

News from BMO Trust Company



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How does one update their estate plan in a pandemic?

This is an extremely progressive step in the Wills and Estates world – it has taken a pandemic to drag the Province into a digital world. While the “*Emergency Program Act*” has provided new rules, it is possible that these temporary measures may become part of our new normal world once the pandemic is behind us.

Generally, the Minister of Public Safety and Solicitor General has issued ministerial orders regarding virtual execution of wills and virtual execution of powers of attorney and representation agreements. The ministerial orders apply as of May 19, 2020 and remain in effect until the date on which the last extension of the state of emergency expires or is cancelled. Further information on the process and requirements for remote execution of wills are set out in [Ministerial Order M161](#), while the process and requirements for remote execution of POAs and representation agreements are set out in [Ministerial Order M162](#). Video conferencing is a tedious process but it is a process that allows clients to update their estate planning documents when they are not able to physically attend a lawyer’s office in person.

The following article may be of interest:

<https://www.millerthomson.com/en/publications/communiqués-et-mises-à-jour/affaires-riche/may-22-2020-wealth/electronic-witnessing-of-bc-estate-planning-documents/>

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