

The Duties of an Executor in Ontario

Being an executor in Ontario is like being handed the master key to someone's life story after they've turned the last page. It's not about power; it's about *promise*. You're the one who makes sure their final wishes don't get lost in the shuffle of grief.

You're the caretaker of their legacy, the one who turns "I hope..." into "It's done."

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What is an Executor? (Ontario)

An executor is a legal representative named in a will to handle an estate when someone dies. Undertaking the responsibilities of an executor can be challenging and frustrating, especially after the loss of someone close to you. To make things easier, I've created a detailed checklist of the duties of an executor in Ontario.

Think of my checklist as a roadmap to guide you through a heartfelt responsibility—honouring your loved one's wishes while caring for the people and details they left behind. I've grouped the tasks into several phases to make it feel more manageable.

The Duties of an Executor in Ontario (Checklist)

Right Away: The First Steps (Days 1–14)

These first steps are not just formalities—they're essential actions that protect the estate and set everything else in motion.

- Locate the original will and keep it in a safe place. Review the will for any specific instructions regarding the funeral.
- Arrange the funeral if the family wishes you to—check the will for any pre-paid plans or specific funeral requests.
- Notify close family & friends of the death.
- Secure the home: change locks if necessary, forward mail, stop newspapers, and arrange for the care of any pets.

- Order multiple death certificates (10–15 originals, banks and agencies will each want one).
- Cancel CPP (Canada Pension Plan) and/or OAS (Old Age Security) benefits.

Before proceeding to legal or financial matters, ensure that the will is located, the home is secure, and loved ones have been notified. Taking care of these details promptly ensures stability, respect, and a clear path forward for your future duties.

Gathering & Protecting Assets (Weeks 1–4)

This stage is all about **ensuring that everything the deceased owned is accounted for, protected, and organized** before proceeding.

Applications & Notifications

- Apply for CPP survivor benefits (if applicable/eligible).
- Apply for the CPP Death Benefit (\$2,500 lump sum) if the deceased contributed to CPP (Canada Pension Plan).
- Notify financial institutions (such as banks, credit issuers, pension providers) and request account freezes where necessary.
- File the will with the Ontario Superior Court (even if no probate is required—keeps it official).
- Fill out any necessary paperwork to collect any life insurance.
- Contact the employer regarding pension plans and death benefits.

Documenting, Organizing, & More

- Create a comprehensive inventory of all assets, including bank accounts, investments, real estate, vehicles, jewelry, digital assets (such as cryptocurrency wallets), and safety deposit boxes.
- Pay probate taxes to the provincial government (if probate is necessary).
- Create a complete list of all outstanding debts.
- Cancel subscriptions (cell phone, streaming services, magazines) and redirect or stop non-essential services (wi-fi, vehicle insurance).
- Open an estate bank account to receive income and pay bills—keeps everything separate and clear.

Gathering assets and documenting debts ensures nothing is lost or overlooked, while notifying institutions and opening an estate account keeps finances clear and separate. Taking these steps early enables you to carry out your duties efficiently and responsibly.

Legal & Tax Paperwork (Months 1–6)

This stage focuses on **handling all legal and tax obligations carefully** to protect both the estate and yourself as executor.

- Apply for a Certificate of Appointment of Estate Trustee (probate) if required (real estate, large bank accounts, or institutions will ask for it).

- Advertise for creditors in: NoticeConnect online (recommended), Local Newspaper (the traditional option), the Ontario Gazette (protects you from unknown debts).
- File the final personal tax return (T1) for the year of death—due April 30 (or June 15 if self-employed).
- File any trust (T3) returns for estate income earned after death.
- Obtain a tax clearance certificate from the CRA before final distribution—this confirms that all taxes have been paid.

Applying for probate gives you the **legal authority** to manage and distribute assets, which is especially important for real estate, large bank accounts, or other institutions that require proof of your role.

Advertising for creditors is a **key protection step**: by notifying potential creditors through online services, newspapers, or the Ontario Gazette, you create a public record giving anyone owed money a chance to come forward. This step shields **you personally**, as the executor, from personal liability if a claim arises **after** the assets have been distributed.

Paying Debts & Expenses with Care

One of the executor's most important duties is settling the estate's debts and ongoing expenses correctly and in the proper order. Failing to address these obligations before distributing assets can expose an executor to personal liability. These includes:

- Paying funeral costs, taxes, utilities, mortgages, credit cards, and valid creditor claims.
- Keeping meticulous receipts—transparency in your role brings peace of mind to the beneficiaries.
- Rejecting invalid creditor claims politely in writing (you have protection under the [*Trustee Act*](#)).

It's essential to keep meticulous records of every payment made on behalf of the estate. Save invoices, bank statements, and receipts, and document the purpose of each expense. Clear record-keeping ensures transparency, helps answer beneficiary questions, and provides protection if your actions are ever reviewed.

Not every creditor claim presented to an estate is valid. As an executor, you are entitled to review and verify creditor claims **before** paying them. If a claim is incorrect you may reject it—politely and in writing. Ontario's Trustee Act offers legal protection when executors act honestly, reasonably, and in good faith, allowing you to carry out your role with confidence while safeguarding the estate.

Distributing the Estate (Usually 12+ Months)

Estate distribution in Ontario typically does not happen immediately. Executors are expected to wait until debts, taxes, and potential claims are resolved, which is why distributions often occur 12 months or more after death (commonly referred to as the “executor's year”). Steps when distributing the estate:

- **Prepare clear accounting** (like a family ledger) showing every dollar in and out—share this with all of the beneficiaries for complete transparency.
- Transfer specific gifts (e.g., “my grandmother’s ring to Nancy”) first.
- Sell assets only if needed (house, car, stocks)—get fair market value and keep records.
- Distribute the residue (what’s left) according to the will’s percentages or shares.

Specific gifts named in the will should be transferred first. These are items or amounts given to particular people, such as jewelry, heirlooms, or designated cash gifts. These gifts should only be distributed once you are confident the estate has sufficient funds to cover all remaining obligations.

Assets such as a home, vehicle, or investments should only be sold if necessary to pay debts, taxes, or to allow for fair distribution among beneficiaries. When selling assets, obtain fair market value and keep thorough records of appraisals, listings, and sale documents to demonstrate that you acted prudently and in the estate’s best interest.

Once all obligations are settled and specific gifts have been distributed, the remaining assets—known as the residue—are distributed according to the percentages or shares set out in the will. Careful timing, documentation, and communication throughout this process help protect yourself as the executor and give beneficiaries confidence that the estate has been handled **properly** in a time of grief.

Final Touches

- Close the estate bank account after any outstanding matters are settled.
- File a final accounting with the court if probate was required.
- **Keep records for 7 years** (the CRA may ask for them in the future).
- If the will creates an ongoing trust (e.g., for minors), arrange a successor trustee.

As an executor, you'll need to keep records of all material transactions, receipts, timelines, correspondence, and financial documents related to the estate, either as physical copies in a safe folder or binder or as digital copies.

The CRA can audit estate distributions up to 7 years in the future, which is why it's essential as the executor, **you** maintain copies of everything.

A Reminder to You, the Executor

- **You can always hire help:** Lawyers, accountants, and appraisers can all help you manage the new responsibilities while you try to balance grief at the same time—**reasonable** fees come from the estate.
- **Take breaks:** Grief + paperwork is heavy. A walk or a cup of tea can recharge your heart.
- **Communicate:** Regular updates to beneficiaries prevent worry; everyone experiences the grief of losing a loved one.

You're not just "administering an estate"—you're honouring the final chapter of someone's life story with dignity and love. If you ever need assistance, please reach out to an estate lawyer or a trusted advisor.

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