

SUPREME COURT OF YUKON

PRACTICE DIRECTION
ESTATES-1

*Forms and Practice in Administration
of Estates (Non-Contentious) (Rule 64)*

Rule 64 (“Administration of Estates (Non-Contentious)”) should be read with the following clarifications:

- i) The 14-day and 7-day timelines set out in Rule 64(4) do not contemplate the additional time for delivery of notice required if the recipient resides outside of Yukon or Canada. Accordingly, the Court will not issue a grant of probate or letters of administration until 21 days have elapsed from the date of mailing or the date of delivery as reflected in the Affidavit of Notice of Application. This 21-day timeline applies to all files, regardless of whether the recipient is in the Yukon, outside the Yukon or outside of Canada.
- ii) Notice of an application for a grant of probate or letters of administration may be given by email. Where this is done the applicant shall require written acknowledgement of the receipt of the Notice of Application and shall swear to receiving this acknowledgment in the Affidavit of Notice of Application.
- iii) The following explanation of the process for opposing the issue of a grant of probate or letters of administration shall be attached to the Notice of Application when it is delivered by the applicant to potential beneficiaries and persons with a prior or equal right to apply for letters of administration:

Explanatory Notes

This summary is not intended to replace the advice of a lawyer.

Attached is a Notice of Application for a Grant of Probate or Letters of Administration with respect to the estate of someone who has passed away. If there is a Will, it will be attached to the Notice. The person who has signed the Notice of Application is seeking to administer the estate by paying its debts and distributing its assets.

If you wish to oppose the issue of a Grant of Probate or Letters of Administration to the applicant named in the Notice, you must file a caveat with the Supreme Court. A caveat form is available at the Court Registry or under ‘Rules and Forms’ at www.yukoncourts.ca (Form 79). You must also file an affidavit (Form 59) that sets out the nature of your interest in

the property of the deceased and states generally the grounds upon which the caveat is filed. After you file a caveat, you will be contacted by the Supreme Court to set up a case management conference with a judge. It costs \$70 to file a caveat with the Supreme Court.

iv) Revised Forms have been created to accommodate changes made by this Practice Direction. They are listed below and are attached to this Direction.

Forms for a Grant of Probate:

An applicant for a Grant of Probate shall complete the following Forms and submit them pursuant to Rule 64(2).

- a) a Requisition in Form 4A
- b) an Affidavit of Executor in Form 72A
- c) an Affidavit of Notice of Application in Form 73A
- d) a Grant of Probate order signed as approved by the executor or the executor's lawyer (Form 115A)

Forms for Letters of Administration (No will):

An applicant for Letters of Administration where the deceased has no will shall complete the following Forms and submit them pursuant to Rule 64(2).

- a) a Requisition in Form 4A
- b) an Affidavit of Proposed Administrator in Form 74A
- c) an Affidavit of Notice of Application in Form 73A
- d) a Letters of Administration order signed as approved by the proposed administrator or the proposed administrator's lawyer (Form 116A).

Forms for Letters of Administration (Will annexed):

An applicant for Letters of Administration where the deceased has left a will but there is no executor shall complete the following Forms and submit them pursuant to Rule 64(2).

- a) a Requisition in Form 4A
- b) an Affidavit of Proposed Administrator in Form 75A
- c) an Affidavit of Notice of Application in Form 73A
- d) a Letters of Administration order signed as approved by the proposed administrator or the proposed administrator's lawyer (Form 116B).

Veale J.
July 19, 2017