



TIERNEY
STAUFFER LLP
LAWYERS

Wills & Estates Law

Issues in Law You Need To Know

Estate Planning and Probate Tax

Probate is a legal process that confirms and validates the last Will and Testament of a deceased person.

There is no specific law in Ontario that requires the Will of a deceased person to be probated. As a general rule, the larger and more complex the assets held by the deceased, the more likely the probating of the Will shall be required. Probate tax is calculated at an approximate rate of \$5.00 per thousand dollars for the first \$50,000 in the Estate and \$15.00 per thousand for every

thousand dollars over and above \$50,000 in the Estate.

Depending on how the assets of the Estate are held, probate tax can be reduced or even avoided altogether.

With the proper estate planning, a business owner can eliminate some of the probate fees that are triggered by his or her death and the ensuing transfer of property. One way to do this is through the use of “double Wills” where one Will deals with assets requiring probate (such as cash and real

estate) and the other deals with assets that do not require probate such as shares of a corporation.

If you have any questions concerning the termination of an employee or employment law in general, please do not hesitate to contact David Sinclair directly 613.288.3226 or by email at dsinclair@tslawyers.ca.

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CALL TO THE BAR

Law Society of Upper Canada, 2000

EDUCATIONAL BACKGROUND

Queen's University, LL.B., 1998

Carleton University, B. Com., B.A. (Statistics), 1993

PRACTICE SUMMARY:

David joined Tierney Stauffer LLP in 2001 as an Associate in the Family Law Practice Group. In 2007, he was

appointed as the Head of the Family Law Practice Group. David practices in the areas of family law, civil litigation, and estate planning and administration. David has also completed the Collaborative Family Law Training and will be practicing in this area of law in the Fall of 2008. He has extensive experience in resolving all of the issues that arise out of a breakdown of a marriage or relationship, including custody, child support, spousal support, property division, as well as drafting and negotiating domestic contracts such as marriage contracts, cohabitation agreements, or separation agreements. He is a tutor for the Law Society of Upper Canada for the Estate Practice section.

Prior to joining Tierney Stauffer LLP, Sébastien practiced with another Ottawa law firm where he gained experience in tax law, charity law, estate planning and will drafting.