



HULL & HULL LLP

Barristers and Solicitors

Trust Experience™

COVID-19 and Estates Matters: An Update

As our readers know, as a result of two emergency Orders in Council made this spring, relaxed formal will and power of attorney execution requirements permit documents to be witnessed virtually using audio-visual communication technology (rather than testators/grantors and witnesses being in the physical presence of one another) and for these documents to be executed and witnessed in counterpart, such that multiple copies of the same document together form the complete will or power of attorney. This change has facilitated the execution of wills and powers of attorney during the COVID-19 pandemic, without unnecessarily exposing estate planning clients and their lawyers to potential transmission through in-person meetings.

However, the provisions permitting virtual witnessing of wills and powers of attorney and execution of planning documents in counterpart are currently scheduled to expire on September 22, 2020. If any estate planning clients remain uncomfortable meeting in person, such that the virtual execution and witnessing option may be more appropriate, solicitors may wish to make arrangements to have their wills finalized and executed in this manner prior to September 22, 2020.

Throughout the pandemic, limitation periods and statutory deadlines have been suspended under Ontario Regulation 73/20, which reflected barriers in obtaining the assistance of lawyers and limited accessibility of the courts this spring. The Regulation remains in effect until September 14, 2020. Accordingly, statutory deadlines and limitation periods will resume running on September 14, 2020. Any clients who may consider commencing legal proceedings or taking steps for which there are statutory deadlines in place (such as to elect for an equalization of net family property under the *Family Law Act*) should be advised that normal deadlines and limitation periods will apply as of September 14, 2020. Depending on the timeline, it may be prudent to advise clients to take steps to preserve their rights in advance of September 14, 2020, or as soon after this date as possible to avoid missing any upcoming deadlines.