

COVID-19 RESOURCE CENTER

Probate and Estate Administration During Covid-19

April 8, 2020

This is a general overview of changes we have seen to the probate and estate administration process to date as a result of COVID-19 and accommodations that have been made to facilitate obtaining probate.

Preparing Probate Applications

Lawyers, despite working remotely and limiting in-person meetings, are able to prepare and submit probate applications. We understand that certain steps in the probate process may be delayed and provide the following recommendations to executors and administrators in order to continue moving forward with the process.

Executors/administrators can begin collecting information on the assets of an estate promptly, as there may be delays in obtaining such information from the party being requested to provide it.

Executors/administrators can send out notices to beneficiaries and other individuals requiring notice of their intention to apply for probate. This notice is typically delivered by mail, but executors/administrators may wish to consider delivering this notice by email (if further requirements are met). We are happy to provide further advice or assistance on this matter.

Commissioning of Affidavits

An executor or administrator is required to sign several affidavits which form part of their probate application. This is typically done in front of a commissioner of oaths, i.e. a lawyer or a notary. These rules have been relaxed, and executors or administrators (including those in quarantine, self-isolation, or exhibiting flu-like symptoms) can now sign these affidavits with a lawyer or notary using video technology as long as certain requirements are met. These include the following:

1. Preparing the affidavit to include a provision allowing the executor or administrator to sign the affidavit while not being physically present with a lawyer or notary.
2. Having a lawyer or notary schedule a video conference with the executor or administrator to sign the affidavits.
3. During the video conference, the executor or administrator will provide proof of identification (for example by a driver's license or passport) and allow the lawyer or notary to obtain copies thereof prior to signing. The lawyer or notary will administer the oath and watch the executor or administrator sign the affidavit.
4. The executor or administrator will provide the lawyer or notary with a scanned or emailed copy of the

signed affidavits, and upon the lawyer or notary confirming that their signed copy matches the copy provided, the lawyer or notary will then sign a duplicate copy, as well as a certificate that is attached to the two signed copies of the affidavits for submission to the probate registry.

We are happy to assist with the process described above and provide further details.

Submission of Probate Applications

On March 18, 2020, notice was provided that the courts throughout British Columbia were suspending their regular operations and ceasing to provide in-person registry services. Despite this suspension and restriction on services being provided, probate registries are still accepting new probate applications whether by mail or by e-filing services provided through Court Services Online.

Many of the probate registries, including those located in Vancouver and Kelowna, are under a directive to not issue grants of probate and to not collect probate fees until May 1, 2020. This date may be extended by COVID-19. Court staff will still be reviewing and providing notices to revise probate applications during this time. Despite this delay to receive a grant of probate, we are still recommending that executors/administrators submit their probate application for review and approval upon the court being permitted to issue grants following May 1, 2020.



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