1983

c 23 Estates Administration Amendment Act, 1983

Ontario
CHAPTER 23

An Act to amend the Estates Administration Act

Assented to May 26th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Estates Administration Act, being chapter 143 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

19a.—(1) In this section, “foreign beneficiary” means a beneficiary who is resident in a country designated by regulation made under this section.

(2) Where a foreign beneficiary is entitled under a will, an intestacy or an order under Part V of the Succession Law Reform Act to personal property from the estate of a person who was domiciled in Ontario at the time of his death,

(a) and where the property is in a form other than money and has a value of more than $5,000, the personal representative of the deceased shall not distribute the property to the foreign beneficiary or his agent, solicitor or assignee until the foreign beneficiary has obtained an order under subsection (3);

(b) and where the property is in the form of money, the money shall be paid into the court having jurisdiction to make an order under subsection (3), to the credit of the foreign beneficiary.

(3) Where, upon application to the court having jurisdiction to grant letters probate or letters of administration in the estate of the deceased, the court is satisfied that

(a) the foreign beneficiary is entitled to personal property from the estate; and
that the property will not be unduly depleted before it is received by the beneficiary,

the court may by order authorize the distribution of the personal property by a personal representative to the foreign beneficiary and payment out of court to the foreign beneficiary of money paid into court to the credit of the foreign beneficiary.

(4) Where, upon an application under subsection (3), the court is satisfied that a person other than a person resident in a country designated by regulation under this section is entitled to the personal property, the court may by order direct its distribution to the person entitled.

(5) Where, upon an application under subsection (3), the court is satisfied that a foreign beneficiary is entitled to personal property from the estate but declines to make the order for the reason that the property will be unduly depleted before it is received by the foreign beneficiary, the property, if money, shall be held in court for the benefit of the beneficiary and, if personal property other than money, shall be held by the personal representative in trust for the benefit of the foreign beneficiary and the money shall not be paid out or property distributed except under an order under subsection (3) or (4).

(6) Every person who receives property in respect of which an order has been made under subsection (3) as agent or solicitor for, or assignee of, a foreign beneficiary shall, within two months after receiving the property, file a report with the Surrogate Clerk for Ontario in such form and containing such information respecting the property as is prescribed by the regulations made under this section.

(7) Every personal representative who transfers property directly to a foreign beneficiary shall make and file the report provided for in subsection (6) within two months after the transfer is made.

(8) Every person who contravenes subsection (2), (6) or (7) is guilty of an offence and on conviction is liable to a fine of not more than $2,000.

(9) Every person who knowingly furnishes false information in a report filed under subsection (6) or (7) is guilty of an offence and on conviction is liable to a fine of not more than $5,000.

(10) The Lieutenant Governor in Council may make regulations.
(a) designating countries for the purposes of subsection (1);

(b) prescribing the information that shall be contained in reports under subsections (6) and (7) and prescribing their form.

(2) Subsection (1) does not apply in respect of the estates of deceased persons who died before this section comes into force.

2. Section 25 of the said Act is amended by striking out "such" in the first line and by inserting after "made" in the second line "on an intestacy".

3. This Act comes into force on the day it receives Royal Assent.

4. The short title of this Act is the Estates Administration Amendment Act, 1983.