

An Estate Trustee:

- Must exercise ordinary care and prudence;

- Must follow the directions contained in the Will or other governing document or intestacy rules (unless court authorizes changes or beneficiaries consent);

- Must treat all beneficiaries impartially and with an even hand unless otherwise directed in the governing document;

- May not delegate his or her authority to make decisions in connection with the administration of trust property to anyone else;
 - May not personally profit as a trustee from his or her dealings with trust property or with beneficiaries;
 - May not place themselves in or appear to be acting in conflict with the best interests of a beneficiary;
 - Must keep and maintain records and produce accounts upon reasonable notice; and
 - Must not unseasonably delay the estate's administration.

Generally certain steps cannot be completed without the certificate of appointment of estate trustee.

- the transfer of most real estate and publicly traded shares;

- the withdrawal of funds from the deceased's bank accounts or redemption of bonds or certificates of deposit; and
- the institution or defence of a civil suit on behalf of the estate.

Estate Administration Tax is paid on application for a certificate of appointment and is calculated on the gross value of the assets of the estate, 0.5% on the first \$50,000 (\$250.00) and 1.5% of the remainder.

Liabilities of an estate may include the following:

- funeral and burial expenses;
- medical expenses;
- income tax liabilities;
- trade accounts - in this connection it is important to discontinue all charge accounts maintained by the deceased and to safeguard credit cards;
- claims from relatives and others for services rendered; or
- a personal guarantee given by the deceased to secure indebtedness of another.

continuing liabilities should be dealt with:

- notice should be given to quit leases where possible;
- utility services cancelled;
- charge and trade accounts discontinued; and
- outstanding personal guarantees by the deceased should be investigated, the Estate Trustees must withhold assets from distribution to beneficiaries in an amount sufficient to meet any future liability of the estate.

Estate Trustees are also subject to personal liability for failure to file an income tax return for an estate in each year of an estate's administration as well as an income tax return for the deceased in the year of death, generally by the later of:

- six months after the date of death; or
- April 30 in the year following the year of death.

Estate Trustees should obtain Clearance Certificates from Canada Revenue Agency certifying payment of all tax liability before distributing any property or assets to beneficiaries.

Estate Trustees have a continuing responsibility as trustees for ongoing estates:

- to invest the assets of the trust in accordance with the provisions of the Will;
- to maintain accurate accounts for periodic review by beneficiaries;
- to pay the income of the trusts and/or make payments out of the capital thereof to those who may be entitled under the terms of the Will;
- to Supervise the management of a continuing private business, if any;

- to insure and to maintain any homes or other property comprising trust assets;
- to prepare annual trust tax returns for the trust; and
- to appear before Court periodically to have their accounts audited and to ask for approval of their compensation.

The Estate Trustees must “maintain an even hand” between the successive beneficiaries.

Estate Trustees are required to keep detailed records of all transactions by the estate subject to review by the Courts.

The form of the estate accounts must include;
a statement of assets as at the date of death, cross-referenced to entries in the accounts that show their disposition or partial disposition;

- an account of all monies received, but excluding investment transactions recorded under (d);
- an account of all monies disbursed, including payments for Estate Trustees’ compensation and payments under a Court order but excluding investment transactions recorded under (d);
- where the Estate Trustees have made investments, an account setting out:
 - all money paid out to purchase investments;
 - all money received by way of repayments or realization on the investments in whole or in part; and
- the balance of all the investments in the estate at the closing date of the accounts;
- a statement of all the assets in the estate that are unrealized at the closing date of the accounts;
- a statement of all money and investments in the estate at the closing date of the accounts;
- a statement of all liabilities of the estate, contingent or otherwise, at the closing date of the accounts; and
- a statement of compensation claimed by the Estate Trustees and where it includes a management fee, the method of determining the value of the assets.

a final distribution can be made and the responsibilities of the Estate Trustees end after:

- all debts and liabilities of an estate have been paid,
- all legacies paid,
- all bequests satisfied and
- any income interests in any trusts established under the Will of the deceased have ended,

- a clearance certificate from Canada Revenue Agency is received
- a Court has passed the estate accounts a release of claims from all the residual beneficiaries