



## CHECKLIST FOR LIQUIDATORS IN QUEBEC

Below is a checklist of the main steps the liquidator of an estate should follow after the death of the deceased.

### PRELIMINARY STEPS – IMMEDIATELY AFTER DEATH

- Assist with the required funeral arrangements and placement of an obituary.
  - Obtain from the Director of Civil Status of Quebec a few copies of the official proof of death, as the proof of death from the funeral home does not have any legal value and is not always accepted.
  - Submit a will search request to the Chambre des notaires du Québec and the Barreau du Québec in order to locate the last will and testament.
  - Obtain and review the will, marriage or civil union contract, any decree of judicial separation, divorce or dissolution of civil union, and renunciation of the partition of the family patrimony, if applicable. Request the assistance of a legal expert, if needed.
  - Arrange for care of any pets.
  - Cancel the deceased's credit cards, memberships, passport, driver's license, Quebec health insurance card and Social Insurance Number.
  - Cancel the deceased's telephone service, including cell phone, cable and Internet services, if the residence is now vacant.
  - Inform Canada Revenue Agency and Revenu Québec of the death.
  - Terminate the deceased's lease if he or she lived alone by providing the owner with a written notice within six months of the death. If the deceased did not live alone,
- contact the other parties involved in order to make a decision regarding the lease.
  - Close and delete all of the deceased's social media accounts, such as Yahoo, Gmail, Hotmail, Facebook, Twitter, Instagram, LinkedIn, etc., as required.
  - Redirect the deceased's mail and cancel all subscriptions, if applicable.
  - Obtain probate of the will by the court or by a notary if the will is holographic or witnessed. Only notarized wills do not need to be probated.
  - Have a declaration of heredity prepared if the deceased died without a will or a testamentary provision in a marriage or civil union contract. This document is usually prepared by a legal expert and confirms the identity of the heirs and the liquidator, and could be required by certain financial institutions prior to giving you access to the deceased's property.
  - Place a notice of designation of liquidator with the Registre des droits personnels et réels mobiliers (RDPRM) as well as with the Registre foncier if an immovable property is part of the estate.
  - Notify the heirs of the death, if necessary, and advise them of their entitlement under the will.

### SECONDARY STEPS – VALUATING AND SAFEGUARDING ASSETS

- Identify all of the deceased's savings and chequing accounts.
- Review the deceased's personal papers to identify all other assets and liabilities (debts).

- Open an estate bank account to deposit income and proceeds from the estate assets, as well as to pay any estate expenses.
- Notify all financial institutions of the death and
- obtain up-to-date information about the balances on deposit accounts.
- Meet with the deceased's financial advisor to discuss investment risk, possible in specie distribution or liquidation and obtain the original cost of any investments.
- Discuss in specie or cash distribution with heirs.
- Access and list the contents of the deceased's safety deposit box, if applicable.
- Obtain valuations of any significant personal property (coin collections, art, automobiles, etc.), and place these items in a safe location.
- Obtain up-to-date valuations of the deceased's real property, if any.
- Obtain any unpaid salary and any benefit or allowance due under group insurance coverage from the deceased's employer.
- Request to obtain all of the deceased's life insurance proceeds that are payable to the estate.
- Assess the impact of splitting the family patrimony, the matrimonial or civil union regime, and the existence of support obligations from the deceased to his or her spouse, ex-spouse or dependent children, if applicable. Consult with a legal expert on this matter.
- Prepare a detailed statement of the assets and liabilities of the estate – a complete inventory that complies with the requirements of the Civil Code of Québec. Neither the testator nor the court can excuse you from making an inventory. This can only be done unanimously by the heirs. It is important to note however that in such a case, the heirs could be required to pay the estate debts, even if these are in excess of the value of the property they will receive from the estate. It is something to think about.
- Publish a notice of inventory with the Registre des droits personnels et réels mobiliers (RDPRM) as well as in the newspaper that is distributed in the region of the deceased's last known address.
- Prepare a list of the deceased's insurance policies, notify the insurers of the death and inquire on any premium that needs to be paid to the insurers in order to maintain the coverage.
- Ensure that the deceased's property (buildings, vehicles, other) is appropriately insured and have this property evaluated or inspected, if needed. If the residence has not been lived in since the death, confirm the requirements to keep it insured with the insurer.
- If the property is vacant, consider changing the locks.
- Arrange for storage and insurance of any assets that require it.

#### **OTHER STEPS – ADMINISTRATION OF THE ESTATE**

- Contact Service Canada to cancel Old Age Security benefits.
- Contact Retraite Québec and request the survivor's benefits from the Québec Pension Plan, if applicable. If the deceased made sufficient contributions to the Québec Pension Plan, his or her family could be entitled to survivor's benefits, which can take three forms: death benefit, survivor's pension and orphan's pension. (If the deceased worked abroad at any moment, he or she could be entitled to receive social security benefits from the territory in question.)
- Have the deceased's property registered in the name of the estate.
- Contact a real estate agent to arrange the sale of the deceased's property or any other real estate, if applicable.
- File the deceased's income tax return for the year of the death and for any previous years, if applicable, with Canada Revenue Agency and Revenu Québec.

- Submit the “Notice before distribution of the property of a succession” to Revenu Québec and the Asking for a clearance certificate form to Canada Revenue Agency, and obtain from them the certificates indicating that all of the deceased’s tax liabilities have been paid.
- Pay the debtors and legatees by particular title (those who are entitled to a specific amount of money or specific property) only if the estate is clearly solvent, that is, that the estate’s property will be sufficient to pay them all. Obtain releases from debtors and legatees by particular title that were paid. However, if you believe that the property’s estate will not be sufficient to pay all the debt, speak to a legal expert, as additional steps imposed by the Civil Code of Québec could be required.
- Take the appropriate steps to sell household goods and personal property that was not distributed to the heirs.
- Consider a preliminary distribution to heirs after having determined an amount to keep in reserve for any fees to come.
- Advise the Curateur public du Québec when the value of property given to a minor exceeds \$25,000.
- Provide heirs, debtors and legatees by particular title with an annual report of your management of the estate if the liquidation takes more than a year.

## FINAL STEPS

- File the estate’s final income tax returns and pay the taxes due (if the estate received income following the death of the deceased).
- Pay legal fees, accounting fees and any outstanding fees related to administering the estate, including the liquidator’s compensation, if applicable.
- Provide heirs with a final statement of charge and discharge, as well as a distribution proposal, if applicable.
- Distribute the estate’s residual assets to the heirs and obtain discharge from them.
- Publish a notice of account closure with the Registre des droits personnels et réels mobiliers (RDPRM, “Register of personal and moveable real rights”).
- Close the estate’s bank account.

This checklist is not complete, particularly if the deceased owned a business or property in other countries. The liquidation of an estate can be complex and expose liquidators and heirs to legal liability. It is recommended to seek the advice of a legal expert and an accountant, as needed.

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