

Wills and power of attorney: cornerstones of estate planning

While there are several ways to ensure your estate goals are accomplished, two are considered cornerstones of estate planning and should be prepared by everyone. These are having a properly executed and current Will and appointing a power of attorney.

Wills

Many people delay writing their Will under the assumption that being young, or in good health or without dependants, justifies waiting. However, if your assumption is wrong, your beneficiaries will get what the province mandates. In addition, the absence of a prepared Will invariably causes delays and extra expense for surviving loved ones.

Beneficiaries

Careful consideration should be given to the value of your estate and those people you wish to benefit from it. Questions that should be considered are who should receive what, and under what circumstances. For example, should money be held in trust for a child until a certain age is reached?

Choosing an executor

Your executor is responsible for administering your estate according to the wishes in your Will. Not only should you choose a primary executor, but also an alternate (a contingent) if you are concerned whether an individual you may wish to appoint would be up to the task. You can also consider naming a corporate executor, such as Scotiatrust, to undertake this role for you.


The duties of an executor are many and complex, and the emotional strain can be high, so choose this person carefully. Letting them clearly know your wishes will give you peace of mind, and will allow them to act decisively during a potentially unsettling time.

Powers of attorney

A power of attorney (Mandate in Quebec) gives someone the authority to manage and govern your property and financial affairs while you are still living if you become incapable of doing so. There are also powers of attorney for personal care governing health and other life decisions. Everyone should have both. You will need to complete a legal document to appoint a power of attorney.

There are different roles a power of attorney can take on, over a limited period of time (i.e. during your absence on vacation) or in more enduring situations and with broader control (i.e. managing all of your financial affairs if you are somehow incapacitated).





Whatever stage of life you are at, Wills and powers of attorney are two cornerstones of prudent estate planning. They can help ensure that your worldly assets are properly cared for, and that the most important people in your life are properly considered at an important time. However, Wills and powers of attorney are also potentially complex legal documents that require the advice of specific professionals to implement properly.

A ScotiaMcLeod advisor has the knowledge, resources and team of experts to help you understand your options, and take action that gives you and your loved ones greater peace of mind.

This publication has been prepared by ScotiaMcLeod, a division of Scotia Capital Inc.(SCI), a member of CIPF. This publication is intended as a general source of information and should not be considered as personal investment, tax or pension advice. We are not tax advisors and we recommend that individuals consult with their professional tax advisor before taking any action based upon the information found in this publication. This publication and all the information, opinions and conclusions contained in it are protected by copyright. This report may not be reproduced in whole or in part, or referred to in any manner whatsoever, nor may the information, opinions, and conclusions contained in it be referred to without in each case the prior express consent of SCI. Scotiabank Group refers to The Bank of Nova Scotia and its domestic subsidiaries. TM Trademarks of The Bank of Nova Scotia.

