration of Dative Tutorship* form, available on the website of the Curateur public du Québec.

A tutor to a minor is responsible for assuming parental authority for the child, that is, ensuring the child's protection, seeing to the child's education and well-being, administering the child's patrimony, and exercising the child's civil rights until the child turns 18, is fully emancipated or dies.

For more information, contact the Curateur public du Québec.

Regular mail

Curateur public du Québec
600, boulevard René-Lévesque Ouest
Montréal (Québec) H3B 4W9

Website

www.curateur.gouv.qc.ca

Telephone

Montréal area: 514-873-4074
Elsewhere in Québec: 1-800-363-9020

DECLARATION AND REGISTRATION OF DEATH

Attestation of death and declaration of death

All deaths that occur in Québec must be declared to the Directeur de l'état civil (DEC). The DEC then prepares an act of death and enters it in the Québec register of civil status.

The DEC prepares the act of death based on:

- The attestation of death, completed by the physician who attests the death
- The declaration of death, completed by the declarant (the person who declares the death — for example, a family member of the deceased) and the funeral director

To declare **a death that occurs outside Québec**, see the section “Insertion of an Act of Death Issued Outside Québec into the Québec Register of Civil Status”, below.

ONLINE DECLARATION OF A DEATH

On behalf of the family of the deceased, certain funeral directors can submit an online declaration of death and an

Application for the Simplified Forwarding of Information Relative to the Death to the DEC. This online service, which can also be used to obtain a death certificate or a copy of an act of death at a reduced fee, speeds up the processing of the file.

SIMPLIFIED FORWARDING OF INFORMATION RELATIVE TO A DEATH

The *Application for the Simplified Forwarding of Information Relative to the Death* form (attached to the declaration of death form) enables the declarant to notify a number of government departments and bodies of a person's death in a single step, through the DEC. Forwarding of this information means that the family of the deceased or the liquidator of the succession do not have to provide the departments and bodies in question with proof of death. The family or liquidator may, however, have to contact certain departments and bodies in order to benefit from programs and services, terminate benefits or complete other formalities related to the death. The family or liquidator must also verify whether any other steps need to be completed for other government departments or bodies.

The following government departments and bodies will be notified (or can be notified, depending on answers provided by the declarant in the form):

- Commission des normes, de l'équité, de la santé et de la sécurité du travail
- Contrôleur des armes à feu du Québec
- Curateur public du Québec
- Ministère de la Santé et des Services sociaux – Direction des affaires autochtones
- Ministère du Travail, de l'Emploi et de la Solidarité sociale – Social Assistance Program and Social Solidarity Program
- Ministère du Travail, de l'Emploi et de la Solidarité sociale – Québec Parental Insurance Plan
- Régie de l'assurance maladie du Québec
- Retraite Québec – Québec Pension Plan and child assistance measure
- Retraite Québec – public sector pension plans (RREGOP, RRPE, etc.)
- Régie du bâtiment du Québec
- Société de l'assurance automobile du Québec
- Indigenous and Northern Affairs Canada (formerly Aboriginal Affairs and Northern Development Canada)
- Canada Revenue Agency
- Service Canada (under the responsibility of Employment and Social Development Canada)

Death certificate and copy of an act of death

DEATH CERTIFICATE

A death certificate contains the main information appearing on the act of death, namely, the deceased's name and sex, date of birth and date and place of death, as well as the registration number and date of issue of the certificate.

COPY OF AN ACT OF DEATH

A copy of an act of death reproduces all of the information contained in the act of death, including the deceased's name, sex, date and place of birth, date and place of marriage or civil union, the name of the deceased's spouse, the name of the deceased's parents, and the date on which the copy of the act of death was issued.

The purpose of these documents is to confirm that the death has been entered in the Québec register of civil status. The language in which the documents are written is the same as that used when the death was entered in the register. The death certificate and copy of the act of death are used to settle successions and terminate access to government programs. They also determine the start date for the payment of pensions, annuities and other survivors' benefits.

Once the death has been entered in the Québec register of civil status, a death certificate or copy of the act of death may be requested. Only civil status documents issued by the Directeur de l'état civil are legally recognized as proof of death and allow the liquidator of the succession to complete various formalities related to settling the succession.

The following persons can request civil status documents regarding someone who is deceased:

- The father and mother of the deceased
- The deceased's children whose birth certificates show the name of the deceased
- The brothers and sisters of the deceased
- The deceased's spouse (by marriage or civil union)
- The declarant (person who declared the death)
- The funeral director or his or her authorized representative

Note

Only the persons named in the act of death and persons who justify their interest (the persons indicated above, the liquidator of the succession, etc.) may request a death certificate or a copy of the act of death.

During the succession settlement process, various government departments or bodies will require proof of death. It is therefore a good idea to ask them which documents are required.

HOW TO APPLY FOR A DEATH CERTIFICATE OR A COPY OF AN ACT OF DEATH

Online

You can apply for a death certificate or a copy of an act of death online, via the *DEClic!* service available on the Directeur de l'état civil (DEC) website (www.etatcivil.gouv.qc.ca). You need a clicSÉCUR ID to use this online service.

If the funeral director completes the declaration of death and sends it to the DEC using the online service for funeral directors, he or she can also use the service to request a death certificate or a copy of the act of death on your behalf.

By regular mail

Complete the *Application for a Certificate or a Copy of an Act – Death* form, available in dynamic PDF format on the DEC website. You can also obtain a copy of the form at a Services Québec office or service counter.

In person

At a service counter

Complete the *Application for a Certificate or a Copy of an Act – Death* form, and submit it in person, along with your payment, at a DEC service counter in Québec or Montréal, or at a Services Québec office that offers DEC services.

DEClic! Comptoir

The DEClic! Comptoir service is available at DEC service counters in Québec and Montréal and at certain Services Québec offices that offer DEC services. Use one of the computer stations at the office to apply for a death certificate or a copy of an act of death. You can ask an attendant to help you complete your online application. Remember to take valid photo ID with you, as well as proof of your home address. To find out the location of the nearest office, contact Services Québec at **1-877-644-4545**.

Processing time

In order for civil status documents to be issued, the death must first be entered in the Québec register of civil status. Once the application for documents has been submitted, you can expect to receive the documents in about **10 business days** if you specify normal processing and **three business days** if you specify accelerated processing. In the latter case, you will have to pay an additional fee.

Processing times may be longer in certain situations — for example, if your application is incomplete or the death occurred recently and has not yet been entered in the Québec civil status register. To check the processing status of your application for a death certificate or a copy of an act of death submitted via the DEClic! online service, you need to give your application number.

Insertion of an act of death issued outside Québec into the Québec register of civil status

If a family member who was a resident of Québec has died outside Québec, you can request that the deceased's act of death issued outside Québec be inserted into the Québec register of civil status. This formality can facilitate settlement of the succession and is free of charge.

You must complete the *Application for Insertion of an Act of Civil Status Made Outside Québec in the Québec Register of Civil Status* form and send it to the Directeur de l'état civil (DEC), along with the documents specified on the form, including the original document certifying the death issued by the officer of civil status of the country or province in which the death took place.

If the documents submitted are written in a language other than French or English, you must enclose the original of a French translation done or certified true by a member of the Ordre des traducteurs, terminologues et interprètes agréés du Québec.

For more information, contact the DEC.

Regular mail or in person

2535, boulevard Laurier
Québec (Québec) G1V 5C6

In person

2050, rue De Bleury
Montréal (Québec) H3A 2J5

Website

www.etatcivil.gouv.qc.ca

Email

etatcivil@dec.gouv.qc.ca

Telephone

Québec area: 418-644-4545
Montréal area: 514-644-4545
Elsewhere in Québec: 1-877-644-4545
Teleprinter (TDD): See page 58.

Disappearance of a person and declaratory judgment of death

By virtue of the *Civil Code of Québec*, a person is deemed absent if he or she, although still a resident of Québec, has ceased to be seen at home, has not been heard from by anyone and is not known to be still alive. The person is presumed to be alive during the seven years that follow his or her disappearance, unless his or her death is proven during that period.

A member of your family may disappear in various ways: through kidnapping, running away, illness, a natural disaster, murder or suicide. In the person's absence, you may request that the court open a tutorship to the absentee in order to administer the person's property and exercise the person's rights.

Generally speaking, the Superior Court can hand down a declaratory judgment of death once seven years have elapsed from the date of the person's disappearance. The judgment may also be handed down before this time limit when it is certain that the person has died without it being possible to draw up an attestation of death. The declaratory judgment of death is sent to the Directeur de l'état civil (DEC) so that the necessary information can be entered in the Québec register of civil status. After that, you may request a death certificate or a copy of the act of death in order to settle the person's succession.

The DEC can also draw up the act of death of a missing person when a court has found someone guilty of acts causing the missing person's death or the disappearance of the missing person's body.

Coroner's investigation and public inquest

A physician or a police officer may ask the coroner to establish the probable causes and circumstances of a death in situations such as the following:

- A person has died in violent or mysterious circumstances (accident, suicide, murder) or as a result of neglect.
- The identity of the deceased cannot be established.
- The cause of death is unknown.
- The death occurred in an establishment such as a rehabilitation centre, a penitentiary or a daycare centre.

The coroner may undertake an investigation or, more exceptionally, order a public inquest. An investigation is a private process during which the coroner is temporarily responsible for the body of the deceased, with a view to establishing the deceased's identity and, if necessary, ordering scientific analyses (autopsy, toxicological analyses, etc.). When the body is no longer required for examination purposes, the coroner generally entrusts it to the funeral home chosen by the family. If there is a problem regarding the death, the chief coroner may order a public inquest.

Following an investigation or a public inquest, the coroner submits a report specifying the probable causes and the circumstances of the death. If need be, the coroner also makes recommendations aimed at preventing other deaths under similar circumstances. The coroner's report is public. Anyone may obtain a copy upon request.

For more information, contact the Bureau du coroner.

Regular mail

Édifice Le Delta 2, bureau 390
2875, boulevard Laurier
Québec (Québec) G1V 5B1

Website

www.coroner.gouv.qc.ca

Telephone

Anywhere in Québec: 1-888-CORONER
(1-888-267-6637)

STEPS IN SETTLING A SUCCESSION

Search for a will

To settle a succession, you must first find out whether the deceased left a will. If there is a will, you have to make sure that it is the most recent one. You then have to check the will to see whether the deceased appointed a liquidator of the succession, as it is up to the liquidator to perform the duties involved in settling the succession.

If you find a holograph will, a will made in the presence of witnesses or a will drawn up by a lawyer, the document will have to be probated by a notary or the court. See the “Probate of a Will” section, below.

If the deceased was bound by a marriage or civil union contract, certain clauses could have the same effect as a will.

In all cases, even if you have not found a will, you must submit requests for a will search to both of the following bodies, which will send you the will search certificates required for liquidating the succession:

- Barreau du Québec
- Chambre des notaires du Québec

Requests for a will search enable you to know which is the most recent will recorded in the registers of wills and mandates of the Barreau du Québec and the registers of testamentary provisions and mandates of the Chambre des notaires du Québec.

SUBMITTING A REQUEST FOR A WILL SEARCH TO THE BARREAU DU QUÉBEC

To submit your request for a will search to the Barreau du Québec, complete the form *This Search Request is to be Used by the Public*, accessible in the “For the Public” section of the Barreau du Québec website (www.barreau.qc.ca). You can also obtain a copy of the form at most funeral homes.

You can submit your request for a will search online or by mail:

Online

- Complete the form, scan the original of the **death certificate** or **copy of the act of death** issued by the Directeur de l'état civil, and submit the scanned document (PDF, JPEG or GIF file only) along with your completed form. Payment is by Visa or MasterCard.

By mail

- Complete and sign the form and attach the **original of the death certificate** or **copy of the act of death** issued by the Directeur de l'état civil. If you also submit a photocopy of the document, the original document will be returned to you. Payment is by Visa or MasterCard, or by certified cheque or postal money order made out to the Barreau du Québec (to be submitted along with your form, document and, if applicable, photocopy).

The will search certificate will be mailed to you within **21 days** of receipt of your request. It indicates whether or not a will has been entered in the registers of wills and mandates of the Barreau du Québec. If the answer is positive, you will be provided with the contact information for the lawyer who holds the document.

SUBMITTING A REQUEST FOR A WILL SEARCH TO THE CHAMBRE DES NOTAIRES DU QUÉBEC

You must also submit a request for a will search to the Chambre des notaires du Québec. The form (*Request for a Search of Will for Public*) is available at most funeral homes. It is also available on the Chambre des notaires du Québec website (www.cnq.org): Click "La Chambre", "Recherche aux registres des testaments et mandats", "Faire une demande de recherche de testament" and then "Will Search Request – Reserved for the Public".

To submit your request for a will search to the Chambre des notaires du Québec:

By mail

- Complete the form onscreen, print it and sign it. You can also print the form, complete it by hand and sign it.
- Attach the **original of the death certificate** or **copy of the act of death** issued by the Directeur de l'état civil. If you also submit a photocopy of the death certificate or copy of the act of death, the original document will be returned to you.

- Submit your completed and signed form, document and, if applicable, photocopy, along with your payment (by credit card or postal money order) to the Registres des dispositions testamentaires et des mandats (registers of testamentary provisions and mandates) at the Chambre des notaires du Québec.

The will search certificate will be mailed to you within **21 days** of receipt of your request. For faster service, an additional fee is charged. If the will is entered in the registers, you will be provided with the contact information for the notary who holds the document.

For more information, contact the Barreau du Québec or the Chambre des notaires du Québec.

BARREAU DU QUÉBEC

Registers of Wills and Mandates

Regular mail

Maison du Barreau
445, boulevard Saint-Laurent
Montréal (Québec) H2Y 3T8

Website

www.barreau.qc.ca

Email

information@barreau.qc.ca

Telephone

Montréal area: 514-954-3411
Elsewhere in Québec: 1-800-361-8495,
extension 0

CHAMBRE DES NOTAIRES

Regular mail

Registres des dispositions
testamentaires et des mandats
Bureau 600

1801, avenue McGill College
Montréal (Québec) H3A 0A7

Website

www.cnq.org

Email

registres@cnq.org

Telephone

Montréal area: 514-879-2906
Elsewhere in Québec: 1-800-340-4496

Probate of a will

If the deceased left a notarial will, it is not necessary to have it probated. If the deceased left a holograph will or a will made in the presence of witnesses (even if it was made before a lawyer), the will must be probated by a notary or the court for its validity to be recognized. You can ask a notary or a lawyer to take the necessary steps on your behalf, or you can take them yourself.

If you want the will to be probated by the court, you must file a request with the courthouse in the judicial district where the deceased resided or, if the deceased did not reside in Québec, the courthouse in the judicial district where the person died or left property.

You must also submit the following documents to the court:

- The original will
- A copy of the act of death issued by the Directeur de l'état civil
- A sworn statement by:
 - » yourself
 - » one of the witnesses, in the case of a will made in the presence of witnesses
 - » a person who can recognize the signature and handwriting of the deceased, in the case of a holograph will
- A notice of presentation
- Proof that the notice of presentation was received by the successors and interested persons

The brochure *Application for the Probate of a Will*, published by the Ministère de la Justice, provides useful information and a template for preparing an application. You can purchase it at a sales outlet of Les Publications du Québec, by calling **418-643-5150** or **1-800-463-2100**

(toll free), or order it online at www.publicationsduquebec.gouv.qc.ca. The brochure is also available in certain bookstores.

For more information, contact the Ministère de la Justice (contact information provided on page 6).

Succession in the absence of a will

If the deceased did not make a will, or was married or in a civil union and had a marriage or civil union contract with no "surviving spouse" clause, the succession is liquidated in accordance with the *Civil Code of Québec*.

The following situations are also considered successions in the absence of a will:

- The will is not valid.
- The will does not cover the property of the deceased.

In the case of a succession in the absence of a will, a declaration of heredity may be drafted by a notary. This official document lists the heirs, who, in most cases, are:

- The surviving spouse to whom the deceased was still married or in a civil union, or from whom the deceased was separated, without being divorced or without the civil union being dissolved
- Individuals related to the deceased by blood or adoption, in accordance with the rules of the *Civil Code of Québec*

The following persons are not considered by law to be heirs, unless their name appears in the will: de facto spouses (regardless of the number of years of the de facto union), brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law.

If there are no heirs, the state receives the deceased's property and Revenu Québec administers the succession.

Note

See the “Successions” section of the Ministère de la Justice website (www.justice.gouv.qc.ca) for a detailed table showing how the property of a person who dies without a will is distributed.

Liquidating a succession

LIQUIDATOR OF A SUCCESSION

Generally speaking, the liquidator of a succession is named in the will. If a liquidator has not been named or there is no will, the responsibility for liquidating the succession falls to the heirs. If there is only one heir, he or she may accept to serve as the liquidator of the succession. If there are several heirs, they may appoint a liquidator among themselves by a majority decision or entrust the responsibility to an outside person, such as a notary.

If you are named as the liquidator of the succession and there is more than one heir, you may refuse this responsibility. You should do so in writing. Your replacement must be chosen using the method provided for in the will.

The liquidator of the succession is entitled to remuneration if he or she is not an heir. If the liquidator is an heir, he or she may be remunerated if the will so specifies or if all of the heirs agree to the remuneration. If there is no remuneration provision in the will, remuneration is up to the heirs or, if they disagree, the court. In all cases, you are entitled to reimbursement of the reasonable expenses that you incur in settling the succession.

If you have been named liquidator of a succession and you accept this responsibility, you will have to administer the deceased's property and settle the succession. If the succession includes immovables (land, house, apartment building, etc.), you must consult a notary. The notary will draft the declaration of transmission to an heir and enter it in the Québec land register. If there is no will, marriage contract or civil union contract, you may want to consult a notary in order to obtain a declaration of heredity. This will help you identify the successors. You may also ask an accountant to help you with certain decisions.

The *Civil Code of Québec* imposes certain obligations with regard to the settling of a succession. The liquidator of the succession must ensure that the following information is entered in the *Registre des droits personnels et réels mobiliers* (register of personal and movable real rights – RDPRM):

- The **name of the liquidator** or, if applicable, the liquidator's replacement (this initial entry in the RDPRM renders public the identity of the liquidator)
- The **closure of the inventory** (this entry confirms that the succession inventory has been completed)
- The **closure of the liquidator's account** (this entry confirms the end of liquidation of the succession)

For more information, see the document *Le règlement d'une succession et le Registre des droits personnels et réels mobiliers (RDPRM)* in the “Publications utiles” section of the RDPRM website (www.rdprm.gouv.qc.ca).

You must liquidate the succession within a reasonable amount of time. If the liquidation takes more than one year, at the end of the first year you must submit a report on your administration of the deceased's property to the heirs, unpaid creditors and legatees by particular title. Subsequently, you must submit a report at least once a year. The main steps in liquidating a succession are described below.

MAIN STEPS IN LIQUIDATING A SUCCESSION

1. Obtain the official documents (death certificate or copy of the act of death issued by the Directeur de l'état civil, marriage or civil union contract).
2. Conduct a search for the will (obtain will search certificates from the Chambre des notaires du Québec and the Barreau du Québec), and have the document probated if it was not made before a notary.
3. Identify the successors and contact them during the settling of the succession.
4. Enter the notice of appointment of liquidator or, if applicable, the notice of replacement of liquidator in the Registre des droits personnels et réels mobiliers (RDPRM).
5. Inform the federal and provincial governments, financial institutions and service providers of the person's death (credit cards, debit cards, etc.).
6. Make an inventory of the succession's property and debts, publish the notice of closure of inventory in the RDPRM and have it published in a newspaper appearing in the last known place of residence of the deceased.
7. Open a bank account in the name of the succession.
8. Settle the rights of the legal spouse (family patrimony, matrimonial regime, compensatory allowance, support payments, etc.).
9. Recover any amounts owed to the deceased (wages, benefits, pensions) and pay his or her debts as well as those of the succession (rent, rights of the spouse in the family patrimony, property taxes, credit cards, etc.).
10. File the deceased's income tax returns with Revenu Québec and the Canada Revenue Agency and obtain authorization to distribute the property (Québec) and a clearance certificate (Canada).
11. Distribute the legacies by particular title, property and money to the heirs according to the clauses of the will or, if there is no will, in accordance with the law.
12. Notify the Curateur public du Québec if a person under 18 years of age receives an inheritance worth more than \$25,000.
13. Submit the final account of the succession and publish the notice of closure of the liquidator's account in the RDPRM.

The following documents are provided at the end of this guide to help you fulfil your duties as the liquidator of a succession:

- List of useful documents for the settlement of a succession (see page 50)
- Checklist: Steps to complete following a death (see page 53)
- Useful definitions (see page 59)

END OF LIQUIDATION OF A SUCCESSION AND DISCHARGE OF THE LIQUIDATOR

Liquidation of the succession is complete when one of the following conditions is met:

- The known creditors and legatees by particular title have been paid; or payment of the debts and legacies has been settled in another way or taken over by the heirs or legatees by particular title.
- The assets are exhausted (which means that there is no more value to distribute).

Following acceptance of the liquidator's final account, the liquidator is discharged of his or her administration and distributes the property to the heirs. Before doing so, he or she must obtain a certificate of authorization of distribution of the property of the succession from Revenu Québec and a clearance certificate from the Canada Revenue Agency.

Accepting or refusing a succession

If the deceased has named you as an heir, you can accept or refuse the succession. Before making a decision, you should wait until the liquidator has published the notice of closure of inventory in the *Registre des droits personnels et réels mobiliers* (RDPRM). This will allow you to:

- Know whether the deceased's debts exceed the value of the property bequeathed
- Find out about the existence of previously unknown property or creditors

The deadline for accepting or refusing a succession is the latest of the following dates:

- **Six months** following the date of person's death
- **60 days** following the date of publication of the notice of closure of inventory in the RDPRM

The deadline is automatically extended for as long as required so that you have **60 days** to make your decision as of the liquidator's publication of the notice of closure of inventory in the RDPRM.

If you accept the succession, you must inform the liquidator. Generally speaking, you cannot subsequently change your decision.

Even if you have not yet formally accepted the succession, certain actions or omissions can entail acceptance, including the following:

- Using property in the succession as if it were personal property
- Failing to renounce the succession within the prescribed time period
- Exempting the liquidator from making an inventory (in this case, the heirs are obliged to pay the debts of the succession, even if they exceed the value of the property inherited)
- Liquidating the succession without following the rules of the *Civil Code of Québec*

If all of the successors are in agreement, certain actions do not entail formal acceptance of the succession, including the following:

- Distribution of the clothing, personal papers, medals, diplomas and family mementos of the deceased
- Sale, donation to a charity or division among the successors of perishables
- Sale of property that is expensive to keep or liable to depreciate quickly

If you refuse the succession, you must sign a renunciation before a notary or make a declaration that will be accepted by a judge. It will be published in the RDPRM. You cannot refuse the succession if you have done something that entails acceptance of the succession.

Even if you have accepted the succession, you are considered to have renounced it if, acting in bad faith, you misappropriate succession property for your own benefit, conceal property or fail to report property to the liquidator.

Life insurance of the deceased

The proceeds of a life insurance policy for which a beneficiary is expressly named are not part of a succession. Subject to certain conditions, you can search for an insurance policy on the website of the OmbudService for Life & Health Insurance, at www.olhi.ca.

Family patrimony

If you are married or in a civil union and reside in Québec, you are a legal spouse and, almost without exception, are subject to the provisions of the *Civil Code of Québec* regarding family patrimony. If you are the legal spouse of the deceased, you should be aware that the provisions of the *Civil Code of Québec* regarding family patrimony take precedence over wills and any testamentary clauses in marriage or civil union contracts, but do not invalidate them.

In principle, you should receive half of the partitionable value of the family patrimony, but not the property itself. You may not waive your rights regarding the family patrimony before the death of your spouse, and a will cannot circumvent the rules regarding family patrimony.

If the will does not comply with the family patrimony rules, the value of the half of the family patrimony to which you are entitled as the surviving legal spouse must be deducted from the property bequeathed to the heirs. The value of the remaining half of the family patrimony and any other property of the succession are then distributed according to the testator's wishes.

Matrimonial or civil union regime

If you are the liquidator of the succession of a person who was married or in a civil union, you must first settle the partition of the family patrimony and then settle the liquidation of the matrimonial or civil union regime, before you liquidate the succession.

To determine the matrimonial or civil union regime to which the couple is subject, consult the marriage or civil union contract. By virtue of the current rules, if there is no marriage or civil union contract, the partnership of acquests regime applies. However, in the case of persons married without a marriage contract before 1970, the regime of legal community applies (unless the spouses subsequently entered into a marriage contract).

For more information about family patrimony and matrimonial or civil union regimes, go to the Ministère de la Justice website, at www.justice.gouv.qc.ca.

Copy of a marriage or civil union contract

If you cannot find the deceased's marriage or civil union contract, you can ask the notary before whom the contract was signed (or his or her successor) to provide you with a copy.

To find the notary before whom the contract was signed, contact:

- The Bureau de la publicité des droits (publication of rights office) in the registration division where the marriage was solemnized, if the marriage was solemnized before July 1, 1970

- The Registre des droits personnels et réels mobiliers (RDPRM) if the marriage was solemnized on or after July 1, 1970, or in the event of a civil union

If you are unable to contact the notary who holds the original of the contract, the Chambre des notaires du Québec can help you with your search.

For more information, contact the RDPRM or the Chambre des notaires du Québec.

REGISTRE DES DROITS PERSONNELS ET RÉELS MOBILIERS

Website

www.rdprm.gouv.qc.ca

Telephone

Québec area: 418-646-4949

Montréal area: 514-864-4949

Elsewhere in Québec: 1-800-465-4949

CHAMBRE DES NOTAIRES

Regular mail

Chambre des notaires

Bureau 600

1801, avenue McGill College

Montréal (Québec) H3A 0A7

Website

www.cnq.org

Telephone

Montréal area: 514-879-1793

Elsewhere in Québec: 1-800-263-1793

Authorization to distribute the property of a succession

If you are the liquidator of a succession, before distributing the deceased's property, you must notify Revenu Québec of your intention to do so and obtain a certificate authorizing the distribution of the property. You must complete the *Notice Before Distribution of the Property of a Succession* form (MR-14.A-V) and send it to Revenu Québec along with the documents indicated below, as soon as the value of the deceased's property and the amount of his or her debts are known. Generally speaking, you must submit the following documents along with the form:

- An official document certifying the death (such as the death certificate)
- Both will search certificates (one of them obtained from the Chambre des notaires du Québec and the other from the Barreau du Québec)

The following document or documents:

- » if the deceased left a notarial will, a certified copy of the will and any related codicil
- » if the deceased left a holograph will or a will made in the presence of witnesses, a certified copy of the will signed by a clerk of the court or a notary, and a certified copy of the judgment probating the will or the minutes of the probate

Before you can distribute the property of the succession, all tax returns for the deceased must be filed, all related notices of assessment must be received, and all amounts due must be paid.

You may pay the funeral and related expenses (cost of publishing the death notice in a newspaper, flowers, etc.) and urgent or absolutely essential expenses up to \$12,000 before you send the *Notice Before*

Distribution of the Property of a Succession form (MR-14.A-V) to Revenu Québec.

If you distribute the property of the succession before obtaining the authorization certificate from Revenu Québec, you will be held personally liable for payment of the amounts due, up to the value of the property distributed. If you have obtained the certificate authorizing the distribution of property, the heirs will be liable for any amounts owed to Revenu Québec.

Income tax returns for the deceased

If you are the liquidator of a succession, you must file the deceased's income tax return for the year in which the death occurred. You must clearly indicate that the return is for a deceased person. Special rules set the deadlines for filing income tax returns further to a death, and it is up to you to check the applicable deadline based on the date of death.

PRINCIPAL RETURN

In the principal return, you must indicate all of the income earned by the person up to the date of death, regardless of whether or not the amounts were received during the person's lifetime. This income includes interest, rent, royalties, annuities, wages and salaries accumulated daily in equal amounts during the period in which they were payable.

SEPARATE RETURNS

In some cases, in addition to the principal return, you may choose to file up to three separate returns for the year of death. This allows you to split the income of the deceased and, as a result, reduce or bring down to zero the amount of income tax payable on the deceased's behalf.

Separate returns can be filed to report:

- The value of rights and property of the person at the time of death (that is, income that the person was entitled to receive but had not yet received at the time of death)
- Income from a testamentary trust
- Income from a partnership or sole proprietorship

TRUST INCOME TAX RETURN

In your capacity as liquidator, you are also responsible for filing the income tax return of the succession if the succession earned any income. For this purpose, you must complete the *Trust Income Tax Return* form (TP-646-V).

However, you do not have to file a trust income tax return if:

- The death benefit paid by Retraite Québec is the only income that would be indicated on the return. In that case, the death benefit must be included in the tax return of the succession's beneficiary or beneficiaries.
- The succession did not generate any income (interest, rental income, etc.) before the property was distributed to the heirs.

Note

Revenu Québec provides information on your tax obligations in the event of death, under "Common Situations" in the "Citizens" section of its website (www.revenuquebec.ca). The website also contains a link to the brochure entitled *Estates and Taxation* (IN-313-V), intended for individuals who assume the responsibility for settling a succession. For additional details, consult the *Guide to Filing the Income Tax Return of a Deceased Person* (IN-117-V) and the *Guide to Filing the Trust Income Tax Return* (TP-646.G-V).

For more information, contact Revenu Québec.

Regular mail

Montréal, Laval, Laurentides, Lanaudière and Montérégie

Direction principale des relations avec la clientèle des particuliers
Revenu Québec
C. P. 3000, succursale Place-Desjardins
Montréal (Québec) H5B 1A4

Québec and other regions

Direction principale des relations avec la clientèle des particuliers
Revenu Québec
3800, rue de Marly
Québec (Québec) G1X 4A5

Website

www.revenuquebec.ca

Telephone

Québec area: 418-659-6299
Montréal area: 514-864-6299
Elsewhere in Québec: 1-800-267-6299
Teleprinter (TDD): See p. 58.

Unclaimed property and successions

Every year, thousands of items are not claimed by their owners. Revenu Québec is the agency responsible for recovering and administering this unclaimed property (for example, financial assets and succession property).

Generally speaking, a succession becomes unclaimed when there is no known heir or no one claims the succession within **six months** following the death of the person who left the succession. This is also the case when the successors renounce the succession. Under the rules set forth in the *Civil Code of Québec*, Revenu Québec then administers the succession. If there is any money left after the succession has been liquidated, the heirs who renounced the succession may change their mind. They have **10 years** following the death to do so, and must consult a notary, who will draw up an act retracting the renunciation.

Notices are published in newspapers to inform citizens about the existence of unclaimed property and successions. People can also conduct a search in the register of unclaimed property, available under “Unclaimed Property” on the Revenu Québec website (www.revenuquebec.ca).

Transfer of the right of ownership on an immovable

If the deceased owned an immovable (a building, house, land, etc.), you must consult a notary and ask him or her to draft a declaration of transmission for real property attesting to the transfer of the titles of ownership to the heirs. The declaration will be entered in the Québec land register. The notary will verify the ownership of the immovable and the related expenses, in order to draw up what is known as the “chain of title”. The land register contains a record of all transactions regarding immovables located in Québec. It can be consulted online (a fee applies).

Before consulting a notary, make sure you have in hand the necessary documents, such as the death certificate, a copy of the marriage or civil union contract, the will, the titles of ownership and the municipal assessment for the immovable concerned.

To search for an immovable in the online Québec land register, you need to know the lot number and the name of the cadastre in which the immovable is located.

For more information, contact the Centre de relation avec la clientèle de l'information foncière.

Website

www.registrefoncier.gouv.qc.ca

Email

Info.foncier@mern.gouv.qc.ca

Telephone

Québec area: 418-643-3582

Elsewhere in Québec: 1-866-226-0977



SQCA
Service québécois
de changement
d'adresse

MOVING?

Make things easier!

The **Service québécois de changement d'adresse** allows you to notify 6 government departments and agencies of your change of address in a single step:

- Directeur général des élections du Québec
- Ministère du Travail, de l'Emploi et de la Solidarité sociale
- Régie de l'assurance maladie du Québec
- Retraite Québec
- Revenu Québec
- Société de l'assurance automobile du Québec

www.gouv.qc.ca



“Support goes on,
even after death.”

Sometimes bereavement can be a long road. That is why we reach out to the deceased's family members and provide for them with administrative assistance, support groups or even a free consultation with a notary or a psychologist. A relationship of trust made possible simply because someone like you decided to get in touch with us.

WITH YOU,
EVERY STEP
OF THE WAY



THE FUNERAL
COOPERATIVES
NETWORK

fcfq.coop

DO YOU HAVE A QUÉBEC SERVICES ACCOUNT?



The death of a loved one is a difficult time requiring you to take certain steps with government departments and agencies as quickly as possible.

With **My Québec Services Account**, obtain a **personalized list** of these steps and direct access to online services.

Simplify your steps.

**Register now for
My Québec Services Account**



www.gouv.qc.ca

Maintaining occupancy or cancelling a lease following a death

RIGHT TO MAINTAIN OCCUPANCY IN THE EVENT OF A DEATH

A person who occupied a dwelling with someone who has died has the right to remain in the dwelling. The person may take over the lease for the dwelling if he or she continues to occupy the premises and gives written notice to that effect to the lessor, who may also be the owner, no later than **two months** after the death.

In cases where the lessor dies, the lease remains in effect, and the conditions of the lease must be respected.

CANCELLATION OF A LEASE ON THE DEATH OF A LESSEE

To cancel the lease of a lessee who has died, the liquidator of the succession or the heir must give the lessor notice, as follows:

- **If the lessee was living with another person at the time of death:**

The lessor must be given **one month's notice** during the month following the expiry of the two-month period after the death, if the person who was living with the lessee at the time of death did not avail himself or herself of the right to become the primary lessee in the two months after the death.

- **If the lessee was living alone at the time of death:**

The lessor must be given **two months' notice** within six months after the death.

To give notice, complete the *Notice Regarding the Death of the Tenant* form (RDL-804A-E), available under "Models of Notices for Tenants" in the "Notices" section of the Régie du logement website.

Cancellation of the lease takes effect upon the expiry of the period specified in the notice, regardless of the term (duration) of the lease. The liquidator of the succession or an heir must pay the rent until the lease is cancelled, unless an agreement is reached with the lessor or the dwelling is leased to another tenant during the period in question.

If the deceased lessee was receiving services and care of a personal nature under his or her residential lease, the liquidator, the heir or the person who occupied the dwelling with the lessee will have to pay only the part of the rent that relates to the services provided to the lessee prior to his or her death.

Generally speaking, the above-described rules apply to private seniors' residences, but not to residential and long-term care centres (CHSLDs), which have their own rules.

For more information, contact the Régie du logement.

Website

www.rdl.gouv.qc.ca

Telephone

Montréal area: 514-873-2245

Elsewhere in Québec: 1-800-683-2245

Death of the mandatary of an incapacitated person

If the deceased was the mandatary of an incapacitated person, a replacement must take over the responsibility. If there is a protection mandate (formerly called a “mandate in case of incapacity”) for the incapacitated person, it is essential to verify whether a substitute is to be appointed in case of the mandatary’s death. If no provision is made for a substitute, the court must decide whether to institute a tutorship or a curatorship.

In your capacity as liquidator of the succession, you must notify the Curateur public du Québec of the mandatary’s death. However, if an *Application for the Simplified Forwarding of Information Relative to the Death* form was completed, the Directeur de l’état civil will provide the Curateur public with the information concerning the death. You must nevertheless contact the Curateur public to find out what other formalities must be completed in connection with the death. It is your responsibility to protect the incapacitated person’s interests until a new mandatary is appointed.

Protective supervision: tutor or curator

If the deceased was under private protective supervision monitored by the Curateur public du Québec, you must inform the latter of the person’s death. If the deceased was a tutor or a curator of an incapacitated person, you must also inform the Curateur public and find out what to do to make sure the deceased is replaced. However, if an *Application for the Simplified Forwarding of Information Relative to the Death* form was completed, the Directeur de l’état civil will provide the Curateur public with the information concerning

the death. You must nevertheless contact the Curateur public to find out what other formalities must be performed in connection with the death.

Generally speaking, you must notify the Curateur public of any change, as it is responsible for keeping three public registers up to date, namely the register of persons of full age under tutorship or curatorship, the register of persons under homologated protection mandates (formerly called “mandates in case of incapacity”) and the register of minors under tutorship.

For more information, contact the Curateur public du Québec.

Regular mail

600, boulevard René-Lévesque Ouest
Montréal (Québec) H3B 4W9

Website

www.curateur.gouv.qc.ca

Telephone

Montréal area: 514-873-4074

Elsewhere in Québec: 1-800-363-9020

Medical record at a health and social services establishment

As a rule, family members of a deceased person are entitled to know the cause of death. This applies to the deceased’s father, mother, children and spouse. A blood relative may also access information in the deceased’s medical record for the sole purpose of ascertaining whether the deceased had a genetic or hereditary disease.

All access to information requests must be submitted in writing to the person in charge of access to information and protection of personal information at the institution concerned. For a list of public bodies and the people in charge of access to information, go to the Commission

d'accès à l'information du Québec website, at www.cai.gouv.qc.ca, and click "List of Concerned Public Bodies and Persons in Charge of *An Act respecting access*".

For more information, contact the Commission d'accès à l'information du Québec.

Regular mail

Québec

575, rue Saint-Amable, bureau 1.10
Québec (Québec) G1R 2G4

Montréal

500, boulevard René-Lévesque Ouest,
bureau 18.200
Montréal (Québec) H2Z 1W7

Website

www.cai.gouv.qc.ca

Email

cai.communications@cai.gouv.qc.ca

Telephone

Québec area: 418-528-7741
Montréal area: 514-873-4196
Elsewhere in Québec: 1-888-528-7741

Obligation of support towards family members

Death does not terminate a person's obligation of support. Consequently, if the debtor (the person who was paying support) dies, the creditor (the person who was receiving support payments) may, within **six months** after the death, claim a financial contribution from the succession. By law, the creditor may claim a financial contribution even if the right to support was not exercised prior to the death. The financial obligation may thus be paid out of the succession funds over a certain period of time.

To resolve any problems related to this obligation or to determine the amount of the contribution payable, do not hesitate to consult a legal advisor.

If the deceased was paying you spousal or child support, your first step is to contact the officer in charge of your support file at Revenu Québec to find out what happens in the event of the debtor's death.

Compensatory allowance

In the event of your spouse's death, you may be able to claim a compensatory allowance if you can provide proof that, during your marriage or civil union, your personal contribution was so significant that it contributed to the enrichment of your spouse's patrimony in property or services (for example, you made a regular contribution to a business without receiving a salary). The allowance is payable in cash or by instalments, or in the form of a right of ownership regarding certain property.

You must submit your request to the liquidator within **12 months** following the death of your spouse. In addition, you must try to reach an agreement on the amount of the allowance with the heirs and legatees by particular title. If you fail to reach an agreement, the amount will be set by the court. If applicable, it will determine the conditions of payment for the compensatory allowance or the terms for allocating rights regarding certain property.

Government of Canada programs and services

For information on Government of Canada programs and services, contact Service Canada at **1-800-622-6232** or see "Following a Death" in the "Life Events" section of the Service Canada website (www.servicecanada.gc.ca).

FINANCIAL ASSISTANCE AND LEAVE GRANTED TO SURVIVORS

Leave granted in the event of a death

When a loved one dies, you must notify your employer of your absence as soon as possible. In certain cases, you are entitled to a leave that must be taken from the day of the death to the day of the funeral.

If your employment is governed by the *Act respecting labour standards*, you may be absent from work for the amount of time stipulated therein, namely:

- Five days, including one with pay, for the death or funeral of your spouse, your child or your spouse's child, or your father, mother, brother or sister
- One day, without pay, for the death or funeral of your son-in-law, daughter-in-law, one of your grandparents or grandchildren, or your spouse's father, mother, brother or sister

Under the same circumstances, if you are employed in the garment industry, you may be absent from work for:

- Five days, including three consecutive days with pay, for the death or funeral of your spouse, your child or a child of your spouse, or your father, mother, brother or sister

- One day, with pay, for the death or funeral of one of your grandparents or the father or mother of your spouse
- One day, without pay, for the death or funeral of a son-in-law or daughter-in-law, one of your grandchildren, or the brother or sister of your spouse

If your spouse or child (even if the child was 18 years old or over) committed suicide, you may be entitled to up to 52 weeks of unpaid leave.

If your spouse or child (even if the child was 18 years old or over) died during or as a direct result of a criminal act, you may be entitled to up to 104 weeks of unpaid leave. For information on the compensation that may be payable to you in this case, see the "Compensation in the Event of a Death due to a Crime or an Act of Good Citizenship" section of this guide.

If you are governed by a collective agreement, the *Canada Labour Code* or a decree, the leave granted in the event of death may vary. As a rule, your union representative should be able to tell you what kind of leave applies in your situation.

For more information, contact the Commission des normes, de l'équité, de la santé et de la sécurité du travail.

Website

www.cnesst.gouv.qc.ca

Telephone

Anywhere in Québec: 1-844-838-0808

Québec Pension Plan survivors' benefits

The Québec Pension Plan is a mandatory public insurance plan that offers basic financial protection to workers and their families at retirement or in the case of disability or death.

If you are a family member of a deceased person who contributed sufficiently to the Québec Pension Plan (usually, the person must have contributed for at least 10 years, but in some cases this period may be shorter), you may be entitled to survivors' benefits. Depending on your situation, there are three types of financial assistance:

- Death benefit
- Surviving spouse's pension
- Orphan's pension

APPLICATION FOR SURVIVORS' BENEFITS

Be sure to submit your application for survivors' benefits without delay. You can use the online service available on the Retraite Québec website (www.retraitequebec.gouv.qc.ca), or download the *Application for Survivors' Benefits* under the *Québec Pension Plan* form accessible on the same website and via the online version of this guide. The form is also available at most funeral homes.

DEATH BENEFIT

The death benefit is a lump-sum payment of an amount up to a maximum of **\$2,500**. It is paid on a priority basis to the person or organization that paid the funeral expenses. An application and a photocopy of proof of payment must be submitted to Retraite Québec within **60 days** following the death.

If the funeral expenses are less than the amount of the death benefit payable, the difference may be paid after **60 days** to the deceased's heirs or other eligible persons, provided they file an application.

After this **60-day period**, the death benefit can be paid to the deceased's heirs. If there are no heirs or if the heirs refuse the succession, the benefit can be paid to other eligible persons.

The death benefit application must be submitted no later than **five years** after the date of death.

The death benefit is taxable, and an income tax slip will be issued in the succession's name.

ELIGIBLE FUNERAL EXPENSES

The following funeral expenses are accepted for the purposes of payment of the death benefit:

- Transportation and embalming of the body
- Casket, funeral urn and niche
- Visitation at the funeral home
- Funeral service
- Burial or cremation
- Services of a funeral director
- Publication of death notices
- Thank-you cards
- Cemetery plot, monument, inscription
- Expenses incurred for telephone calls, emails or telegrams to reach members of the immediate family
- Taxes charged on eligible expenses

DEATH BENEFIT AND PREARRANGED FUNERAL SERVICES

Funeral expenses prepaid by the deceased under a prearranged funeral services contract will not be reimbursed.

Eligible expenses not covered by the prearranged funeral services contract are sometimes incurred after the person dies. In that case, the person who paid the expenses may apply to Retraite Québec for a reimbursement of up to **\$2,500**.

SURVIVING SPOUSE'S PENSION

If you are the surviving spouse of a person who contributed sufficiently to the Québec Pension Plan, you may be eligible for the surviving spouse's pension. To qualify as a surviving spouse, you must have been married to and not legally separated from the deceased, in a civil union with the deceased or the de facto spouse of the deceased.

If you were the **de facto spouse** of the deceased, you must have lived together in a de facto union:

- For at least three years
- or
- For one year if a child was or will be born of your de facto union or you have adopted a child

For more information about recognition of de facto spouses, see the Retraite Québec website, at **www.retraitequebec.gouv.qc.ca** (click "Death", "Québec Pension Plan" and "Death of a Spouse", and then click the word "spouse" underlined in the text).

The surviving spouse's pension provides a basic income. It is taxable and is paid beginning in the month following the death. There is no deadline for applying for the pension, but it is paid retroactively for up to **12 months** only. The amount of the pension is index-adjusted each year.

The amount of the surviving spouse's pension varies depending on the following factors:

- The contributions your spouse made to the Québec Pension Plan

- The retirement pension supplement received by your spouse (if any)
- Your age
- Whether you support dependent children of the deceased, if the children are under age 18
- Whether you are recognized by Retraite Québec as disabled
- Whether you are already receiving a retirement or disability pension under the Québec Pension Plan or the Canada Pension Plan

INCREASED SURVIVING SPOUSE'S PENSION

The surviving spouse's pension may be increased if the deceased received the retirement pension supplement.

COMBINED PENSION

In addition to a surviving spouse's pension, some people receive a retirement pension or a disability pension. In this type of situation, both pensions are paid together as a single amount, called a "combined pension". The monthly amount of the combined pension is not necessarily equal to the total of the two separate pensions, as there is a maximum set by law. The amount of the surviving spouse's pension may thus be reduced.

MAXIMUM RETIREMENT PENSION UNDER THE QUÉBEC PENSION PLAN

When you reach age 65, if you receive the maximum retirement pension paid by Retraite Québec for the year, your surviving spouse's pension will be permanently cancelled.

ORPHAN'S PENSION

If you are supporting a minor child of the deceased and the latter contributed sufficiently to the Québec Pension Plan, you may receive an orphan's pension until the child reaches the age of 18.

The child may be:

- The deceased's biological or adopted child
- A child who had been living with the deceased for at least one year, if the deceased served as mother or father to the child (a child placed in foster care in the deceased's home is not considered to be the deceased's child)

The orphan's pension is paid as of the month following the death. The pension is taxable and must be reported in the child's income. It is index-adjusted on an annual basis. Almost without exception, retroactive payment of the pension is limited to **12 months**.

For more information or to apply for survivors' benefits, contact Retraite Québec.

Website

www.retraitequebec.gouv.qc.ca

Telephone

Montréal area: 514-873-2433

Québec area: 418-643-5185

Elsewhere in Québec: 1-800-463-5185

Pensions from a foreign country

If your deceased spouse worked in a foreign country, you may be entitled to a pension from that country for you and your dependent children. For more information, contact the Bureau des ententes de sécurité sociale at Retraite Québec.

Telephone

Montréal area: 514-866-7332, extension 7801
Elsewhere in Québec: 1-800-565-7878, extension 7801

Special benefit for funeral expenses granted under the Social Assistance Program and the Social Solidarity Program

If you paid the funeral expenses for a deceased person, you may be entitled to a special benefit for funeral expenses that reimburses you for all or part of your outlay. The deceased does not necessarily have to have been a recipient under the Social Assistance Program or the Social Solidarity Program.

First, within **60 days** following the death, you must contact Retraite Québec to find out whether you are eligible for the death benefit payable under the Québec Pension Plan. If you are not eligible for the Québec Pension Plan death benefit, you have **90 days** from the date of receipt of a notice of refusal from Retraite Québec to apply for the special benefit for funeral expenses. Depending on the situation of the deceased, you should proceed as follows:

- **Person who was receiving last-resort financial assistance**

Complete the *Application for the Payment of Funeral Expenses* form, which you can obtain from your local employment centre (CLE), and submit it to the CLE along with the required documents.

- **Person who was living alone and was not receiving last-resort financial assistance**

Complete the *Demande de remboursement de frais funéraires pour un adulte non prestataire d'une aide financière de dernier recours* form (application for the payment of funeral expenses for an adult who was not receiving last-resort financial assistance), which you can obtain from your local employment centre (CLE), and submit it to the CLE along with the required documents.

- **Person who was living with a spouse or as part of a family and was not receiving last-resort financial assistance**

Complete the *Application for Service – General Information and Appendix 2 – Application for Last-Resort Financial Assistance* forms, which you can obtain from your local employment centre (CLE), and submit them to the CLE along with the required documents.

The forms are also available on the Emploi-Québec website.

For more information, contact Emploi-Québec.

Website

www.emploi Quebec.gouv.qc.ca

Telephone

Anywhere in Québec: 1-877-767-8773

Compensation in the event of a death due to an automobile accident

If a person dies as a result of an automobile accident, the deceased's spouse and dependants may be entitled to compensation. The insurance plan covers all Quebecers who die in an automobile accident, including:

- Drivers
- Cyclists
- Passengers
- Motorcyclists
- Pedestrians

If the deceased did not have a spouse, the death benefit is paid to the dependants, in addition to their own compensation. If the deceased did not have a spouse or dependants and was under 18 years of age, the deceased's parents are entitled to the death benefit. If the deceased did not have a spouse or dependants and was 18 years of age or over, the amount is paid to the succession.

You can use the online services of the Société de l'assurance automobile du Québec (SAAQ) to submit a claim for compensation and obtain your claim number. If you prefer to submit your claim by filling in a form, you first need to telephone the SAAQ to have a file opened and obtain your claim number. You can then submit your claim by mail, even if you have not yet obtained certain forms or documents. You can submit the missing forms or documents later.

You have **three years** from the date of the person's death to file your claim for compensation. Compensation for funeral expenses may also be paid to the succession of a person who dies as a result of an automobile accident.

For more information, contact the SAAQ.

Website

www.saaq.gouv.qc.ca

Telephone

Accident in Québec: 1-888-810-2525

Accident outside Québec:
1-800-463-6898 (toll free in Canada
and the United States)

Teleprinter (TDD): See page 58.

To find out the addresses of the SAAQ service outlets and SAAQ agents, see the Gouvernement du Québec pages of your phone book.

Indemnities in the event of a death due to an industrial accident or an occupational disease

If a family member dies as a result of an industrial accident or an occupational disease, you may be entitled to various indemnities paid by the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST). Depending on the circumstances, indemnities are paid as a pension or a lump sum. Upon receipt of supporting documents, the CNESST also reimburses funeral expenses (up to a set maximum amount) to the person who paid the expenses, as well as expenses incurred for transportation of the body. You must file your claim within **six months**.

For more information, contact the CNESST.

Website

www.cnesst.gouv.qc.ca

Telephone

Anywhere in Québec: 1-844-838-0808

Compensation in the event of a death due to a crime or an act of good citizenship

If a person dies as a result of a crime or while trying to come to the rescue of another person, compensation may be granted to the deceased's dependants at the time of death. Dependants of the victim or the rescuer include the surviving spouse, the victim's or rescuer's child, who must be under 18 years of age (or over 18 but under 25 and attend an educational institution on a full-time basis or be incapacitated), or any person who lives wholly or partially on the victim's or the rescuer's income. In addition, funeral expenses, the cost of transporting the body and the cost of cleaning the crime scene may be partially reimbursed to the payer.

If a dependent child dies as a result of a crime, the child's parents may also receive compensation. It is important to file your application with the Direction de l'indemnisation des victimes d'actes criminels (Direction de l'IVAC) within **two years** following the death, using the form provided for that purpose. The form can be obtained from Direction de l'IVAC or downloaded from its website.

Direction de l'IVAC may also reimburse certain expenses incurred by the close relations of a crime victim to obtain psychotherapeutic rehabilitation services. The term "close relations" means the victim's spouse, the victim's brothers or sisters, the victim's father or mother (or a person standing in

the place of a parent to the victim), the victim's grandparents, the victim's children or the children of the spouse of the victim's father or mother.

For more information, contact Direction de l'IVAC at the Commission des normes, de l'équité, de la santé et de la sécurité du travail.

Website

www.ivac.qc.ca

Telephone

Anywhere in Québec: 1-800-561-4822

Note

Assistance is also available to help people overcome the psychological consequences of crimes. For information on the various services offered, contact the network of crime victims' assistance centres (CAVAC) or visit the CAVAC website.

Website

www.cavac.qc.ca

Telephone

Anywhere in Québec: 1-866-532-2822

Indemnities in the event of a death due to a hunting or trapping accident

If a family member dies while hunting or trapping, you may be entitled to an indemnity if the deceased was the holder of a hunter's or trapper's certificate.

You must submit your application, along with the original of the death certificate issued by the Directeur de l'état civil, to the Ministère des Forêts, de la Faune et des Parcs within **90 days** following the hunting or trapping accident.

See also "Hunter's or Trapper's Certificate" in the "Changes, Transfers and Cancellations" section of this guide.

For more information, contact the Ministère des Forêts, de la Faune et des Parcs.

Website

www.mffp.gouv.qc.ca

Email

services.clientele@mffp.gouv.qc.ca

Telephone

Anywhere in Québec: 1-877-346-6763

Supplemental pension plans (pension funds)

Many employees participate in a supplemental pension plan, commonly called a "pension fund". When a pension plan participant dies, the plan pays a death benefit to the participant's spouse. If the participant dies before retiring, the death benefit is payable as a lump sum. It can nevertheless be paid to the spouse as a pension.

If the participant dies while receiving a retirement pension, the spouse is entitled to a lifetime pension. In general, the amount of this pension is at least equal to 60% of the pension that the participant was receiving before his or her death.

If the participant did not have a spouse or if the spouse refuses the death benefit, the benefit will be paid as a lump sum to the participant's designated beneficiary or heirs.

Information about a supplemental pension plan or payment of a retirement pension can be obtained from the pension plan administrator. Within **60 days** of being informed of the death, the administrator must issue a statement of benefits to the person entitled to receive the death benefit. The administrator's contact information is shown on the statements received by the deceased.

Death benefits paid by the public sector pension plans administered by Retraite Québec

Retraite Québec administers most of the pension plans in which public and parapublic sector employees (employees of the gouvernement du Québec and public bodies) participate.

If the deceased was a retired or active participant in a public sector pension plan, you need to contact Retraite Québec. If you and the funeral director completed the *Application for the Simplified Forwarding of Information Relative to the Death* form, the Directeur de l'état civil will provide Retraite Québec with the necessary information concerning the death. You must nevertheless contact Retraite Québec to find out what other formalities must be completed in order to benefit from the advantages associated with the deceased's retirement plan.

Depending on the plan, the spouse, dependent children or heirs of the deceased may receive a pension, reimbursement of the contributions paid into the plan or payment of the actuarial value of the pension.

In addition, public and parapublic sector employees are generally eligible for a basic **life insurance** plan, and most collective agreements make provision for this coverage. Following the death of an eligible employee, Retraite Québec pays the life insurance benefit to the person's heirs.

For more information, contact Retraite Québec.

Website

www.retraitequebec.gouv.qc.ca

Telephone

Québec area: 418-643-4881

Elsewhere in Québec: 1-800-463-5533

CHANGES, TRANSFERS AND CANCELLATIONS



Cancellation of the deceased's health insurance card

If the death occurred in Québec, you can give the deceased's health insurance card to the funeral director, who will send it to the Régie de l'assurance maladie du Québec (RAMQ). If the **death occurred outside Québec**, you must telephone the RAMQ to declare the death.

Telephone

Québec area: 418-646-4636

Montréal area: 514-864-3411

Elsewhere in Québec: 1-800-561-9749

If the deceased's health insurance card is not given to the funeral director, it must be returned to the RAMQ within **three months** following the death, at the following address:

Regular mail

Régie de l'assurance maladie du Québec

Case postale 6600

Québec (Québec) G1K 7T3

Registration with the Québec Health Insurance Plan and the Public Prescription Drug Insurance Plan

The Directeur de l'état civil automatically notifies the Régie de l'assurance maladie du Québec (RAMQ) when a death occurs in Québec and is entered in the Québec register of civil status. The RAMQ then cancels the deceased's registration with the Québec Health Insurance Plan and, if applicable, the Public Prescription Drug Insurance Plan.

If you were covered by the private drug insurance plan of the deceased, you must find out whether your coverage is affected. Given your new circumstances, you may have to register for the Public Prescription Drug Insurance Plan.

For more information, go to the "Citizens" section of the RAMQ website and click the "Prescription Drug Insurance" tab. To find out whether you are covered by a private plan or the public plan, click "Check Your Situation" and complete the questionnaire.

Website

www.ramq.gouv.qc.ca

Telephone

Québec area: 418-646-4636

Montréal area: 514-864-3411

Elsewhere in Québec: 1-800-561-9749

Driver's licence

Following the death of a family member, if you completed the *Application for the Simplified Forwarding of Information Relative to the Death* form provided by the funeral director, the Directeur de l'état civil will provide the Société de l'assurance automobile (SAAQ) with the necessary information concerning the death.

If you are the liquidator of the succession, you must contact the SAAQ to find out what other formalities have to be completed, including the steps to obtain a reimbursement of the cost of the deceased's driver's licence or storage of his or her vehicle.

The succession may be eligible for a reimbursement of the driver's licence fees for the full months remaining between the date of death and the expiry date of the licence. The reimbursement is issued by cheque made out to the succession, and will be mailed to you.

Transfer of vehicle ownership

If the deceased had a vehicle registered in Québec and you are the liquidator of the succession, transferring ownership of the vehicle to an heir is one of your duties. To make the transfer, you must go to a Société de l'assurance automobile du Québec (SAAQ) service outlet with the heir to whose name the vehicle registration is to be transferred, and provide the following documents:

- The vehicle registration
- The *Declaration of Transfer of Ownership Following Death* form, duly completed

In some cases, you may also have to provide proof of death.

In addition, you must provide one of the following documents regarding the new owner:

- The new owner's driver's licence
- The original of the new owner's birth certificate issued by the Directeur de l'état civil, showing the names of the new owner's father and mother
- Another piece of ID proving the new owner's identity (for example, health insurance card)



Note

If you are unable to go to an SAAQ service outlet in person, you may send a representative. In this case, you must sign the *Declaration of Transfer of Ownership Following Death* form, and your representative must take the duly signed form with him or her. The heir may thus conduct the transaction alone, provided you have designated him or her on the form as your replacement. If the liquidator of the succession is not named in the deceased's will or the deceased did not leave a will, a representative of the heirs may complete the form and carry out the necessary transactions.

The *Declaration of Transfer of Ownership Following Death* form is available on the SAAQ website and at SAAQ service outlets. The addresses and phone numbers of the service outlets are listed in the Gouvernement du Québec pages of the phone book.

Disabled parking permit

If the deceased had a disabled parking permit, you must return the permit and the accompanying certificate to the Société de l'assurance automobile du Québec (SAAQ) by mail, along with a note indicating that the permit holder has died. You must also enclose proof of death.

Send the permit, certificate, note and proof of death to the following address:

Regular mail

Vignette de stationnement pour personnes handicapées (act-6630)
Société de l'assurance automobile du Québec
Case postale 19850, succursale Terminus
Québec (Québec) G1K 8Z4

Note

If a letter indicating that the deceased's SAAQ file has been closed has been received at the deceased's address, you do not need to provide proof of death. Only the permit needs to be returned to the SAAQ.

For more information, contact the SAAQ.

Website

www.saaq.gouv.qc.ca

Telephone

Québec area: 418-643-7620
Montréal area: 514-873-7620
Elsewhere in Canada and the United States: 1-800-361-7620
Teleprinter (TDD): See page 58.

Loans and Bursaries Program and Loans Program for Part-Time Studies

DEATH OF A STUDENT

If the deceased received financial assistance under the Loans and Bursaries Program or the Loans Program for Part-Time Studies, the liquidator of the succession must telephone Aide financière aux études to report the death, regardless of whether the deceased had begun to repay his or her student debt.

Telephone

Québec area: 418-643-3750
Montréal area: 514-864-3557
Canada and the United States:
1-877-643-3750

DEATH OF A STUDENT'S FATHER, MOTHER, SPOUSE OR SPONSOR

In the event of the death of a student's father, mother, spouse or sponsor, the student must complete one of the following forms, depending on the program, and submit it along with the required document to Aide financière aux études:

Loans and Bursaries Program

- Duly completed *Declaration of Change – Student* form (1012), along with proof of death (death certificate, act of burial or cremation or burial permit)

Loans Program for Part-Time Studies

- Duly completed *Part-Time Studies Loan Application Update* form (1128), along with proof of death (death certificate, act of burial or cremation or burial permit)

The student must indicate his or her **permanent code** on each of the required documents.

For more information, contact Aide financière aux études.

Regular mail

Aide financière aux études
Ministère de l'Éducation et
de l'Enseignement supérieur
1035, rue De La Chevrotière
Québec (Québec) G1R 5A5

Website

www.afe.gouv.qc.ca

Telephone

Québec area: 418-643-3750
Montréal area: 514-864-3557
Elsewhere in Québec: 1-877-643-3750

Social Assistance Program and Social Solidarity Program

If the deceased was receiving last-resort financial assistance, the liquidator of the succession must inform the local employment centre (CLE) without delay of the person's date of death. The liquidator must also return the cheque for the month following the death to the Ministère du Travail, de l'Emploi et de la Solidarité sociale (MTESS). If you completed the *Application for the Simplified Forwarding of Information Relative to the Death* form, the Directeur de l'état civil will provide the MTESS with the information concerning the death, in order to simplify the processing of the deceased's file. If overpayments were made to the deceased, the liquidator of the succession must contact the Centre de recouvrement at the MTESS.

If the recipient was living alone, the MTESS will cease paying benefits as soon as it is informed of the recipient's death. If the recipient was part of a family, the benefits will continue to be paid to the family for the **three months** following

the date of death. If applicable, the MTESS will calculate the new amount of benefits payable.

For more information, contact the MTESS.

Website

www.mess.gouv.qc.ca

Telephone

Anywhere in Québec: 1-888-643-4721

Québec Parental Insurance Plan

In the event of the death of a person who was receiving maternity, paternity, parental or adoption benefits under the Québec Parental Insurance Plan, or of the person's child, you must inform the Centre de service à la clientèle (CSC). The death may change the amount of benefits payable or result in termination of benefits.

If the *Application for the Simplified Forwarding of Information Relative to the Death* form was completed, the Directeur de l'état civil will provide the Ministère du Travail, de l'Emploi et de la Solidarité sociale (MTESS) with the necessary information about the death. You must nevertheless contact the MTESS to find out what other formalities must be completed in connection with the death. The Directeur de l'état civil automatically informs the MTESS of the death of a child under 1 year of age.

For more information, contact the CSC.

Website

www.rqap.gouv.qc.ca

Telephone

North America (toll free):
1-888-610-7727
Elsewhere (long-distance
charges apply): 1-416-342-3059

Shelter Allowance Program

In the event of the death of a person who was receiving financial assistance under the Shelter Allowance Program, you must notify Revenu Québec and provide it with proof of death. If the recipient was living alone, the allowance will cease to be paid the month following the death. If the recipient had a spouse who was living in the same dwelling, the spouse will continue to receive the allowance until the end of the program's fiscal year, unless the spouse requests a review.

Note

For the purposes of the Shelter Allowance Program, the fiscal year begins on October 1 and ends on September 30 of the following year. Any change in your family situation may warrant a new application.

Tax credit for childcare expenses

You must inform Revenu Québec of the death of a person who was receiving advance payments of the tax credit for childcare expenses or of the death of the person's child. That way, you will avoid having to reimburse payments made after the death. The payments, which are made by direct deposit, will be cancelled.

Tax credit for home-support services for seniors

Following the death of a senior, Revenu Québec ceases to pay the tax credit for home-support services for seniors (if the person was living alone) or adjusts the amount (if the person was living in a conjugal relationship with a person eligible for the tax credit). As liquidator of the succession, you must inform Revenu

Québec as soon as possible of the date of death of the recipient or the recipient's spouse, to prevent the issuing of an overpayment that will have to be repaid and to ensure that the surviving spouse continues to receive advance payments of the tax credit.

Solidarity tax credit

If you are the liquidator of the succession of a person who was receiving the solidarity tax credit, you must inform Revenu Québec of the person's death. If the deceased was living alone, the payments will end the month following the death.

If the solidarity tax credit is paid to a couple and one of the spouses dies, proceed as follows:

- If the person who was receiving the tax credit on behalf of the couple dies, his or her spouse must claim the credit again by completing *Schedule D – Solidarity Tax Credit* and the *Request for an Adjustment to an Income Tax Return* form, and submitting the schedule and form, along with the other required documents, to Revenu Québec.

Work premium and adapted work premium

If you are the liquidator of the succession of a person who was receiving advance payments of the work premium or the adapted work premium, you must notify Revenu Québec of the person's death as soon as possible.

If you receive one of these premiums and your spouse dies, you must notify Revenu Québec of the death, as the amount of the premium is calculated on the basis of your family situation.

For more information on the Shelter Allowance Program, the tax credit for childcare expenses, the tax credit for home-support services for seniors, the solidarity tax credit, the work premium or the adapted work premium, contact Revenu Québec.

Regular mail

Montréal, Laval, Laurentides, Lanaudière and Montérégie regions

Direction principale des relations avec la clientèle des particuliers
Revenu Québec
C. P. 3000, succursale Place-Desjardins
Montréal (Québec) H5B 1A4

Québec and other regions

Direction principale des relations avec la clientèle des particuliers
Revenu Québec
3800, rue de Marly
Québec (Québec) G1X 4A5

Website

www.revenuquebec.ca

Telephone

Québec area: 418-266-1016
Montréal area: 514-940-1481
Elsewhere in Québec: 1-855-291-6467
Teleprinter (TDD): See page 58.

Support-Payment Collection Program

If the deceased was receiving or making support payments or was the child in respect of whom such support was being paid, you must, as liquidator of the succession, notify Revenu Québec of the death and submit the death certificate and the documents proving you are the liquidator.

Under the Support-Payment Collection Program, Revenu Québec may recover amounts due up until the day of death. The death does not cancel the debtor's obligation of support towards family members in need. For details, see "Obligation of Support Towards Family Members" in the "Steps in Settling a Succession" section of this guide.

For more information, contact the Direction du centre des relations avec la clientèle des pensions alimentaires, at Revenu Québec.

Website

www.revenuquebec.ca

Telephone

Anywhere in Québec: 1-800-488-2323

If you have to mail documents, send them to one of the following addresses:

Payments by cheque

Québec

Fonds des pensions alimentaires
Revenu Québec
C. P. 25400, succursale Terminus
Québec (Québec) G1A 0A8

Montréal

Fonds des pensions alimentaires
Revenu Québec
C. P. 8000, succursale Place-Desjardins
Montréal (Québec) H5B 0A7

Other documents

Direction du centre des relations avec la clientèle des pensions alimentaires
3800, rue de Marly, secteur 1-1-1
Québec (Québec) G1X 4A5

Direction du centre des relations avec la clientèle des pensions alimentaires
4, Place-Laval, bureau 150, secteur LL1002
Laval (Québec) H7N 5Y3

Pensions paid under the Québec Pension Plan

If the deceased was receiving a retirement pension, a surviving spouse's pension or a disability pension under the Québec Pension Plan and the death occurred in Québec, you do not have to notify Retraite Québec of the death. The Directeur de l'état civil automatically notifies Retraite Québec of deaths that occur in Québec and are entered in the Québec register of civil status.

However, if the death occurred outside Québec, you must notify Retraite Québec as soon as possible. If you are a close relative of the deceased, you may be entitled to survivors' benefits. For more information, see the "Financial Assistance and Leave Granted to Survivors" section of the guide.

Child assistance and supplement for handicapped children

If your spouse or child dies, the death could affect the amount of your child assistance payment. Retraite Québec determines the amount of the payment on the basis of family income, conjugal status and number of dependent children, regardless of whether the children are in sole or shared custody.

If the deceased was receiving child assistance or the supplement for handicapped children, the payments will cease. The person who becomes responsible for the child or children must file a new application.

The Directeur de l'état civil automatically notifies Retraite Québec of deaths that occur in Québec and are entered in the Québec register of civil status. However, in the event of the death of a child or a death that occurred outside Québec, you must notify Retraite Québec by telephone as soon as possible.

For more information, see the "Children" section of the Retraite Québec website (www.retraitequebec.gouv.qc.ca).

Pension from a foreign country

Following the death of a person who receives a pension from a body in a foreign country, you must contact the Bureau des ententes de sécurité sociale at Retraite Québec. The Bureau is responsible for the application of social security agreements signed by Québec and certain foreign countries.

If you need to terminate a pension paid by a body in a foreign country that has signed a social security agreement with Québec, you must notify the body and provide proof of the beneficiary's death.

For more information, call the Bureau des ententes de sécurité sociale at Retraite Québec, at **1-800-565-7878**, extension **7801**, or **514-866-7332**, extension **7801**.

Benefits paid by the Commission des normes, de l'équité, de la santé et de la sécurité du travail

If the *Application for the Simplified Forwarding of Information Relative to the Death* form was completed following the person's death, the Directeur de l'état civil will provide the pertinent information to the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST) so that it can update the deceased's file. You must nevertheless contact the CNESST to find out about the formalities that must be completed in order to receive indemnities (if applicable).

If the form was not completed following the death of a person who received benefits from the CNESST, you must contact the CNESST to notify it of the death. The person may have received benefits from the CNESST further to an industrial accident, an employment injury, an act of good citizenship or a crime.

For more information, contact the CNESST (see page 37 for the contact information).

Transfer of savings and retirement products offered by Épargne Placements Québec

If the deceased owned savings products offered by Épargne Placements Québec (EPQ), the liquidator of the succession must telephone EPQ to inform it of the death. The liquidator must also provide the originals or certified true copies of the required documents (will or, in the absence of a will, a marriage contract with a testamentary clause or a declaration of heredity; proof of death; will search certificates) in order to transfer the deceased's savings products to the succession, an heir or a legatee by particular title. The original documents will be returned to the liquidator.



Note

A certified true copy is a copy of the original document showing the seal of the competent authority (lawyer, notary or financial institution), the date of the copy and the signature of the person who made the copy. EPQ is also authorized to produce certified copies of the original documents received.

For more information, contact EPQ.

Regular mail

333, Grande Allée Est
Québec (Québec) G1R 5W3

Website

www.epq.gouv.qc.ca

Telephone

Anywhere in Canada or the United States: 1-800-463-5229

Licence from the Régie du bâtiment du Québec

If the deceased was the officer or guarantor of a construction company and the company is the holder of a contractor's or owner-builder's licence, you must inform the Régie du bâtiment du Québec (RBQ) of the death. If you completed the *Application for the Simplified Forwarding of Information Relative to the Death* form, the Directeur de l'état civil will notify the RBQ on your behalf.

For more information, contact the RBQ.

Website

www.rbq.gouv.qc.ca

Email

drc@rbq.gouv.qc.ca

Telephone

Montréal area: 514-873-0976

Elsewhere in Québec: 1-800-361-0761

Hunter's or trapper's certificate

If the deceased was the holder of a hunter's or trapper's certificate, you must return the certificate to the Direction des affaires législatives et des permis at the Ministère des Forêts, de la Faune et des Parcs (MFFP), along with the original of the death certificate issued by the Directeur de l'état civil. If the person died as a result of a hunting accident, you may be entitled to an indemnity. See the "Financial Assistance and Leave Granted to Survivors" section of the guide.

For more information, contact the MFFP.

Regular mail

Direction des affaires législatives
et des permis

Ministère des Forêts, de la Faune
et des Parcs

Édifice Bois-Fontaine, bureau RC 100
880, chemin Sainte-Foy
Québec (Québec) G1S 4X4

Website

www.mffp.gouv.qc.ca

Email

services.clientele@mffp.gouv.qc.ca

Telephone

Anywhere in Québec: 1-877-346-6763

List of useful documents for settling a succession

Documents relating to funeral wishes

- Prearranged funeral services contract and prepurchased sepulture (burial/inurnment) contract
- Document stating funeral wishes
- Funeral bill and invoice attesting to payment

Legal documents

- Residential lease
- Will search certificates from the Chambre des notaires du Québec and the Barreau du Québec
- Certificate or judgment of adoption
- Marriage, civil union or de facto union contract
- Declaration of heredity
- Declaration of dissolution of a civil union
- Declaration of dative tutorship (tutor to a child under 18 years of age)
- Divorce decree or decree of separation
- Support judgment
- Declaratory judgment of death

- Acquittance
- Coroner's report
- Renunciation of a succession
- Renunciation of the family patrimony
- Application for the probate of a will
- Will, codicil
- Titles of ownership (principal residence, secondary residence, rental building, land, etc.)

Administrative documents (cards, permits, licences, certificates)

- Health insurance card (no. _____)
- Social insurance card (no. _____)
- Permanent resident card
- Credit cards
- Debit cards
- Birth certificate (issued after 1994)
- Certificate authorizing the distribution of property (Revenu Québec)
- Group insurance certificate

- Firearm registration certificate
- Vehicle registration
- Certificate of citizenship
- Certificate of competency (construction workers)
- Death certificate and copy of the act of death, issued by the Directeur de l'état civil
- Clearance certificate (Canada Revenue Agency)
- Certificate of divorce
- Certificate of location
- Hunter's or trapper's certificate
- Recent government correspondence
- Passport (Service Canada)
- Security guard licence
- Driver's licence
(no. _____)
- Gun permit (Sûreté du Québec)
- Disabled parking permit
- Visa

Financial documents

- Notice of closure of the liquidator's account
- Statements of remuneration
- Investment certificates
- Instalment contract
- Vehicle purchase or lease contract
- Automobile insurance contract
- Mortgage contract
- Warehouse rental contract
- Trust income tax return (Revenu Québec)
- Income tax return for the year prior to death (Canada Revenue Agency) and supporting documents
- Income tax return for the year prior to death (Revenu Québec) and supporting documents
- Document regarding a safety deposit box (number, keys)
- Document regarding a trust account
- Statements of shares held in a private company and investments

- Bills to be paid out of the succession (notary, accountant, etc.)
- Bills from service providers, e-bills, preauthorized payments (phone bill, Internet, Hydro-Québec, etc.)
- Inventory of all belongings
- Bank books
- Savings bonds
- Insurance policies (life, home, legal, etc.)
- Appraisal reports (jewellery, collections, works of art, etc.)
- Acknowledgement of debts (IOUs) and other debt securities
- Statement of contributions issued by Retraite Québec (public and parapublic sector pension plans)
- Statement of participation in the Québec Pension Plan
- Statement of participation in a public sector pension plan (RREGOP, RRPE, etc.)
- Statements of school and municipal taxes
- Statement for the account opened at a financial institution for the purposes of the succession (account no. _____)
- Statements of account for registered retirement savings plans (RRSPs) or registered education savings plans (RESPs) and other financial investments

CHECKLIST: STEPS TO COMPLETE FOLLOWING A DEATH

Note

The following checklist does not necessarily include all of the steps, programs and services that apply to your situation. The information provided in the checklist has no legal value.

When a loved one dies, there are a number of steps that must be taken. The checklist covers most of them. For more information, see the guide. Note that the order in which the steps are taken may vary depending on your personal situation and on whether you are a surviving spouse, the liquidator of the succession or an heir.

General information

Funeral services contract and sepulture (burial/inurnment) contract

- Select a funeral home and make arrangements for the funeral (check with loved ones to see whether the deceased entered into a prearranged funeral services contract or a repurchased sepulture contract).
- Pay the funeral expenses and keep the receipts. If applicable, apply for a Québec Pension Plan death benefit.

Leave of absence following a death

- Notify your employer of your absence.

Proof of death

- Sign the declaration of death and complete the *Application for the Simplified Forwarding of Information Relative to the Death* form in the presence of the funeral director. The form allows you to notify a number of government departments and bodies of the person's death in a single step, through the Directeur de l'état civil. It also saves you from having to provide the government departments and bodies indicated on the form with proof of death.

- Complete the request for a death certificate and copy of an act of death and send it to the Directeur de l'état civil. The funeral director can file the request online on your behalf or provide you with a copy of the form. The death certificate and copy of the act of death are required for liquidation of the succession.
- If the death occurred outside Québec, request that the act of death made outside Québec be inserted in the Québec register of civil status.
- In certain specific cases, obtain a declaratory judgment of death from a court.

Health insurance card

- Give the deceased's health insurance card to the funeral director, after writing down the card number. If the person died outside Québec, telephone the Régie de l'assurance maladie du Québec.
- If you are a surviving spouse, check whether you have to register with the Public Prescription Drug Insurance Plan. The Check Your Situation questionnaire is available for this purpose, in the "Prescription Drug Insurance" section of the Régie de l'assurance maladie website.

Will

- Look for the most recent will in the deceased's personal effects or safety deposit box.
- Submit requests for a will search to the Chambre des notaires du Québec and the Barreau du Québec, in order to obtain both will search certificates required for liquidation of the estate. This step is compulsory for all successions.
- If applicable, locate the deceased's marriage or civil union contract and check whether the contract contains a testamentary clause whereby the surviving spouse receives the property of the spouse who dies first ("surviving spouse" clause).
- If the will was not notarized, have a notary or a court probate the will (see "Probate of a Will" in the "Steps in Settling a Succession" section of this guide).
- In the absence of a will, ask a notary to prepare a declaration of heredity, if necessary.
- Close the deceased's bank accounts, cancel the deceased's credit cards, check to see whether any bills were paid by preauthorized withdrawal and terminate the withdrawals.
- Identify the heirs and contact them.
- Notify Revenu Québec of the death and send it the required documents.
- Notify the deceased's employer, if applicable.
- Notify Service Canada of the death (Old Age Security pension, Canada child tax benefit, social insurance card, passport, firearms licence, etc.), if applicable.
- Assemble all of the documents needed to draw up the inventory of property (statements of remuneration, documents relating to pensions, invoices, accounts payable, titles of ownership for immovables or businesses, mortgage certificate, IOUs, documents relating to savings accounts, investment certificates, etc.).
- Recover any sums of money owed to the deceased.
- Determine the deceased's obligations, such as accounts payable. Certain debts, such as legal fees, income taxes and municipal taxes, must be paid first.

Liquidation of the succession

- Register the name of the liquidator or, if applicable, the liquidator's replacement in the Registre des droits personnels et réels mobiliers (RDPRM), using the *General Application for Registration* form.
- Assemble all important documents, including titles of ownership for movable and immovable property, bank statements, savings certificates and other financial documents.
- Verify whether the deceased had life insurance and notify the insurance companies of the death.
- If the deceased had a legal spouse, settle the matters of family patrimony and matrimonial or civil union regime. In certain cases, the succession must be used to pay a compensatory allowance to the surviving spouse, or support payments if the deceased had an obligation of support towards a former spouse or children.

- In cases where the family patrimony has been refused, complete the *Application for a Matrimonial Registration* form so that the renunciation will be published in the RDPRM.
- Draw up an inventory of the deceased's property and debts. When the inventory is complete, a notice of **closure of inventory** must be registered in the RDPRM by means of the *General Application for Registration* form, in order to notify people interested in the succession of the place where the inventory can be consulted. The notice of closure of inventory must be placed in a newspaper published in the locality of the deceased's last known address.
- Once the debts of the succession and legacies by particular title have been paid, the liquidator must submit a report (final account). A notice of **closure of the liquidator's account** must be registered in the RDPRM using the *General Application for Registration* form.
- Open a bank account for the purposes of the succession, so that you can cash cheques issued in the succession's name. You will require the death certificate and both will search certificates.
- If the deceased was a tenant, notify the landlord (cancellation or modification of the lease).
- Have the deceased's mail forwarded to the liquidator's address (Canada Post).
- File the deceased's personal income tax returns — TP-1-V (Revenu Québec) and T-1 (Canada Revenue Agency) — and indicate in each return that the return is for a person who has died; check the filing deadlines, depending on the date of death, and pay any balances owing. If applicable, file the deceased's trust income tax returns: TP-646-V (Revenu Québec) and T-3 (Canada Revenue Agency).
- Complete the *Notice Before Distribution of the Property of a Succession* form (MR-14.A-V) (Revenu Québec) and the *Asking for a Clearance Certificate* form (TX19) (Canada Revenue Agency) to obtain the certificates authorizing the distribution of the property.
- Check the register of unclaimed property maintained by Revenu Québec, available on its website (www.revenuquebec.ca).
- Have a notary transfer ownership of immovables. The notary will draft the declaration of transmission for real property attesting to the transfer of the titles of ownership to the heirs and make sure the necessary information is entered in the Québec land register.
- Once the succession has been accepted, distribute the property and money to the heirs (legatees by particular title, heirs of a sum of money, heirs according to the order indicated in the will or in accordance with the law).
- Notify the Curateur public du Québec if a person under 18 years of age receives an inheritance worth more than \$25,000.
- Close the bank account opened for the purposes of the succession.

Successors

- Accept or refuse the succession within **six months** following the publication of the liquidator's inventory.

- In the event of refusal, sign an act before a notary and have the renunciation of the succession or renunciation of the legacy recorded in the Registre des droits personnels et réels mobiliers (RDPRM), using the *General Application for Registration* form.

Where applicable, notify government departments and bodies, including the following, of the person's death:

- Aide financière aux études (see page 43)

- Curateur public du Québec (see page 30)

- Commission des normes, de l'équité, de la santé et de la sécurité du travail (see page 37)

- Régie de l'assurance maladie du Québec (see page 41)

- Retraite Québec (Québec Pension Plan) (see page 33)

- Retraite Québec (public sector pension plans) (see page 40)

- Régie du bâtiment du Québec (see page 49)

- Revenu Québec (see page 23)

- Ministère du Travail, de l'Emploi et de la Solidarité sociale, for the Québec Parental Insurance Plan (see page 44)

- Ministère du Travail, de l'Emploi et de la Solidarité sociale, for the Social Assistance Program or Social Solidarity Program (see page 44)

Apply for pensions, annuities and other survivors' benefits:

- Apply to Retraite Québec (Québec Pension Plan) for a death benefit, surviving spouse's pension, orphan's pension (see page 33).

- Apply for the pensions, annuities and other survivors' benefits paid for deaths resulting from an automobile accident, an industrial accident or occupational disease, a crime, an act of good citizenship, or a hunting or trapping accident (see pages 37, 38 and 39).

- Notify the administrator of any supplemental pension plan (pension fund) in which the deceased participated (see page 39).

Cancel cards, permits, licences, certificates, etc.

- Notify service providers and financial institutions of the death (current accounts, safety deposit box, credit cards, debit cards) and provide the required proof of death.

- Transfer savings and retirement products from Épargne Placements Québec, Québec Savings Bonds, investment certificates, etc.

- Contact the Société de l'assurance automobile du Québec to cancel the deceased's driver's licence, vehicle registration and disabled parking permit and transfer vehicle ownership to an heir, as applicable.

- Return the hunter's or trapper's certificate by mail to the Ministère des Forêts, de la Faune et des Parcs.

SERVICE FOR PERSONS WITH A HEARING IMPAIRMENT

The following numbers are reserved for persons with a hearing impairment who use a teleprinter (TDD):



Services Québec and Directeur de l'état civil

Anywhere in Québec: 1-800-361-9596

Office des personnes handicapées du Québec

Anywhere in Québec: 1-800-567-1477

Revenu Québec

Montréal area: 514-873-4455

Elsewhere in Québec: 1-800-361-3795

Société de l'assurance automobile du Québec

Montréal area: 514-954-7763

Elsewhere in Québec: 1-800-565-7763

QUÉBEC PORTAL

For more information about gouvernement du Québec programs and services, see the "Citizens" section of the Québec Portal – Services Québec (www.gouv.qc.ca). Among other information, the section features e-guides grouped together by target group, subject and life event. The guides allow you to access a number of online services and forms provided by various government departments and bodies.

The e-guides cover topics such as the following:

Moving

Loss of independence

Persons with disabilities (in French only)

Programs and services for seniors

What to do in the event of death

Renting a home (in French only)

USEFUL DEFINITIONS

The general definitions below are intended to familiarize you with some of the terms used in this guide. They have no legal value. To find out the definitions and eligibility criteria for a specific program, check with the government department or body responsible for the program.

Acquittance

A written statement in which a creditor declares that a debt has been paid.

Benefit

A payment made, in particular under a program or plan.

Bequeath

To give by will in anticipation of death.

Civil union contract

A notarized contract made before the solemnization of the civil union of two persons.

Codicil

An addition or a modification to a will after it has been written. The codicil does not invalidate the will.

Columbarium

A building with recesses in which funerary urns are placed.

Compensatory allowance

An amount paid to one of the spouses to compensate for his or her contribution to the enrichment, in property or services, of the other spouse's patrimony.

Coroner's office

The body that investigates the causes of and circumstances surrounding a death when they are unexplained or questionable.

Creditor

A person to whom a sum of money is owed.

Creditor of support

A person to whom support is owed.

Curator

A person who is appointed by the court to administer the property of and/or take care of an individual under curatorship. The curator may be either a natural person who knows the individual or the Curateur public.

Curatorship

Protective supervision for an adult who suffers from a total and permanent incapacity, and needs to be represented with respect to the exercise of his or her civil rights. A curator is appointed by the court to protect the adult and administer his or her property.

Damage

The harm caused to a person.

Dative tutorship

Tutorship to a minor, exercised by a tutor appointed by the court, where the parents are no longer able to look after the child. Parents can appoint a dative tutor in their wills, by means of a protection mandate or through a written statement filed with the Curateur public. As a last resource, the Curateur public can serve as the dative tutor for a minor's property.

De facto spouse

A person living in a conjugal relationship with another person without the commitment of marriage or civil union.

Debtor

A person who owes a sum of money.

Embalming

A series of procedures to improve the appearance and preserve the body of a deceased person for visitation purposes, before it is cremated or buried.

Family patrimony

Certain property provided for by law that is acquired by married or civil union spouses for the usual needs of the family.

Heir

A person who has a right to an inheritance and accepts it in accordance with the law.

Holograph will

A will written by hand by the testator.

Indemnity

A sum of money serving as compensation for damage sustained.

Inheritance

All of the property and assets from a succession.

Legal spouse

A spouse recognized by the *Civil Code of Québec* as a result of marriage or a civil union.

Legal tutorship

Tutorship to a minor, generally exercised by the parents, from the birth of the child until the child reaches age 18.

Legatee by particular title

A person who receives a specific legacy (movable or immovable property, or money) under a will.

Liquidation of a succession

An operation that consists in identifying and contacting the successors, determining the content of the succession, recovering money owed to the succession, paying the succession's debts, paying legacies by particular title, submitting a report and distributing the property.

Liquidator of a succession

The person designated to liquidate a person's succession.

Marriage contract

A notarized contract made before the solemnization of the marriage of two persons.

Mausoleum

Funerary building enclosing caskets that are not interred. Note that certain mausoleums have a section where funerary urns can be stored.

Minor

A person under 18 years of age.

Obligation of support

A mutual obligation imposed by law on certain persons (relatives in the direct line in the first degree, married or civil union spouses), under which a person may claim the support necessary for his or her subsistence (food, housing, clothing, healthcare, etc.) from another person.

Pension

The annual income from financial investments or paid under a public or private program or plan.

Person of full age

A person 18 years of age or over.

Sepulture

The act of placing a dead person in the ground, or place where the body or ashes of a dead person are buried or inurned.

Succession

The property and liabilities left by a deceased person, to be distributed as stipulated by law or a will.

Successor

A person entitled to inherit who has not yet accepted the succession.

Survivor

A person who outlives another person.

Testator

A person who makes a will or has one made.

Trust

A legal regime under which property constitutes a separate patrimony held by one person on behalf of another.

Tutorship to a minor

Protective supervision for a minor. A tutor is appointed to ensure the protection of the minor, administer the minor's patrimony and exercise the minor's civil rights. There are two types of tutorship to a minor: legal tutorship and dative tutorship.

Tutorship to an adult

Protective supervision for an adult whose incapacity is partial or temporary, and who needs to be represented with respect to the exercise of his or her civil rights. A tutor is appointed by the court to protect the adult and/or administer his or her property.

Will

A document by means of which a person bequeaths his or her property and makes known his or her last wishes in the event of death.

