



Signing Wills In Ontario

INFORMATION AND INSTRUCTION KIT

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Cornwall Business Centre
#203 1540 Cornwall Road
Oakville, Ontario Canada
L6J 7W5

TE: (905) 337-3121
FAX: (905) 337-3272
CELL: (416) 526-3121

WWW.SMARTWILLS.CA



Peter R. Welsh
ESTATES & TRUST LAW



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Ontario permits Wills to be prepared in 2 ways:

1. HANDWRITTEN (HOLOGRAPH) WILLS AND CODICILS

The requirement is however, the Will or Codicil must be written, by hand fully. No part typed. Must be by the Testator. Nothing written below the signature. Holograph Wills do not need witnesses but must be signed and should be dated.

The same is true for an amendment called a "Codicil". It can be in writing by the Testator; completely by hand; signed and dated. Again no witnesses required. If more than one amendment ("Codicil"), remember to number them separately and all must be with the Will: a missing number could be fatal.

2. TYPEWRITTEN WILLS

The rules are slightly different. But rigid. They must be signed by the Testator with two witnesses who:

- Were with the Testator when he/she signed, and
- Are not the Executor or a beneficiary or a spouse of any.

That is what is required at the minimum. However, each of the Testator and the 2 witnesses should also initial each page of the Will (bottom right or left) and add to the Will, after the Testator's signature the name (in print and by signature) addresses and occupation of both witnesses.

Note: A typewritten Will not signed by the Testator and the 2 witnesses is invalid, resulting in Intestacy.

Note as well: Very recent Ontario rules, because of the Pandemic, are relaxed, temporarily to allow Wills to be signed remotely. However, this is only temporary during the health crisis.

AFFIDAVIT OF EXECUTION

This is an incredibly important document which should be completed immediately when the Will is signed and kept with the original Will. It will be necessary if the Will is to be probated.

This is a document signed by one of the witnesses to the Will, stating he/she signed as a witness for the testator, in the presence of the other witness, essentially stating: we were all there together, in conformity . This document is mandatory to obtain the Court Order confirming the Appointment of the Estate Trustee. So, it is very important to do this.



Want more information?

**ARE YOU INTERESTED IN A CONSULTATION WITH PETER R. WELSH?
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