

Joint Ownership — the Good, the Bad & the Risky

Why a fact sheet on joint ownership?

The aging of the population has affected the practice of joint ownership, for example:

- More people are doing estate planning and there are increased pressures to use joint ownership as part of the process; and
- There are greater risks for a single older adult when sole ownership is transferred into joint with someone other than a spouse.

Other factors, sometimes related, such as re-marriage and blended families have also highlighted the need for raising cautions about the practice of joint ownership.

What is Joint Ownership?

Joint ownership is when property is owned by more than one individual. There are different kinds of joint ownership and different purposes for joint ownership.

Joint ownership is typical for legally married and common law spouses. It reflects the expected nature of a spousal relationship—built on trust and mutual respect. There are more risks for joint ownership with someone other than a spouse.

NOTE: Property is defined very broadly (when discussed from a legal perspective) and may include real estate, bank accounts, investments, valuable artwork and jewellery, and vehicles.

What is the purpose of this fact sheet?

This fact sheet gives general information about joint ownership. It is not about private co-housing, cooperative housing, or other kinds of cooperatives where people own shares.

This fact sheet discusses some benefits and risks of joint ownership, in the following order:

- The two main types of joint ownership.
- How the types are different.
- Legal presumptions about joint ownership if the intent is not clear.
- Joint ownership with your spouse.
- Joint ownership with someone other than your spouse.
- Other options — e.g. a Trust.
- Essentials of personal planning.
- Joint banks accounts with a minor child or adult with a developmental disability.
- Resources and acknowledgements.

NOTE: Joint ownership can be created between individuals, corporations, or a combination of these. This fact sheet only deals with joint ownership between individuals.

What are the different types of joint ownership?

There are **two main types** of joint ownership:

1. Tenants in common—TIC. (Lawyers use the term 'tenancy in common'.)
2. Joint tenants with right of survivorship—JTWROS. (Lawyers refer to this as 'joint tenancy' with right of survivorship as a key feature.)

REMINDER

Circumstances can change. Once your property is transferred into joint ownership, there is little chance you can regain sole ownership and full control.

What are the differences between the types of joint ownership?

The main differences between the two types of joint ownership are determined by:

- How the property is divided; and
- What happens when an owner dies.

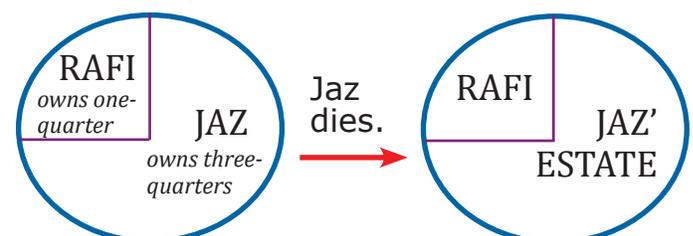
Type Jt Ownership	How divided?	When owner dies?
Tenants In Common	Can be unequal.	Property to estate.
Joint Tenants With Right of Survivorship	Must be equal.	Property to surviving owner(s).

TENANTS IN COMMON

Tenants in common is a type of ownership where owners can own property (such as real estate) in equal OR **unequal** ways. For example, if there are two owners, each owner can own one-half OR one owner can own one-quarter and the other owner can own three-quarters.

EXAMPLE:

Jaz and Rafi own a condominium as tenants in common. Jaz owns three-quarters and Rafi owns one-quarter. When Jaz dies, the three-quarters Jaz owns **goes into Jaz' estate**. It is distributed according to Jaz' Will.



When an owner under tenants in common dies (as Jaz did in our example), the property they own goes into their estate and is distributed according to their Will.

Rafi and the beneficiary named in Jaz' Will decide what happens to the condominium:

- They can keep the same arrangement for ownership that Jaz and Rafi had; or
- One of the owners could 'buy out' the other owner and become the sole owner; or
- They can agree to sell and divide the amount of the sale (the same way the ownership of the property was divided); or
- Although unlikely, they can change/transfer the ownership to JTWRROS—but the property has to be owned equally. (Jaz' beneficiary would have to sell or gift one quarter ownership to Rafi.)

NOTE: If Jaz does not have a Will, the estate is distributed according to the law for 'intestate succession' — dying without a Will. See page 9 to locate the Nidus fact sheet on this topic.

Tenants in common is NOT a typical type of joint ownership for vehicles, bank accounts, or the family home. Spouses are more likely to own these as joint tenants with right of survivorship.

JOINT TENANTS WITH RIGHT OF SURVIVORSHIP (also known as JOINT TENANCY)

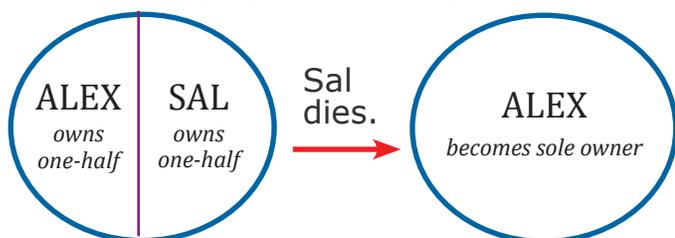
Joint tenants with right of survivorship is a type of ownership where the property **MUST** be **divided equally** among the owners.

If there are two owners, each owner owns one-half. If there are three owners, each owner owns one-third.

This type of ownership must be agreed to by all parties at the same time and listed in the same contract. An additional owner cannot be included on the same contract, although original owners could transfer ownership to one or more additional owners in a separate/new contract.

EXAMPLE:

Sal and Alex own a boat as joint tenants with right of survivorship. They each own one-half. Sal dies. Sal's half ownership **goes to the surviving owner**, Alex. Sal's ownership is not affected by Sal's Will or by the law for intestate succession (dying without a Will).



As the sole owner, Alex can:

- Keep the boat (Alex's Will can say what happens to the boat after Alex's death.); or
- Sell the boat and keep the money; or
- Transfer sole ownership to joint tenants with right of survivorship and divide ownership in equal ways by selling or gifting to others; or
- Transfer sole ownership to tenants in common and divide ownership in equal or unequal ways, through selling or gifting to others.

When an owner of property owned as joint tenants with right of survivorship dies, their ownership goes directly to the surviving owner(s). If there are three owners and one dies, the surviving two owners will then each own one-half.

If two owners die within a short period of time and **one owner survives the other owner for five days or more**, then the surviving owner will own the entire property, as the sole owner, through 'right of survivorship.' The property will then be distributed according to the surviving owner's Will.

If two **owners die** within a short period of time and **within five days** of each other, then the property (for example, a bank account or real estate) owned as joint tenants with right of survivorship is divided equally and one-half goes into the estate of each owner and is distributed according to the Will of each owner.

NOTE: If there is no Will, the estate is distributed according to the law for 'intestate succession' — dying without a Will. See page 9 to locate the Nidus fact sheet on this topic.

What if the type of joint ownership is not clear?

When you die, and if your paperwork is not clear about the type of joint ownership, someone could bring a lawsuit to question your intention.

JOINT OWNERSHIP PRESUMPTION FOR REAL ESTATE

In BC, a lawsuit is less likely for jointly owned real estate, where the type of joint ownership is not clear. The presumed intention is outlined in BC legislation (see #2).

1. The first thing to check is how the joint ownership is listed on the Title of your land.
2. If the Title does not state the type of joint ownership, the **default presumption** is that the real estate is owned as **tenants in common**. If there is no mention of how it is divided, it is presumed to be equal.

This default presumption is outlined in the BC

Property Law Act, section 11.

JOINT OWNERSHIP PRESUMPTION FOR PROPERTY OTHER THAN REAL ESTATE

There is no Statute (Act) to govern joint ownership of other types of property like there is for BC real estate (in the BC Property Law Act).

The **default presumption** for property other than real estate has been that it is owned as **joint tenants with right of survivorship**.

This presumption comes from what is referred to as common law (from court cases and judge's rulings).

Two decisions (2007) of the Supreme Court of Canada (SCC) raised questions about this default presumption for children of the deceased. The court was asked if the default presumption was fair and equitable to estate beneficiaries.

The two cases were about joint bank accounts. Both cases started in Ontario court and in both cases the SCC upheld the decisions of the Ontario court when it dismissed the appeals.

When deciding what the deceased intended when transferring their sole bank account to joint ownership with a child, a judge has to consider **two principles**:



1. The presumption of a resulting trust—according to this principle, the property is really owned by the person who paid for it. The property was transferred into joint ownership for convenience only and should be part of the estate upon the real owner's death (like tenants in common); OR
2. The presumption of advancement—according to this principle, the property was transferred into joint ownership because it is intended as a gift and should go directly to the other owner(s) (as for joint tenants with right of survivorship).

Following is a summary of the 2007 SCC cases. Note that both cases are about joint ownership with someone other than a spouse — yet the decision for each is different. Click the headings to read the details and the judge's reasons.

[Pecore v. Pecore 2007 SCC 17](#)

Father transferred ownership of his bank account to joint ownership with his daughter. After he died, the daughter's ex-spouse went to court to argue the money in the bank account was a resulting trust and should go into the father's estate and be distributed as part of the residue and according to the Will.

(The ex-spouse was mentioned in the Will to receive a portion of the residue.)

The Ontario judge said the bank account was subject to the presumption of advancement and the money goes directly to the daughter as joint tenants with right of survivorship. The ex-spouse appealed the decision of the Ontario judge. The Supreme Court of Canada dismissed the appeal.

[Madsen Estate v. Saylor 2007 SCC 18](#)

Father transferred ownership of his bank account to joint ownership with his daughter. They both thought it was clearly set up as 'joint tenants with right of survivorship' as they used forms supplied by the financial institution. After the father died, his other children went to court to argue the money in the bank account should go into the father's estate and be divided among all the siblings.

The Ontario judge found that there was not enough evidence to support the daughter's claim that the joint bank account was based on the presumption of advancement. Instead, it was found that the bank account was set-up jointly on the presumption of a resulting trust and must go into the father's estate.

The daughter appealed the Ontario judgement to the Supreme Court of Canada. The SCC dismissed the daughter's appeal and upheld the Ontario judge's decision. The daughter (not the father's estate) had to pay the costs of the appeal court hearing.

What do these court cases mean for me?

These court cases 'shook up' the status quo for cases where a parent transferred ownership of a bank account into joint ownership with one of their children. It has led to new considerations about joint ownership of any property (real estate, bank accounts, investments, etc.).

1. Consider if joint ownership is even appropriate for your goals and your situation. What happens when an owner dies? What if circumstances change?
2. If you are going to transfer property you own to include someone else, **make your intention clear** at the time you set it up. Make sure the joint ownership specifies tenants in common OR joint tenants with right of survivorship.
3. If you transfer property YOU own and you INTEND it to be owned as joint tenants with right of survivorship with one or more of your children, or a sibling, or a friend, or a spouse upon re-marriage (especially where there is a blended family) it is strongly recommended that you make a **Deed of Gift** or similar paperwork to show your clear intention to gift. Contact a legal professional for help. Page 3/9

JOINT OWNERSHIP WITH YOUR SPOUSE

What is the definition of spouse for joint ownership?

The term spouse is defined differently for different laws and procedures. You need to be careful to check the definition related to the specific issue under consideration. For example, the following does NOT apply to the definition of spouse for purposes of health care consent (there is no time limit that common law spouses have to be together for health care consent).

In this fact sheet on joint ownership, the term spouse refers to two individuals who are:

- Legally married, or
- Living in a marriage-like relationship (common-law) for at least two years.

There are different legal definitions that apply when a couple are no longer spouses. For example, if the couple is separated (because of a breakdown in the relationship), they may no longer be considered spouses. It is best to get advice from a lawyer if you need to be sure.

Why is joint ownership common between spouses?

Joint ownership is generally seen as a **positive approach for spouses**. This is due to the nature of the relationship between spouses and the legal and moral obligations they have to each other and any children who are part of the family unit. Tax laws also favour spouses.

Joint tenants with right of survivorship (JTWROS) is the most common type of joint ownership for spouses.

NOTE: *There is no requirement to own property jointly with a spouse. Some spouses do not own real estate, bank accounts, or other property together. This may be especially true for second or third marriages in later life and can also be the case for young professional couples.*

What are some reasons spouses use joint ownership?

The main reasons spouses use joint ownership include:

- To **own something more expensive** than one individual could buy alone—such as a family home and/or recreational property.
- For **convenience and shared goals**—spouses often set up a bank account to manage their living expenses and to meet long-term goals for saving and retirement planning.

- For **estate planning purposes** (making arrangements for after your death).
 - To minimize the amount in the estate and save probate fees. Probate fees are based on the value of the estate.
 - To save time as it is simpler and faster to transfer property directly to the surviving owner(s) than through the Will.
 - To protect the spouse from a possible challenge by children of the deceased, if the property is distributed through the estate/Will. (In BC, a spouse and children of the deceased can challenge a Will.)
- For **personal planning purposes** (making arrangements for while you are alive, in case of incapacity and need for support).
 - A joint bank account is often used as a reason to help someone whose mental capability is in question. However, joint bank accounts were not designed for this purpose—there are no safeguards. Like the 'Bank Power of Attorney,' joint bank accounts are limited to banking matters and to specific institutions/accounts. Joint ownership is NOT a substitute for personal planning—by spouses or other adults. See page 7.

What if spouses transfer ownership of their home to include others?

Sometimes spouses (parents) will transfer ownership of their principal residence to include an adult child (son) and their son's spouse. This means there are now four owners of the real estate. Under joint tenants with right of survivorship, each individual owns one quarter. This arrangement is often done for estate planning. Whatever the reasons, the added complexity is a personal and private matter among the parties—unless or until something happens.

What if one or both of the parents want to sell the real estate because they need the money for their future care? Will it take a court case to force a sale if other owners don't agree? See the next pages for more questions and implications.

What if one of the four owners is incapacitated? Perhaps the son has a stroke at age 55 and is receiving care in a facility. If the son did not do any personal planning and the real estate needs to be sold (at some point), the arrangement is no longer a personal and private matter among family members. Others will be involved including lawyers and the government (through the Public Guardian and Trustee). There will be extra fees, time delays, and loss of control.

AGING OF THE POPULATION AFFECTS JOINT OWNERSHIP

Following are two main factors related to the aging of the population that has increased the pressure to use joint ownership:

- More older adults have **greater wealth** than generations before and since; and
- Women live longer than men and these women are generally of **single status** due to: 1) never being in a long-term spousal/family relationship (in earlier times, this was often a consequence for women who chose a career); 2) being divorced; or 3) being widowed.

In the case of greater wealth, parents naturally want to help their children and grandchildren. We all favour approaches that seem familiar and accepted. The challenge is that many familiar or status quo approaches may no longer work as before. All aspects of society are undergoing significant and even rapid changes due to technology and changing values. **We have to ask: is joint ownership relevant in all circumstances?** Professionals and institutions still promote it for estate planning purposes — especially for money saving reasons. But, as this fact sheet highlights, there are also risks and these may be costly to relationships as well as to financial security.

In the case of women living longer, joint ownership has been used to ‘help’ a parent or an older relative or friend to manage their finances. Joint ownership with someone else has been adopted as a convenient solution to helping—although NOT best practice. There are other and better ways if someone needs help due to mental incapacity or the physical frailties of aging. See page 7.

JOINT OWNERSHIP WITH SOMEONE OTHER THAN YOUR SPOUSE

Why more risks for joint ownership with someone other than a spouse?

Transferring property from sole ownership to joint ownership with someone other than a spouse **may lead to negative consequences** due to differences in the nature of the relationships between:

- Parent and child or children,
- Siblings,
- Friends,
- Blended families due to re-marriage.

One negative consequence is potential conflict. For example, someone might ask ‘why did you transfer ownership to that person and not to me?’

The reasons for setting up joint ownership with someone other than a spouse are often similar, such as for convenience and for estate planning. However, there are some specific risks due to the different nature of the relationships. It also raises ethical questions, such as who is the real owner of the property being transferred to joint ownership?

You may think that you are simply ‘adding’ a son or daughter to the Title of your house or your bank account BUT you are transferring ownership of YOUR property and it may be permanent. This has risks for you and for the other owner(s). You are not a bad parent if you decide to use your Will or a Trust instead.

What GENERAL RISKS due to life events can affect joint ownership?

If one owner of jointly owned property is affected by specific life events, the other owner(s) may be affected too and their quality-of-life diminished. Consider risks if claims for compensation are sought due to:

- **Divorce or a family law claim**
 - For example, if mom transfers ownership of her bank account to joint with her daughter and the daughter’s marriage or marriage-like relationship breaks down, the daughter’s spouse might make a claim against the joint bank account (even though mom is the real owner of the money in the account).
- **Liability from a serious motor vehicle accident**
 - For example, if dad transferred his real estate property to joint ownership with his son and then his son has a serious car accident, the injured party may sue the son for amounts not covered by the son’s insurance. This could include seizing the son’s ownership of the real estate property (even though the real estate is dad’s principal residence).
- **Bankruptcy or debts**
 - To recover losses, creditors could pursue bank accounts or real estate that is owned jointly (regardless of who is the real owner).

What are SPECIFIC RISKS for joint ownership of your principal residence?

There are some specific risks related to transferring ownership of real estate (your principal residence) to someone other than a spouse. Consider:

- You may have to **pay back any deferred municipal property taxes**.
 - If, as a senior, you have been deferring taxes on your principal residence, you may have to pay all the tax you have deferred, in one lump sum, when you transfer the property into joint ownership with someone who has a different principal residence. Ask before you act.
- **You may need access to and control of** your principal residence for YOUR benefit:
 - What if you want to downsize or need money to pay for care needs? What if the other owner does not agree to sell?
 - What if the other owner severs (ends) the JTWROS and the home is now owned as 'tenants in common,' without you knowing? (allowed by BC Property Law Act, section 18.)
 - » You still own half, but now as a tenant in common. (If the other owner dies, their half goes to their estate – not you.)
 - » The other owner could take out a mortgage on their half. If they default on the mortgage, it could force a sale or foreclosure on the entire real estate.
- Transferring sole ownership to joint ownership is **not a private matter**.
 - Since 2016, an owner who transfers or sells their principal residence must report it on their income tax return for the year it was transferred or sold, whether taxes are payable or not.
- Transferring sole ownership of your principal residence to joint tenants with right of survivorship with someone else may require the other owner(s) to **pay capital gains tax** when the property is sold (if it has increased in value) and it is not their principal residence.
 - The capital gains tax could be far higher than the probate fees you were trying to avoid by using joint tenants with right of survivorship.

What are SPECIFIC RISKS for joint ownership of your bank account?

There are some specific risks related to transferring ownership of your bank account(s) to someone other than a spouse. Consider:

- A joint bank account has **no safeguards** for the person who really owns the money in it.

- A joint owner (for example, an adult child) can withdraw all the funds out of the account (even though it is the parent's money);
- Conflicts can arise among other family members and, as discussed on page 3, challenges have gone to court to argue about the purpose or intention of a joint account.
- As mentioned, a joint bank account has often been used as a way to 'help' manage finances if a parent's mental capability is in question. However, this approach has **ethical and practical problems**. Joint ownership is not a substitute for personal planning, see page 7.
- Families sometimes talk about the need to have a joint bank account with an aging parent to avoid '**freezing**' of the bank account when the parent dies. The idea is that it allows the surviving owner to retain access to the funds.
 - As discussed, recent court cases suggest that financial institutions may 'freeze' the bank account regardless, unless they are satisfied it was intended as JTWROS.
 - Financial institutions will generally continue to pay regular bills while family members notify third parties—like phone, cable, and hydro—of the death and to cease charges for services.
 - If the concern is paying a bill for cremation or burial, take the unpaid bill from the funeral home to the financial institution for payment. (While it is promoted by funeral homes and many seniors do it, Nidus does not endorse the practice of pre-paying funeral expenses.)

OTHER OPTIONS

What are your values and goals?

Using joint ownership, specifically JTWROS, to save probate fees does NOT fit everyone's values and beliefs. It may lead to conflict, court challenges, and/or negative consequences for you and your future care needs. It is YOUR decision.

How is a Trust an option?

Trusts are becoming more popular as a better way, than joint ownership, to pass on real estate and other property to someone else. A Trust can avoid some of the risks to you and for the other person.

A Trust can be in effect while you are alive or it can come into effect only after you die.

A Trust does not authorize anyone to help you with decisions if you become incapable. It does not replace the need for personal planning.

Trusts require specialized knowledge and keeping up-to-date. Trusts are governed by both federal and provincial legislation. You will need to find a lawyer experienced in this field.

JOINT OWNERSHIP IS NOT A SUBSTITUTE FOR PERSONAL PLANNING

Joint ownership of any kind does NOT replace the need for personal planning. Some use joint bank accounts to 'help' someone whose mental capability is affected by illness, injury, or disability. This is often an adult child 'helping' a parent, yet it also applies to spouses. There are better ways to meet this need than a joint bank account; see Essentials of Personal Planning below.

While a joint bank account may seem like a convenient way to 'help,' it raises serious concerns.

- There is the **ethical question** of 'who is the real owner of the money in the account?'
 - Joint bank accounts are not designed for helping someone to manage their finances or acting on their behalf. Joint bank accounts do not have built-in safeguards or accountability that legal personal planning documents have.
- There are many **practical issues** too.
 - A joint bank account will not let a joint owner help with Canada Revenue for tax matters or re-direct the mail at Canada Post or deal with investments or savings managed by a different firm or held in another institution.

Joint ownership is also NOT a substitute for making a Will. Even if you set up JTWRROS with your spouse for the bank account, a financial institution often wants to see the Will as well. This can apply to other property such as investments. Having a Will is important, for example, to deal with even small amounts left in a savings account (residue), to arrange cremation or burial (a duty of the executor), to deal with governmental issues such as filing taxes.

ESSENTIALS OF PERSONAL PLANNING

Why is joint ownership NOT designed for incapacity?

The idea of a joint bank account is often proposed as a way to help an aging parent manage their finances, in case of an illness or injury that affects their mental or physical capability. In fact, such an arrangement is often proposed by the parent.

However, a joint bank account and joint ownership of other property was never designed for this purpose. A joint bank account does not provide any safeguards. It also does not authorize the joint owners to assist with decision making if one of them needs help due to incapacity.

There are better and specific legal planning documents to authorize someone to assist or act on behalf of an individual who needs support, while alive. There are personal planning documents for financial and legal affairs as well as health and personal care matters.

Personal planning is the term for making legal documents **in case of incapacity**, for end-of-life, and for other support needs. **Nidus** is the *Centre for Excellence in Personal Planning*.

Estate planning is about making arrangements for after death. It does not replace the need for personal planning documents.

What legal documents can assist in case of incapacity?

In BC, there are two legal documents that cover financial and legal affairs. They are different; you only make one.

1. An Enduring Power of Attorney (EPA) is the most comprehensive document for financial and legal affairs. You must make it when you are capable to understand, and it is the only personal planning document that covers dealing with real estate, if you become incapacitated.
2. A Representation Agreement under section 7 can include routine financial affairs (covers less than an EPA). The RA7 was designed for adults whose capability to 'understand' is in question.

Both documents provide accountability and offer safeguards for those who want to 'help' someone. The good news is that, with an EPA or an RA7, a bank account stays in the name of the individual who is the real and sole owner. They give legal authority to one or more people to help the individual, when needed, to manage the bank account and other financial affairs. For more information and forms, see page 9 for Nidus resources on 'Personal Planning.'

NOTE: *Sometimes financial institutions suggest making a 'Bank Power of Attorney.'* While this is intended to be helpful, it can be harmful. It has limited use for personal planning and it can cancel your (broader) Enduring Power of Attorney.

JOINT BANK ACCOUNT WITH MINOR CHILDREN OR ADULT WITH A DEVELOPMENTAL DISABILITY

It is typical for minor children to establish a bank account **in their own name** when they are 12 or 13 years old, which they can use to deposit birthday (or other) money they receive. Parental rights allow a parent to help their minor child with the account.

It is important that a minor child with a developmental disability also has a bank account. Parents can help them set it up at age 12 or 13, as for any minor child. It makes things easier if the child later qualifies for Persons With Disability benefits (PWD) that start at age 18. The BC government policy is to use direct deposit for PWD and if the individual does not have a bank account, it can create delay and other problems. Remember, PWD starts at age 18, but in BC, parental rights continue until age 19. Parents can help their child manage their own account.

Sometimes there is a well meaning double standard for minors with a developmental disability. Some parents set up a joint bank account—even though the money in the account belongs to the minor. This practice seems to contradict current values and efforts to strive for equality.

When the minor child with a developmental disability turns 19, and needs assistance with their financial affairs, parents can help the 19 year old to make a Representation Agreement section 7 (RA7). An RA7 All is a legal document and a way that adults with a developmental disability can get help with finances and decisions in other life areas, such as health care. The law says that an adult may make an RA7 even if they cannot make a contract (cannot ‘understand nature and effect’). BC is very fortunate to have this law for adults whose mental capability is in question and who need help managing their finances. The RA7 includes opening up and managing a Registered Disability Savings Plan (RDSP).

In the past, service providing agencies used to set up a joint bank account between a paid staff and the adult with a developmental disability. This was common for group homes and with home share providers. This practice is discouraged due to ethical reasons. It is also discouraged as it does not offer any protections—for the adult or for a financial institution or community agency or staff—unlike the RA7, a legal document under the Representation Agreement Act.

RESOURCES & ACKNOWLEDGEMENTS

Don't forget to register your plans

Nidus operates the online Personal Planning Registry.

The Registry provides secure storage of important information and documents in ONE central place. You can grant access to others who may need to know in times of a health crisis or a disaster (such as wildfire, flood or earthquake).

You also have 24/7 access to your own information and documents to help yourself during and after a crisis or disaster.

Read more details and ‘how-to-instructions’ and watch a demo at www.nidus.ca > click Registry tab (top blue menu bar) > [Instructions](#)

Where to get more information about Joint Ownership?

Dial-a-Law (a service of the lawyers’ association in BC) has some information on joint ownership as part of its script about Making a Will and Estate Planning. See script 176 under Wills & Estates. Go to <https://www.cbabc.org/For-the-Public/Dial-A-Law/Scripts/Wills-and-Estates/176>

How to find a legal professional?

To find a lawyer/law firm for this topic — contact the Lawyer Referral Service (operated by the lawyers’ association in BC). You can consult with a lawyer for up to 30 minutes for \$25.00. Go to www.cbabc.org/For-the-Public/Lawyer-Referral-Service

To locate a notary public near you, contact the Society of Notaries Public of BC at 604.681.4516 or 1.800.663.0343 or you can search online at www.notaries.bc.ca

Where to get more information and forms about Personal Planning?

Nidus provides free information and legal Representation Agreement forms for self-help. This applies to BC.

Go to www.nidus.ca — **click on the link** just above the 3 photos and watch the **GETTING STARTED** video. There are different types of Agreements, depending on the situation. It is important to make the right Agreement for the right situation — watch the Getting Started video (link above).

If you are familiar with the Nidus website and the law, you can click on the photo/heading at the Nidus home page that **matches** the situation.

<i>Helping a Relative with a DISABILITY</i>	<i>I'm planning on the FUTURE PATH</i>	<i>Caring for an Adult Who NEEDS HELP NOW</i>
<p>Helping an adult with a disability from birth or childhood?</p> <p>Info & Forms for RA7</p> <p><i>Adult may make even if capability to understand is in question.</i></p> <p>Click FIRST photo</p>	<p>Are you an adult who is capable of understanding?</p> <p>Info & Form for RA9, Info on EPA</p> <p><i>For those currently capable to understand— don't wait for a crisis!</i></p> <p>Click MIDDLE photo</p>	<p>Are you helping an adult with advanced dementia, serious stroke?</p> <p>Info & Forms for RA7</p> <p><i>Adult may make even if capability to understand is in question.</i></p> <p>Click THIRD photo</p>

Where to get Nidus fact sheets?

Nidus has fact sheets on many topics. Go to the website www.nidus.ca > click **Information** (top blue menu bar), then click topic of interest.

For the Nidus fact sheet on *Dying Without a Will* (and *Tips for Making a Will*), click the topic of [Estate Planning](#)

Legislation

To view BC legislation, go to www.bclaws.ca > click on Laws of British Columbia > Public Statutes and Regulations > then select the name of the legislation/Act by its first letter.

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Jane A.G. Purdie, Q.C. made a presentation on Estate Planning and Joint Ownership to lawyers at a meeting in the fall of 2016. She also provided a handout.

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