



If you die without a will, here's what happens to your assets

If you die without a will:

- Your estate may be divided in a way you may not have wanted.
- Someone will be appointed to administer your estate, rather than you choosing the person you want.
- The courts will appoint a guardian for minor children, and it may not be the person you would have chosen.
- Your assets may be frozen, which means no one has access to money or property until the estate is settled.
- A minor's inheritance may be frozen until he or she reaches the age of majority.
- Your estate or your heirs may have to pay more taxes.

You've worked hard to build your estate, so don't leave it up to the courts to decide how it should be distributed. Each province and/or territory has its own laws on how your assets will be distributed when you die, as the following chart shows.

If you are survived by:				
Province	Spouse only	Children only	Spouse plus one child	Spouse plus children
Alberta	All to spouse	All to children	First \$40,000 to spouse; balance split equally	First \$40,000 to spouse; 1/3 balance to spouse; 2/3 to children
British Columbia	All to spouse	All to children	First \$65,000 to spouse; balance split equally	First \$65,000 to spouse; 1/3 balance to spouse; 2/3 to children
Manitoba	All to spouse	All to children	Either all to spouse or greater of \$50,000, or half of the estate to spouse plus half of balance to spouse and half to children.	
New Brunswick	All to spouse	All to children	Marital property to spouse; balance split equally	Marital property to spouse; 1/3 balance to spouse; 2/3 to children
Newfoundland and Labrador	All to spouse	All to children	Split equally	1/3 to spouse; 2/3 to children
Northwest Territories/Nunavut	All to spouse	All to children	First \$50,000 to spouse; balance split equally	First \$50,000 to spouse; 1/3 balance to spouse; 2/3 to children
Nova Scotia	All to spouse	All to children	First \$50,000 to spouse; balance split equally	First \$50,000 to spouse; 1/3 balance to spouse; 2/3 to children
Ontario	All to spouse	All to children	First \$200,000 to spouse; balance split equally	First \$200,000 to spouse; 1/3 balance to spouse; 2/3 to children
Prince Edward Island	All to spouse	All to children	Split equally	1/3 to spouse; 2/3 to children
Quebec	All to spouse ¹	All to children	1/3 to spouse; 2/3 to child	1/3 to spouse; 2/3 to children
Saskatchewan	All to spouse	All to children	First \$100,000 to spouse; balance split equally	First \$100,000 to spouse; 1/3 balance to spouse; 2/3 to children
Yukon	All to spouse	All to children	First \$75,000 to spouse; balance split equally	First \$75,000 to spouse; 1/3 balance to spouse; 2/3 to children

Source: CCH Canadian Estate Planning Guide (November 2006)

¹ If spouse, relative(s), but no children, then 2/3 to surviving spouse, 1/3 to privileged ascendants (deceased mother and father) or privileged collaterals (deceased brothers and sisters and their descendants in the first degree).



The information provided is accurate to the best of our knowledge as of the date of publication; however, rules and interpretations may change. The definition of spouse varies by provincial law. This information is general in nature, and is intended for educational purposes only. For specific situations you should consult the appropriate legal, accounting or tax expert.

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