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Canada

Estate planning

Estate planning enables you to direct how you dispose of your things you own and say how you would like to be treated if there comes a time when you lack the capacity to make your own decisions.

- A will specifies how your assets will be divided.
- A revocable living trust sets property aside for beneficiaries and designates a trustee to administer the assets if you become incapable.
- Power of attorney (POA) for property designates a trusted person or people (an agent) to make financial decisions and manage your property for you.
- POA for personal care designates an agent to make healthcare decisions for you when you cannot make them yourself. The document tells doctors, family members, and the courts your wishes for life-support and other medical procedures if you lack capacity to communicate these.

An advance directive (living will) – part of POA for personal care – enables your agent to act if you need medical intervention and are incapable. There are two kinds of advance directives. In one, you choose who you want to make decisions for you. In the other, you give instructions about what decisions you want made or you describe your values and beliefs to a decision maker.

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- 43% of Canadians don’t know their partner’s end of life wishes
- 74% believe that pre-planning their funeral is important
- 48% say they don’t know where to start death planning
- 18% say the thought of discussing end of life issues makes them feel ‘depressed’ or ‘stressed’

Source: Arbor and Leger joint survey 2022

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If you provided care instructions as part of a POA, the two documents are equivalent when it comes to making decisions about medical care. Making these decisions is known as Advance Care Planning. An advanced care plan also outlines your values and beliefs, what should happen to

your body, and how you want to be celebrated.

If you want to avoid interventions that you consider inappropriate at the end of life, consider having a Do Not Resuscitate Order or a No Cardiopulmonary Resuscitation Order signed by your doctor.

Medical Assistance in Dying (MAID)
If you are over 18 and competent, this process allows you to receive assistance from a medical practitioner in ending your life. You must have a ‘grievous and irremediable’ medical condition. This means you have a serious illness, disease or disability; are in an advanced and irreversible state of decline; you experience unbearable physical or mental suffering; and your natural death is reasonably foreseeable. The procedure requires two witnesses and two medical assessments, and you need to find a doctor to administer medication for a peaceful and painless death. Rules vary between provinces and territories.

Useful websites

- Canada Protection Plan An insurance company death planning checklist.
- Dying with Dignity An Advance Care Planning kit.
- End of life planning Canada How to navigate the end of life experience with dignity.
- Epilogue Wills A blog on Canadians’ relationships with wills.
- Genymoney A blog helping people to put their affairs in order.
- Government site with information on what to do when someone dies.
- Investopedia Estate planning for Canadians.
- Readers Digest A guide to end of life planning.
- Wealth Management Canada A checklist for those who are Estate planning.
- Willful Information on how to manage Estate planning.

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Translation disclaimer: Content originally written in English.