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### **A Refresher on Service Requirements Relevant to an Estates Practice**

In recent months, there have been significant changes to the ways in which estate lawyers are able to properly serve those with an interest in an estate with court materials. Below, we review relevant service rules, both those that have recently been amended and those that remain unchanged, in light of these recent updates.

#### ***Probate Applications***

As of January 8, 2021, subrules 74.04(7) and 74.05(5) of the Rules of Civil Procedure were updated to allow service of notices of application for certificates of appointment of estate trustee with or without a will as follows:

- by personal service;
- by email to the email address provided by the beneficiary or their last known email address; or
- mail or courier, to the person's last known address.

Before 2021, probate applications were required to be served by regular lettermail.

#### ***Applications to Pass Accounts***

Unlike the rules for service of probate applications, the Rules of Civil Procedure still require an application to pass accounts to be served by regular lettermail under subrule 74.18(3).

Any subsequent document in the passing of accounts, including a notice of objection, may be served by email pursuant to subrules 16.01(4)(b)(iv) and 16.05(1)(f).

#### ***Other Court Applications***

An originating process providing notice of other estate-related court proceedings, such as an application for directions under Rule 75.06, must still be served personally under subrule 16.01(1), or by an alternative to personal service in compliance with Rule 16.03. Courts are able to exercise their discretion to validate service by other means and may be more willing to do so during the pandemic to facilitate service without in-person interaction.

For any other documents for which personal service is not explicitly required, the Rules of Civil Procedure now permit service by email under amended subrules 16.01(4)(b)(iv) and 16.05(1)(f). Previously, the consent of the party being served or a court order was required in order to validly effect service by email.