



ROSS ESTATE LAW



# ESTATE PLANNING GUIDE

[www.rossestatelaw.ca](http://www.rossestatelaw.ca)



ROSS ESTATE LAW



# YOUR ESTATE PLANNING GUIDE

This Estate Planning Guide is intended to help you prepare for your planning meeting with lawyers at Ross Estate Law. Please review in preparation for planning your estate documents.

Please note that this workbook is not a legal document and should not be interpreted as a statement of your testamentary intentions. It is not a substitute for legal or tax advice. You are encouraged to consult with Ross Estate Law and your own tax professionals regarding your estate planning needs.

# ESTATE PLANNING GUIDE

---



R/E

ROSS ESTATE LAW



ROSS ESTATE LAW

# PLANNING YOUR ESTATE

---

05

CHECKLIST FOR PLANNING

28

POWERS OF ATTORNEY

06

INTRODUCTION

30

PERSONAL DIRECTIVES

08

BENEFICIARIES

33

PERSONAL DIRECTIVE QUESTIONS

18

CHOOSING AN EXECUTOR

35

ADDITIONAL ESTATE PLANNING

CONSIDERATIONS

21

YOUR ESTATE

09

CONCLUSION

# ESTATE PLANNING CONSIDERATIONS

# CHECKLIST

- Who will be the executor of your will? Do you have an alternate?
- Who are your beneficiaries and what will each person receive?
- Do you want to leave any specific gifts, such as personal items or charitable donations?
- If you have minor children, who will be their guardian? Have you asked them? Do you have an alternate?
- Who will be the Attorney in your Power of Attorney? Do you have an alternate?
- Who will be the Delegate in your Personal Directive? Do you have an alternate?
- Have you considered if you want to include detailed values & wishes in your Personal Directive? See Optional Personal Directive Planning Workbook.
- Make sure to review the list of additional planning consideration and let your lawyer know which apply at your intake meeting.
- Do you have pets? Consider who you would like to care for them and if you would like to leave them any compensation in return.



ROSS ESTATE LAW



# INTRODUCTION

Estate planning is about more than just legal documents — it's about making thoughtful decisions now to protect your loved ones, honour your wishes, and ensure peace of mind for the future. Whether you're planning your first Will or updating an existing plan, understanding the key tools available in Nova Scotia — including Wills, Powers of Attorney, and Personal Directives — is the first step. At Ross Estate Law, we're here to guide you through the process with clarity and care. This guidebook outlines the essentials of estate planning in Nova Scotia and offers helpful tips to prepare for your planning meeting, so you can move forward with confidence.

---

# MEGAN ROSS



Hi, I'm Dr. Megan Ross. I founded Ross Estate Law with the vision of providing Nova Scotians with professional, compassionate and affordable estate planning services. At Ross Estate Law we are here to help you plan for your families future, to ensure your wishes are respected and that you are treated with the dignity you deserve at every life stage. We aren't in the business of litigation. Our job is to create estate plans that never end up in court in the first place.

At Ross Estate Law, we are here for you.

# 02

## BENEFICIARIES

A beneficiary is someone you choose to receive something from your estate when you pass away. This could be money, property, or personal items. You can choose more than one beneficiary and decide what each person or group will receive.

This section covers:

- Spouses
- Children
- Genetic and Reproductive Material
- Planning for pets
- Charities or other organizations
- Personal and household effects
- Dependents in estate law



# PROVIDING FOR YOUR SPOUSE



Many people choose to leave their entire estate to their surviving spouse. This can offer peace of mind, knowing your spouse will be supported financially after you're gone.

In some cases, assets may be placed in a trust for the spouse. This means your spouse receives regular income from the trust to help cover living expenses and other needs. If that income isn't enough, the executor or estate trustee can also distribute some of the capital (the original money or property in the trust) to support your spouse.

Setting up a trust can offer added flexibility and protection. It may be a good option if you want to:

- 01 SUPPORT YOUR SPOUSE WHILE PRESERVING ASSETS FOR CHILDREN OR OTHER BENEFICIARIES
- 02 BALANCE INTERESTS IN A BLENDED FAMILY
- 03 PROTECT ASSETS OR ASSIST A SPOUSE WHO MAY NEED HELP MANAGING MONEY

A lawyer at Ross Estate Law can help you decide if a trust is right for your situation and ensure it's set up properly to meet your goals.

---

# PROVIDING FOR YOUR CHILDREN

If you have children, making a plan to ensure they are taken care of is one of the most important aspects of the entire estate planning process.

Working with tax advisors and financial planners, Ross Estate Law takes the care and comfort of your children very seriously.

If any of your children are still minors, you can name a trustee to manage their inheritance until they reach a certain age, we generally recommend 25. During that time, the trustee can use the funds to support the child's needs, such as education, healthcare, or daily living expenses.



---

# APPOINTING A GUARDIAN

One of the most important decisions for parents of young children is choosing who would care for them if both parents were to pass away. While family members or friends often step in, disputes can arise—and in such cases, the courts ultimately decide.

Your Will allows you to name a guardian for your minor children. It serves as a clear expression of your wishes and can guide the court's decision in the event of disagreement.

While your Will names a guardian to care for your children after your death, a guardianship agreement can cover situations where you're temporarily unable to care for them—such as during a serious illness or emergency. It also allows you to share your wishes in more detail, providing added clarity and peace of mind for your family. At Ross Estate Law Guardianship Agreements are included in the Estate Package for all parents of minor children.



---

# DEPENDENTS

Your Will must include provisions for the support of your dependants—those who rely on you financially or whom you have a legal obligation to support at the time of your death. Dependants can include your spouse, former spouses, children (which may include minors, adults, adopted children, children born inside or outside of marriage, and children conceived through assisted reproduction or genetic material), as well as other relatives such as parents and siblings.

Federal Child Support Guidelines help determine support obligations for children following separation or divorce. If spousal support is applicable, provincial guidelines may set the amount. After your death, if the support you provided is deemed insufficient, a dependant may apply to the court to seek additional support.



---

# STORED GENETIC MATERIAL

If you have stored genetic material—such as frozen sperm, eggs, or embryos—it's important to address this in your Will. Several key questions should be considered:

01

WHAT WAS YOUR INTENTION WHEN THE MATERIAL WAS STORED?

02

WHERE IS IT STORED, AND ARE THERE ANY CONTRACTS OR AGREEMENTS IN PLACE?

03

DO YOU WANT THE MATERIAL TO BE PRESERVED, DESTROYED, OR USED FOR REPRODUCTION AFTER YOUR DEATH?

These issues can be legally and ethically complex. In some cases, reproductive material may influence the definition of “children” or “issue” in your Will, particularly if posthumous conception is possible. It's essential to discuss these matters with your legal advisor and include clear instructions in your estate plan.



ROSS ESTATE LAW

# OTHER BENEFICIARIES

If you do not have children, you may consider naming other family members—such as nieces, nephews—or close friends as beneficiaries in your estate. If any of these individuals are minors, the same trust considerations discussed earlier will apply.

If there is no specific individual you wish to name, you might choose to leave part of your estate to a charitable organization or a community foundation, which is discussed in more detail below.

You may also wish to make specific bequests to individuals or organizations—such as a set dollar amount or a percentage of your estate. These gifts can be made either directly or through a trust. For individuals without immediate family, it's especially important to think carefully about who should benefit from your estate and to what extent.



---

# PETS



Your Will can name a trusted individual to care for your pet, and you can leave that person a reasonable monetary gift to cover the costs of care. While it is not legally possible to create a trust for the benefit of a pet, you can leave funds to a named caregiver with instructions regarding how those funds should be used. Local charities, such as Bide Awhile also care for pets and Ross Estate Law is happy to discuss these options with you.

It's important to speak with the chosen caregiver ahead of time to confirm they are willing and able to take on the responsibility. Including these arrangements in your estate plan provides peace of mind that your pet will be well cared for.

---

# CHARITABLE GIVING



Including charitable giving in your estate plan is a meaningful way to support causes that matter to you. You can make a donation to a charity of your choice directly through your Will. In addition to supporting a good cause, charitable gifts can also provide valuable tax benefits for your estate.

Before finalizing your Will, it's a good idea to reach out to the foundation directly to discuss your options. Once a plan is in place, your lawyer can incorporate the details into your Will.

---

# PERSONAL AND HOUSEHOLD ITEMS



You may wish to leave certain personal items—such as jewelry, furniture, or artwork—to specific individuals. Your Will can specify who should receive these items; however, this approach can sometimes lead to complications if an item cannot be located or if you later decide to change your mind.

As an alternative, you may choose to give your executor or estate trustee the discretion to distribute personal belongings as they see fit. A common and practical approach is to create a separate list (often called a memorandum) detailing these personal effects and your preferred recipients. You can keep this list with your Will.

While this memorandum is not legally binding and your heirs are not required to follow it, it serves as a helpful guide for your executor or trustee when distributing your property.

# CHOOSING AN EXECUTOR

03



---

# EXECUTOR DUTIES

## What does an Executor do?

Your executor is responsible for managing your estate. This includes identifying your assets and debts, filing tax returns, paying off what's owed, and distributing what's left to your beneficiaries. They also handle financial support for dependants, keep records, and report to those involved.

## Executors and Trusts in Your Will

When a trust is created in a Will, the executor often acts as trustee, but they don't have to be the same person. You can choose different trustees for different trusts. For example, parents might be named trustees for trusts set up for their own children.

For larger estates or long-term trusts, many people choose a professional trustee, like a trust company. Executors can also hire a trust company to handle administrative tasks. Some name both individuals and a trust company as co-executors to share responsibilities.

---

# CHOOSING AN EXECUTOR

## What is an Executor?

In your Will, you will appoint one or more executors (also known as estate trustees) to carry out your wishes and manage your estate. It is important to name alternate executors in case your primary choice is unable or unwilling to act.

## Considerations When Choosing an Executor

Choosing the right executor is just as important as deciding how your estate will be distributed. Select someone who is responsible, fair, and sensitive to your family's needs. They should know when to seek professional help and avoid any conflicts of interest. Many couples name the surviving spouse as executor, with alternates in case the spouse cannot act.

When selecting an executor, consider choosing someone who resides in the same jurisdiction or local area. This can simplify the administration of your estate and may help avoid additional requirements, such as the need for an executor living outside the jurisdiction to provide a bond.



04

YOUR  
ESTATE



ROSS ESTATE LAW

# YOUR ESTATE

A person's estate includes everything they own at the time of their death. This can be money in bank accounts, real estate such as a home or land, personal belongings like jewelry, vehicles, or furniture, and any investments such as stocks or retirement savings. It may also include business interests and life insurance policies if the payout is directed to the estate. All of these assets together make up what is passed on to beneficiaries through a Will.

This section covers:

- Estate assets
- Foreign assets
- Income tax planning
- Life Insurance planning
- Joint property

---

# ESTATE ASSETS

Keep detailed records of all your assets—such as your home, pension, savings, insurance policies, investments, and digital assets, including passwords—and store them securely. The executor workbook will help you organize this information. If any records are stored electronically, be sure they can be accessed after your death by providing the necessary passwords and explanations.

## Digital Assets

Digital assets refer to online or electronic accounts and property that typically do not have paper statements. Examples include online banking, investment accounts, reward point programs, and social media profiles. Since these accounts are generally password-protected, it's important to provide your executor with the necessary information and access details to manage these assets after your passing.



---

# FOREIGN ASSETS

If you own property outside Nova Scotia, it's important to seek legal advice in the jurisdiction where the property is located to determine whether a separate Will is required for that property.

Many countries impose estate or inheritance taxes. If you own property in such countries, specialized planning may be necessary, and you should consult with a professional familiar with the laws of that jurisdiction.



---

# INCOME TAX PLANNING

Special tax rules apply when a person dies. For tax purposes, your capital assets are deemed to have been sold at the time of death, and any resulting capital gains or losses must be included on your final tax return. It is very important to speak with a tax advisor about your estate plan. Ross Estate Law has partnerships with tax advisors if you don't have someone you are already working with. Here's just a few reasons it's vital to speak with a tax advisor in this planning process:

01

## **Minimize Estate Taxes**

In Canada, there is no formal estate tax, but the Canada Revenue Agency (CRA) treats death as a "deemed disposition" of assets, which can trigger significant capital gains taxes. Tax advice can help structure your estate to reduce or defer these taxes.

02

## **Efficient Transfer of Assets**

A tax professional can help you use tools like trusts, RRSP/RRIF rollovers, and tax-free gifts to pass on assets efficiently. This can help reduce the tax burden on your estate and make the transition smoother for your heirs.

03

## **Navigate Complex Tax Rules and Probate Fees**

Canadian tax and estate laws—especially around probate, joint ownership, and principal residence exemptions—can be complex. Professional advice ensures your estate plan is compliant, tax-efficient, and aligned with your wishes.

---

# LIFE INSURANCE PLANNING

Life insurance can play a key role in estate planning in Nova Scotia, where probate fees and capital gains taxes may significantly reduce what you leave behind. It can provide immediate, tax-free funds to cover expenses like taxes and debts, helping avoid the forced sale of assets. Ross Estate Law can connect you with a financial planner to explore whether life insurance is the right fit for your family's estate plan. Whether you're planning for a smooth transfer of wealth or trying to protect the value of your estate from taxes and fees, life insurance can be a highly strategic part of an estate plan in Nova Scotia.

01

## **Avoiding Probate and Preserving Privacy**

In Nova Scotia, probate fees are based on the estate's value and can add up quickly. Life insurance proceeds paid to a named beneficiary can pass outside the estate, avoiding probate, saving money, and keeping the transaction private.

02

## **Equalizing Inheritances Fairly**

Life insurance helps ensure fairness among beneficiaries by providing cash to those not receiving major assets like a cottage or business, avoiding disputes and the need to divide or sell valuable property.

03

## **A Tax-Efficient Strategy for Wealth Transfer**

Finally, life insurance is a tax-efficient way to preserve wealth. When structured properly, especially within a corporation or a trust, life insurance can also help minimize the overall tax burden on the estate and enhance the amount passed on to heirs.

---

# A NOTE ON JOINT PROPERTY

it's important to understand that holding property or financial accounts jointly with your children or others may not effectively avoid probate. Unless there is clear evidence of an intention to gift the jointly held asset, it may still be considered part of your estate under the legal principle of a "resulting trust." As a result, simply adding someone's name to an account or title does not guarantee it will pass outside the estate. Careful planning and proper documentation are essential to ensure your intentions are carried out. Ross Estate Law can help by:

01

## **Documenting Your Intention**

At Ross Estate Law, we avoid these issues by stating explicitly in the will that joint property is intended to pass to the joint owner. If your estate plan does not include jointly owned property, the converse intention is noted in your will.

02

## **Joint Property Memorandum**

If you are using jointly held property as an estate planning tool, we will provide you with an additional legal document which reiterates your intentions regarding the property. This helps avoid litigation down the road by making your intentions plain and clear for the courts.

03

## **Tenants in Common v. Joint Tenants**

Ross Estate Law can help you ensure your real property is owned as "joint tenants" rather than "tenants in common".

# POWERS OF ATTORNEY

# 05



A Power of Attorney (POA) is a legal document that lets you (the donor) appoint someone else (the attorney) to act on your behalf. This is commonly used to manage financial or legal matters, especially if you're unable to do so yourself due to absence, illness, or incapacity

Many couples name each other as attorney and as executor or estate trustee in their Wills. If you're single, consider a trusted friend or an adult child. It is advisable to also name alternative attorneys if the primary appointee cannot serve.

---

# TYPES OF POWERS OF ATTORNEY

## 1. General Power of Attorney

- Gives broad authority over your legal and financial affairs.
- Can be durable (continues if you're incapacitated) or non-durable (ends if you become incapacitated).
- Ends upon your death or revocation.

Common Uses: If you're traveling or want someone to manage all your finances on an ongoing basis.

## 2. Limited (or Specific) Power of Attorney

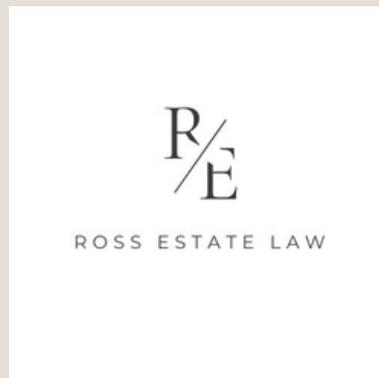
- Grants authority for a specific task or time period.
- Automatically ends once the task is done or the time expires.

Example: Signing a property sale while you're out of the country.

## 3. Springing Power of Attorney

- Only takes effect if/when you become mentally incompetent (as certified by a doctor or a person designated by you in the power of attorney).
- Must be clearly worded to define how incapacity is determined.

Useful For: People who want to keep control until they're no longer able to manage their affairs.



# PERSONAL DIRECTIVES

# 06



A Personal Directive is a legal document used in Nova Scotia that lets you name someone to make personal and health care decisions for you if you are no longer able to make them yourself.

It complements a Power of Attorney, which covers financial and legal matters — but a Personal Directive focuses on health, personal care, and living arrangements.

## **Why It Matters**

Without a Personal Directive, loved ones may not have legal authority to make health decisions for you — even if they know your wishes. This can delay care or lead to court involvement.

---

# WHAT A PERSONAL DIRECTIVE COVERS



A Personal Directive can include decisions about:

01

## **Medical Treatments**

You can list medical treatments that you do and do not want.

02

## **Where You Live & Personal Care**

You can state your wishes about where you live, for example if it's important to stay in your home or if you consent to moving into a care facility. Personal care such as hygiene, diet and clothing can be detailed.

03

## **Core Values & Beliefs Around End-of-Life**

If you wish, you can outline your core values and beliefs surrounding death and dying. These can help your delegate when navigating medical and care decisions on your behalf.

04

## **End-of-Life Choices**

You can set out your wishes regarding life support, palliative care preferences, and how you would like to pass. This can include details to the extent you want to set out your preferences. If you would rather not detail these decisions, you can give your delegate full discretion to make decisions on your behalf.

---

# WHO CAN YOU APPOINT?

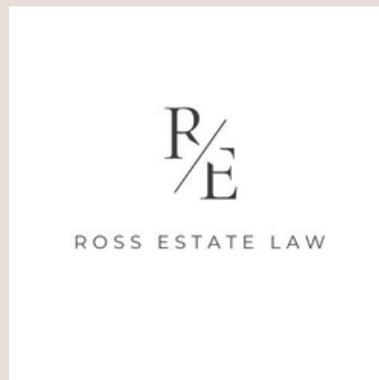
You can appoint one or more delegates — trusted people who will make these decisions on your behalf. This could be a spouse, adult child, friend, or anyone you trust.

You should choose someone:

- Who knows your values and wishes
- Who is willing and able to act if needed
- Who is at least 19 years old

# WHEN DOES IT TAKE EFFECT?

Your Personal Directive only takes effect if you are mentally incompetent — for example, due to illness, injury, or dementia — and cannot make decisions for yourself. A qualified health professional must confirm your incapacity. You are able to specify what kinds of health professionals can make this assessment for you.





08

PERSONAL  
DIRECTIVE  
QUESTIONS

R/E

ROSS ESTATE LAW

---

# PERSONAL DIRECTIVE QUESTIONS

You don't have to include specific wishes or values in your Personal Directive – it can simply name someone to make decisions for you if you're unable to. However, if you do want to guide your delegate, you can include statements about your values, beliefs, or preferences for care. This can help them make choices that reflect what you would want. Take some time to consider your answers before you meet with Ross Estate Law. See Ross Estate Law Personal Directive Workbook.

## 01

### **Core Values & Beliefs**

What is most important to me in my life right now? Do I highly value living independently and making decisions for myself? What religious or personal beliefs/convictions (if any) do I hold about how my life should end?

## 02

### **Goals & Priorities for End-of-Life Care**

What is more important to me – the length of my life or the quality of the life that I am living? Is good control of my pain more important to me than being fully alert all of the time (or vice versa)?

## 03

### **Conditions I Wish to Avoid**

What health and life circumstances (if any) can I imagine myself being in where I would rather that my life end than I remain in these circumstances for a prolonged period of time?

## 04

### **End-of-Life Preferences**

How would I prefer to spend the last years (or months) of my life, if this is possible? How would I like my family, physicians and others who are important to me to respond to suddenly-developing health circumstances in which my life is threatened or ending? What would 'good death' look like for me? What are my preferences regarding where, and in what circumstances, my life ends?

---

# ADDITIONAL ESTATE PLANNING CONSIDERATIONS

- Is there anyone you want to leave out of your will?
- Are you separated but not legally divorced?
- Do you have any children from previous relationships that you haven't included in your will? Have they been legally adopted?
- Do any of your beneficiaries have special needs that would make managing gifts challenging?
- Do you have any stored genetic material?
- Do you have foreign property or citizenship other than Canadian?
- Property Ownership: Is the title to your home in your name, your spouse's name, or both?
- Insurance and Pension Plans: Who are the named beneficiaries of your life insurance policies and pension plans?
- Valuation of Assets: What is the approximate value of all your assets? This includes real estate, financial accounts, investments, personal property, and any other valuable holdings.
- Digital Assets: Do you own digital assets such as online accounts, cryptocurrency, or digital files?
- Business Interests: If you are a partner or shareholder in a private business?
- Outstanding Loans: Have you loaned money to family or friends? If so, should these loans be forgiven at death or repaid to the estate?

# ESTATE PLANNING GUIDE

---



ROSS ESTATE LAW





ROSS ESTATE LAW

# CONCLUSION: PLANNING WITH CONFIDENCE

Estate planning is one of the most important steps you can take to protect your loved ones, ensure your wishes are respected, and bring peace of mind for the future. In Nova Scotia, the process involves thoughtful decisions about your Will, Power of Attorney, and Personal Directive — documents that work together to manage your affairs both during your lifetime and after.

At Ross Estate Law, we guide you through each step with clarity and care, helping you create a plan that reflects your values, goals, and family needs. By preparing for your planning meeting — reflecting on your wishes, gathering key information, and considering who you trust to act on your behalf — you help make the process smoother, more efficient, and tailored to you.

Whether you're just starting out or updating an existing plan, we're here to support you with experience, empathy, and trusted legal guidance. Your peace of mind is our priority.