



Ministry of the Attorney General

Ministère du Procureur général

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Table 1: **Estate Court Forms** amended by [O. Reg. 709/21](http://www.ontariocourtforms.on.ca)

The new estate court forms are available online at <http://www.ontariocourtforms.on.ca>. These forms must be filed with the court on or after Tuesday, January 4, 2022.

New or Revised Form #	New or Revised Form Title	Current Form <i>(form being replaced or updated)</i>	Form Changes
74A	<b>Application</b> for a Certificate of Appointment of Estate Trustee	Form 74.4 Application for Certificate of Appointment of Estate Trustee with a Will (Individual Applicant) Form 74.4.1 Application for Certificate of Appointment of Estate Trustee with a Will (Individual Applicant) Limited to the Assets Referred to in the Will Form 74.5 Application for Certificate of Appointment of Estate Trustee with a Will (Corporate Applicant) Form 74.5.1 Application for Certificate of Appointment of Estate Trustee with a Will (Corporate Applicant) Limited to the Assets Referred to in the Will Form 74.14 Application for Certificate of Appointment of Estate Trustee without a Will (Individual Applicant) Form 74.15 Application for Certificate of Appointment of Estate Trustee without a Will (Corporate Applicant) Form 74.7 Notice of an Application for a Certificate of Appointment of Estate Trustee with a Will Form 74.17 Notice of an Application for a Certificate of Appointment of Estate Trustee without a Will	New form replaces 8 forms
74B	<b>Affidavit of Service</b> of Application for a Certificate of Appointment of Estate Trustee	Form 74.6 Affidavit of Service of Notice (Certificate of Appointment of Estate Trustee with a Will) Form 74.16 Affidavit of Service of Notice (Certificate of Appointment of Estate Trustee without a Will)	New form replaces 2 forms
74C	<b>Certificate</b> of Appointment of Estate Trustee	Form 74.13 Certificate of Appointment of Estate Trustee with a Will Form 74.13.1 Certificate of Appointment of Estate Trustee with a Will Limited to the Assets Referred to in the Will Form 74.20 Certificate of Appointment of Estate Trustee without a Will Form 74.20.3 Certificate of Appointment of Foreign Estate Trustee's Nominee as Estate Trustee without a Will Form 74.23 Certificate of Appointment of Succeeding Estate Trustee with a Will	New form replaces 9 forms

New or Revised Form #	New or Revised Form Title	Current Form (form being replaced or updated)	Form Changes
		Form 74.23.1 Certificate of Appointment of Succeeding Estate Trustee with a Will Limited to the Assets Referred to in the Will Form 74.26 Certificate of Appointment of Succeeding Estate Trustee without a Will Form 74.29 Certificate of Ancillary Appointment of Estate Trustee with a Will Form 74.31 Certificate of Appointment of Estate Trustee During Litigation	
74D	<b>Affidavit of Execution of Will or Codicil</b>	Form 74.8 Affidavit of Execution of Will or Codicil	I. Form is renumbered. II. Form now requires witnesses who are Law Society of Ontario members to specify their membership status on the form. A Law Society member is required to be one of the witnesses to a remote execution of a Will pursuant to the <i>Succession Law Reform Act</i> section 4(3); and III. Form now specifies the evidentiary requirements relating to the execution of the Will where the witnesses and testator are present in person at the signing of the Will.
74E	<b>Affidavit of Condition of Will or Codicil</b>	Form 74.10 Affidavit of Condition of Will or Codicil	I. Form is renumbered. II. Form now requires witnesses who are Law Society of Ontario members to specify their membership status on the form. A Law Society member is required to be one of the witnesses to a remote execution of a Will pursuant to the <i>Succession Law Reform Act</i> section 4(3); and III. Form now specifies the evidentiary requirements relating to the execution of the Will where the witnesses and testator are present in person at the signing of the Will.
74F	<b>Affidavit Attesting to the Handwriting and Signature of a Holograph Will or Codicil</b>	Form 74.9 Affidavit Attesting to the Handwriting and Signature of a Holograph Will or Codicil	Form is renumbered
74G	<b>Renunciation</b>	Form 74.11 Renunciation of Right to a Certificate of Appointment of Estate Trustee (or Succeeding Estate Trustee) with a Will	New form replaces 2 forms
		Form 74.18 Renunciation of Prior Right to a Certificate of Appointment of Estate Trustee without a Will	
		Form 74.12 Consent to Applicant's Appointment as Estate Trustee with a Will	New form replaces 6 forms

New or Revised Form #	New or Revised Form Title	Current Form <i>(form being replaced or updated)</i>	Form Changes
74H	<b>Consent</b>	Form 74.12.1 Consent to Applicant's Appointment as Estate Trustee with a Will Limited to the Assets Referred to in the Will Form 74.19 Consent to Applicant's Appointment as Estate Trustee without a Will Form 74.22 Consent to Applicant's Appointment as Succeeding Estate Trustee with a Will Form 74.22.1 Consent to Applicant's Appointment as Succeeding Estate Trustee with a Will Limited to the Assets Referred to in the Will Form 74.25 Consent to Applicant's Appointment as Succeeding Estate Trustee without a Will	
74I	<b>Order</b> in an Estates Proceeding	Form 74.13.2 Order for a Certificate of Appointment of (Succeeding) Estate Trustee with a Will Limited to the Assets Referred to in the Will Form 74.36 Order to Accept or Refuse Appointment as Estate Trustee with a Will Form 74.37 Order to Accept or Refuse Appointment as Estate Trustee without a Will Form 74.38 Order to Consent or Object to a Proposed Appointment of an Estate Trustee Form 74.39 Order to File a Statement of Assets of the Estate Form 74.40 Order to Beneficiary Witness Form 74.41 Order to Former Spouse Form 74.42 Order to Pass Accounts	New form replaces 8 forms
74J	<b>Application</b> for Certificate or Confirmation of Appointment	Form 74.21 Application for Certificate of Appointment of Succeeding Estate Trustee with a Will Form 74.21.1 Application for Certificate of Appointment of Succeeding Estate Trustee with a Will Limited to the Assets Referred to in the Will Form 74.24 Application for Certificate of Appointment of Succeeding Estate Trustee without a Will Form 74.20.1 Application for Certificate of Appointment as a Foreign Estate Trustee's Nominee as Estate Trustee without a Will Form 74.30 Application for Certificate of Appointment of Estate Trustee During Litigation Form 74.27 Application for Confirmation by Resealing of Appointment or Certificate of Ancillary Appointment of Estate Trustee	New form replaces 6 forms
74K	Nomination of Applicant by Foreign Estate Trustee	Form 74.20.2 Nomination of Applicant by Foreign Estate Trustee	Form is renumbered
74L	Bond – Insurance or Guarantee Company	Form 74.32 Bond – Insurance or Guarantee Company	Form is renumbered
74M	Bond – Personal Sureties	Form 74.33 Bond – Personal Sureties	Form is renumbered

New or Revised Form #	New or Revised Form Title	Current Form (form being replaced or updated)	Form Changes
74N 74O	Registrar's Notice to Estate Trustee Named in a Will or Codicil Deposited with the Court.  Registrar Notice to Applicant in an Application for a Certificate of Appointment of Estate Trustee	Form 74.34 Registrar's Notice to Estate Trustee Named in a Will or Codicil Deposited with the Court  Form 74.35 Registrar's Notice to Applicant in an Application for a Certificate of Appointment of Estate Trustee	Forms are renumbered
74P	Request for Notice of Commencement of Proceeding	Form 74.3 Request for Notice of Commencement of Proceeding	Form is renumbered
74.1A 74.1E	Application for a Small Estate Certificate  Application to Amend Small Estate Certificate	Form 74.1A Application for a Small Estate Certificate  Form 74.1E Application to Amend Small Estate Certificate	i. Direct that the applicant should not provide bank account numbers (consistent with the approach for the small estate certificate forms) ii. new field to collect information about the county or district; iii. Clarify when complete copy of will/codicil must be served; iv. Updated weblinks
74.1B	Request to file an Application for a Small Estate Certificate or an Amended SEC	Form 74.1B Request to file an Application for a Small Estate Certificate or an amended Small Estate Certificate	Clarify requirements relating to the service of the will or codicil (if any)

New or Revised Form #	New or Revised Form Title	Current Form <i>(form being replaced or updated)</i>	Form Changes
74.1C 74.1F	Small Estate Certificate  Amended Small Estate Certificate	Form 74.1C Small Estate Certificate  Form 74.1F Amended Small Estate Certificate	New field to collect information about the county or district
75.1	Notice of Objection	Form 75.1 Notice of Objection	New field to collect the e-mail address of the objector or lawyer for objector
75.8	Order Giving Directions	Form 75.8 Order Giving Directions Where Pleadings Directed Form 75.9 Order Giving Directions Where Trial of Issues Directed	One form replaces two forms.

Table 2: **Estate Court Rules** amended by [O. Reg. 709/21](#)

	Current RCP Rule	Current Wording	Change and rationale	Rule changes in O. Reg. 709/21 (Bold text = addition; black line = deletion)
1	1.03	<p>DEFINITIONS</p> <p>1.03 (1) In these rules, unless the context requires otherwise,</p> <p>“certificate of appointment of estate trustee” means letters probate, letters of administration or letters of administration with the will annexed, and includes a small estate certificate or amended small estate certificate (74.13, 74.13.1, 74.20, 74.20.3, 74.23, 74.23.1, 74.26, 74.31, 74.1C or 74.1F); (“certificat de nomination à titre de fiduciaire de la succession”)</p>	Reference to new form number.	<p>DEFINITIONS</p> <p>1.03 (1) In these rules, unless the context requires otherwise,</p> <p>“certificate of appointment of estate trustee” means letters probate, letters of administration or letters of administration with the will annexed, and includes a small estate certificate or amended small estate certificate (<b>74C</b> <del>74.13, 74.13.1, 74.20, 74.20.3, 74.23, 74.23.1, 74.26, 74.31, 74.1C or 74.1F</del>); (“certificat de nomination à titre de fiduciaire de la succession”)</p>
2	14.05(1)	<p>Applications — By Notice of Application or Application for Certificate</p> <p>14.05 (1) The originating process for the commencement of an application is, as applicable,</p> <p>(a) a notice of application (Form 14E, 14E.1, 68A or 73A); or</p> <p>(b) an application for a certificate of appointment of estate trustee (Form 74.4, 74.4.1, 74.5, 74.5.1, 74.14, 74.15, 74.21, 74.24, 74.27 or 74.30), small estate certificate (Form 74.1A) or amended small estate certificate (Form 74.1E). O Reg. 383/21, s. 3).</p>	Reference to new form number.	<p>Applications — By Notice of Application or Application for Certificate</p> <p>14.05 (1) The originating process for the commencement of an application is, as applicable,</p> <p>(a) a notice of application (Form 14E, 14E.1, 68A or 73A); or</p> <p>(b) an application for a certificate of appointment of estate trustee (<b>Form 74A or 74J</b> <del>Form 74.4, 74.4.1, 74.5, 74.5.1, 74.14, 74.15, 74.21, 74.24, 74.27 or 74.30</del>), small estate certificate (Form 74.1A) or amended small estate certificate (Form 74.1E).</p>
3	74.02(2)	<p>DEPOSIT OF WILLS AND CODICILS FOR SAFEKEEPING</p> <p>74.02 [...]</p> <p>(2) An affidavit of execution of the will or codicil (Form 74.8) may be deposited at the same time as the will or codicil. O. Reg. 484/94, s. 12.</p>	Reference to new form number.	<p>DEPOSIT OF WILLS AND CODICILS FOR SAFEKEEPING</p> <p>74.02 [...]</p> <p>(2) An affidavit of execution of the will or codicil (Form <del>74.8</del> <b>74D</b>) may be deposited at the same time as the will or codicil.</p>

	Current RCP Rule	Current Wording	Change and rationale	Rule changes in O. Reg. 709/21 (Bold text = addition; black line = deletion)
4	74.03(1)	<p>REQUEST FOR NOTICE OF COMMENCEMENT OF PROCEEDING</p> <p>74.03 (1) At any time before a certificate of appointment of estate trustee has been issued, a person who appears to have a financial interest in the estate and who desires to be informed of the commencement of a proceeding in the estate may file with the registrar a request for notice (Form 74.3), and thereafter is entitled to receive notice of the commencement of any proceeding in the estate until a certificate of appointment of estate trustee is issued, unless the court orders otherwise.</p>	Reference to a new form number.	<p>REQUEST FOR NOTICE OF COMMENCEMENT OF PROCEEDING</p> <p>74.03 (1) At any time before a certificate of appointment of estate trustee has been issued, a person who appears to have a financial interest in the estate and who desires to be informed of the commencement of a proceeding in the estate may file with the registrar a request for notice (Form <del>74.3</del> <b>74P</b>), and thereafter is entitled to receive notice of the commencement of any proceeding in the estate until a certificate of appointment of estate trustee is issued, unless the court orders otherwise.</p>
5	74.04	<p>CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE WITH A WILL</p> <p><i>Material to Accompany Application</i></p> <p>74.04 (1) An application for a certificate of appointment of estate trustee with a will (Form 74.4 or 74.5 or, if the application is for a certificate limited to the assets referred to in the will, Form 74.4.1 or 74.5.1) shall be accompanied by,</p> <p>(a) the original of the will and of every codicil;</p> <p>(a.1) proof of death;</p> <p>(b) an affidavit (Form 74.6) attesting that notice of the application (Form 74.7) has been served in accordance with subrules (2) to (7);</p> <p>(c) if the will or a codicil is not in holograph form,</p> <p>(i) an affidavit of execution (Form 74.8) of the will and of every codicil or, if the will or a codicil contains an alteration, erasure, obliteration or interlineation that has not been attested, an affidavit as to the condition of the will or codicil at the time of execution (Form 74.10), or</p> <p>(ii) if each of the witnesses to the will or the codicil has died or cannot be found, such other evidence of due execution as the court may require;</p>	<p>Remade rule amalgamates the content in current rules 74.04 and 74.05 (applications for a certificate with a Will and applications for a certificate without a Will).</p> <p>The remade rule models the simplified rule for applications for small estate certificates.</p> <p>The remade rule references the new forms (74A, 74B, 74C, 74D, 74E, 74F, 74G, 74H and 74I).</p> <p>References to “notice of the application” in rules 74.04 and 74.05 replaced with references to “the application”. Applicants required to serve the new application form (Form 74A) rather than a Notice of Application form. The Notice of Application forms</p>	<p><b>CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE</b></p> <p><b><i>Application</i></b></p> <p><b>74.04 (1) A person may seek a certificate of appointment of estate trustee by filing an application for a certificate of appointment of estate trustee (Form 74A) together with,</b></p> <p><b>(a) an affidavit (Form 74B) attesting to service in accordance with subrules (2) to (6);</b></p> <p><b>(b) proof of death;</b></p> <p><b>(c) a draft certificate of appointment of estate trustee (Form 74C);</b></p> <p><b>(d) if there is a will, the original of the will and of any codicils, together with the following evidence of due execution of the will and each codicil:</b></p> <p><b>(i) if the will or codicil is not in holograph form,</b></p> <p><b>(A) an affidavit of execution (Form 74D) of the will or codicil,</b></p> <p><b>(B) if the will or codicil contains an alteration, erasure, obliteration or interlineation that has not been attested, an</b></p>



	Current RCP Rule	Current Wording	Change and rationale	Rule changes in O. Reg. 709/21 (Bold text = addition; black line = deletion)
		<p>(d) if the will or a codicil is in holograph form, an affidavit attesting that the handwriting and signature in the will or codicil are those of the deceased (Form 74.9);</p> <p>(e) REVOKED: O. Reg. 584/17, s. 8.</p> <p>(f) a renunciation (Form 74.11) from every living person who is named in the will or codicil as estate trustee who has not joined in the application and is entitled to do so;</p> <p>(g) if the applicant is not named as an estate trustee in the will or codicil, a consent to the applicant's appointment (Form 74.12 or, if the application is for a certificate limited to the assets referred to in the will, Form 74.12.1) by persons who are entitled to share in the distribution of the estate and who together have a majority interest in the value of the assets of the estate at the date of death;</p> <p>(g.1) in the case of an application for a certificate of appointment of estate trustee with a will limited to the assets referred to in the will, a draft order (Form 74.13.2) granting the certificate of appointment;</p> <p>(h) the security required by the <i>Estates Act</i>; and</p> <p>(i) such additional or other material as the court directs. O. Reg. 740/94, s. 1; O. Reg. 653/00, s. 6 (1); O. Reg. 55/12, s. 9; O. Reg. 193/15, s. 9; O. Reg. 584/17, s. 8.</p> <p><i>Notice to Interested Persons</i></p> <p>(2) Notice of the application shall be served on all persons entitled to share in the distribution of the estate, including charities and contingent beneficiaries; however, notice need not be served on the applicant. O. Reg. 332/96, s. 1.</p> <p>(3) Revoked: O. Reg. 24/00, s. 12.</p> <p><i>Notice — Minor</i></p>	<p>(Forms 74.7 and 74.17) are eliminated and their content included in the new application form (Form 74A) and affidavit of service form (Form 74B).</p> <p>New subrule (6) clarifies the person in respect of whom a document is served on the Public Guardian and Trustee or Children's Lawyer as an adult described in the application as lacking capacity or a minor.</p>	<p><b>affidavit as to the condition of the will or codicil at the time of execution (Form 74E), or</b></p> <p><b>(C) if each of the witnesses to the will or codicil has died or cannot be found, such other evidence of due execution as the court may require, or</b></p> <p><b>(ii) if the will or codicil is in holograph form, an affidavit attesting that the handwriting and signature in the will or codicil are those of the deceased (Form 74F);</b></p> <p><b>(e) a renunciation (Form 74G) from each of the following persons:</b></p> <p><b>(i) if there is a will, from every living person who is named in the will or codicil as estate trustee who has not joined in the application and is entitled to do so, or</b></p> <p><b>(ii) if there is no will, from every person who is entitled in priority or is in equal right to be named as estate trustee and who has not joined in the application;</b></p> <p><b>(f) if there is no will, or if there is a will but the applicant is not named as an estate trustee in the will or a codicil, a consent to the applicant's appointment (Form 74H) by persons who are entitled to share in the distribution of the estate and who together have a majority interest in the value of the assets of the estate at the date of death;</b></p> <p><b>(g) in the case of an application for a certificate of appointment of estate trustee with a will limited to the assets referred to in the will, a draft order in Form 74I granting the certificate of appointment;</b></p> <p><b>(h) any security required by the <i>Estates Act</i>; and</b></p> <p><b>(i) such additional or other material as the court directs.</b></p>



	Current RCP Rule	Current Wording	Change and rationale	Rule changes in O. Reg. 709/21 (Bold text = addition; black line = deletion)
		<p>(4) If a person who is entitled to share in the distribution of the estate is less than 18 years of age, notice of the application shall not be served on the person, despite subrule (2), but shall be served on a parent or guardian and on the Children’s Lawyer. O. Reg. 740/94, s. 1; O. Reg. 69/95, s. 19; O. Reg. 248/21, s. 15.</p> <p><i>Notice — Unborn or Unascertained Persons</i></p> <p>(5) If there may be unborn or unascertained beneficiaries, notice of the application shall be served on the Children’s Lawyer. O. Reg. 740/94, s. 1; O. Reg. 69/95, s. 19.</p> <p><i>Notice — Mentally Incapable Person</i></p> <p>(6) If a person who is entitled to share in the distribution of the estate is mentally incapable within the meaning of section 6 of the <i>Substitute Decisions Act, 1992</i> in respect of an issue in the proceeding, notice of the application shall also be served,</p> <p>(a) if there is a guardian with authority to act in the proceeding, on the guardian;</p> <p>(b) if there is no guardian with authority to act in the proceeding but there is an attorney under a power of attorney with authority to act in the proceeding, on the attorney;</p> <p>(c) if there is neither a guardian nor an attorney with authority to act in the proceeding, on the Public Guardian and Trustee. O. Reg. 69/95, s. 11.</p> <p><i>Service</i></p> <p>(7) Notice under this rule shall be served on all persons, including charities, the Children’s Lawyer and the Public Guardian and Trustee, and, unless the court specifies another method of service, may be served by,</p> <p>(a) personal service;</p>		<p><b><i>Notification Requirements</i></b></p> <p><b>(2) The applicant shall serve the following documents on every person entitled to share in the distribution of the estate, including charities and contingent beneficiaries:</b></p> <ol style="list-style-type: none"> <li><b>1. The application for a certificate of appointment of estate trustee (Form 74A), including any attachments.</b></li> <li><b>2. If there is a will,</b> <ol style="list-style-type: none"> <li><b>i. in the case of a person entitled only to a specified item of property or a stated or determinable amount of money, a copy of the will and of any codicils, or of the applicable portion of the will or codicils,</b></li> <li><b>ii. in the case of any other beneficiary, a copy of the will and of any codicils.</b></li> </ol> </li> </ol> <p><b><i>Minors</i></b></p> <p><b>(3) If a person who is entitled to share in the distribution of the estate is less than 18 years of age, the documents listed in subrule (2) shall not be served on the person but shall instead be served on a parent or guardian and on the Children’s Lawyer.</b></p> <p><b><i>Unborn or Unascertained Persons</i></b></p> <p><b>(4) If there may be unborn or unascertained beneficiaries, the documents listed in subrule (2) shall be also served on the Children’s Lawyer.</b></p> <p><b><i>Mentally Incapable Person</i></b></p> <p><b>(5) If a person who is entitled to share in the distribution of the estate is mentally incapable within the meaning of section 6 of the <i>Substitute Decisions Act, 1992</i> in respect of an issue in the proceeding, the documents listed in subrule (2) shall also be served on,</b></p>

	Current RCP Rule	Current Wording	Change and rationale	<b>Rule changes in O. Reg. 709/21</b> (Bold text = addition; black line = deletion)
		<p>(b) e-mail, to the last e-mail address for service provided by the person or, if no such e-mail address has been provided, to the person's last known e-mail address; or</p> <p>(c) mail or courier, to the person's last known address. O. Reg. 690/20, s. 2.</p> <p><i>Certificate</i></p> <p>(8) The certificate of appointment of estate trustee with a will shall be in Form 74.13. O. Reg. 740/94, s. 1.</p> <p>(9) The certificate of appointment of estate trustee with a will limited to the assets referred to in the will shall be in Form 74.13.1. O. Reg. 653/00, s. 6 (2).</p>		<p><b>(a) if there is a guardian with authority to act in the proceeding, the guardian;</b></p> <p><b>(b) if there is no guardian with authority to act in the proceeding but there is an attorney under a power of attorney with authority to act in the proceeding, the attorney; or</b></p> <p><b>(c) if there is neither a guardian nor an attorney with authority to act in the proceeding, the Public Guardian and Trustee.</b></p> <p><b><i>Service on Children's Lawyer, Public Guardian and Trustee</i></b></p> <p><b>(6) If under subrule (3), (4) or (5), the documents listed in subrule (2) are required to be served on the Children's Lawyer or the Public Guardian and Trustee and there is a will, the applicant will serve, in addition to a copy of the will and of any codicils, a statement of the estimated value of the interest in the estate of the adult described in the application as lacking capacity or the minor, as the case may be, if that value is not disclosed in the application.</b></p> <p><b><i>Method of Service</i></b></p> <p><b>(7) Documents to be served under this rule shall be served by,</b></p> <p><b>(a) personal service;</b></p> <p><b>(b) e-mail, to the last e-mail address for service provided by the person or, if no such e-mail address has been provided, to the person's last known e-mail address; or</b></p> <p><b>(c) mail or courier, to the person's last known address.</b></p> <p><del>GERTIFIGATE OF APPOINTMENT OF ESTATE TRUSTEE WITH A WILL</del></p> <p><del><i>Material to Accompany Application</i></del></p>

	Current RCP Rule	Current Wording	Change and rationale	<b>Rule changes in O. Reg. 709/21</b> (Bold text = addition; black line = deletion)
				<p>74.04 (1) An application for a certificate of appointment of estate trustee with a will (Form 74.4 or 74.5 or, if the application is for a certificate limited to the assets referred to in the will, Form 74.4.1 or 74.5.1) shall be accompanied by,</p> <ul style="list-style-type: none"> <li>(a) <del>the original of the will and of every codicil;</del></li> <li>(a.1) proof of death;</li> <li>(b) an affidavit (Form 74.6) attesting that notice of the application (Form 74.7) has been served in accordance with subrules (2) to (7);</li> <li>(c) if the will or a codicil is not in holograph form,             <ul style="list-style-type: none"> <li>(i) an affidavit of execution (Form 74.8) of the will and of every codicil or, if the will or a codicil contains an alteration, erasure, obliteration or interlineation that has not been attested, an affidavit as to the condition of the will or codicil at the time of execution (Form 74.10), or</li> <li>(ii) if each of the witnesses to the will or the codicil has died or cannot be found, such other evidence of due execution as the court may require;</li> </ul> </li> <li>(d) if the will or a codicil is in holograph form, an affidavit attesting that the handwriting and signature in the will or codicil are those of the deceased (Form 74.9);</li> <li>(e) <del>REVOKED: O. Reg. 584/17, s. 8.</del></li> <li>(f) a renunciation (Form 74.11) from every living person who is named in the will or codicil as estate trustee who has not joined in the application and is entitled to do so;</li> <li>(g) if the applicant is not named as an estate trustee in the will or codicil, a consent to the applicant's appointment (Form 74.12 or, if the application is for a certificate limited to the assets referred to in the will, Form 74.12.1) by persons who are entitled to share in the distribution of the estate and who together have a majority interest in the value of the assets of the estate at the date of death;</li> </ul>

	Current RCP Rule	Current Wording	Change and rationale	<b>Rule changes in O. Reg. 709/21</b> (Bold text = addition; black line = deletion)
				<p> <del>(g.1) in the case of an application for a certificate of appointment of estate trustee with a will limited to the assets referred to in the will, a draft order (Form 74.13.2) granting the certificate of appointment;</del>  <del>(h) the security required by the <i>Estates Act</i>; and</del>  <del>(i) such additional or other material as the court directs.</del> </p> <p><i>Notice to Interested Persons</i></p> <p> <del>(2) Notice of the application shall be served on all persons entitled to share in the distribution of the estate, including charities and contingent beneficiaries; however, notice need not be served on the applicant.</del> </p> <p> <del>(3) Revoked: O. Reg. 24/00, s. 12.</del> </p> <p><i>Notice — Minor</i></p> <p> <del>(4) If a person who is entitled to share in the distribution of the estate is less than 18 years of age, notice of the application shall not be served on the person, despite subrule (2), but shall be served on a parent or guardian and on the Children’s Lawyer.</del> </p> <p><i>Notice — Unborn or Unascertained Persons</i></p> <p> <del>(5) If there may be unborn or unascertained beneficiaries, notice of the application shall be served on the Children’s Lawyer.</del> </p> <p><i>Notice — Mentally Incapable Person</i></p> <p> <del>(6) If a person who is entitled to share in the distribution of the estate is mentally incapable within the meaning of section 6 of the <i>Substitute Decisions Act, 1992</i> in respect of an issue in the proceeding, notice of the application shall also be served,</del> </p> <p> <del>(a) if there is a guardian with authority to act in the proceeding, on the guardian;</del> </p>

	Current RCP Rule	Current Wording	Change and rationale	<b>Rule changes in O. Reg. 709/21</b> (Bold text = addition; black line = deletion)
				<p><del>(b) if there is no guardian with authority to act in the proceeding but there is an attorney under a power of attorney with authority to act in the proceeding, on the attorney;</del></p> <p><del>(c) if there is neither a guardian nor an attorney with authority to act in the proceeding, on the <b>Public Guardian and Trustee.</b></del></p> <p><i>Service</i></p> <p><del>(7) Notice under this rule shall be served on all persons, including charities, the Children's Lawyer and the Public Guardian and Trustee, and, unless the court specifies another method of service, may be served by,</del></p> <p><del>(a) personal service;</del></p> <p><del>(b) e-mail, to the last e-mail address for service provided by the person or, if no such e-mail address has been provided, to the person's last known e-mail address; or</del></p> <p><del>(c) mail or courier, to the person's last known address. O. Reg. 690/20, s. 2.</del></p> <p><i>Certificate</i></p> <p><del>(8) The certificate of appointment of estate trustee with a will shall be in Form 74.13.</del></p> <p><del>(9) The certificate of appointment of estate trustee with a will limited to the assets referred to in the will shall be in Form 74.13.1.</del></p>
6	74.05	<p>CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE WITHOUT A WILL</p> <p><i>Material to Accompany Application</i></p> <p>74.05 (1) An application for a certificate of appointment of estate trustee without a will (Form 74.14 or 74.15) shall be accompanied by,</p> <p>(0.a) proof of death;</p>	Content of this rule moved to remake Rule 74.04.	<p><del>CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE WITHOUT A WILL</del></p> <p><del><i>Material to Accompany Application</i></del></p> <p><del>74.05 (1) An application for a certificate of appointment of estate trustee without a will (Form 74.14 or 74.15) shall be accompanied by,</del></p> <p><del>(0.a) proof of death;</del></p>

	Current RCP Rule	Current Wording	Change and rationale	Rule changes in O. Reg. 709/21 (Bold text = addition; black line = deletion)
		<p>(a) an affidavit (Form 74.16) attesting that notice of the application (Form 74.17) has been served in accordance with subrules (2) to (5);</p> <p>(b) a renunciation (Form 74.18) from every person who is entitled in priority to be named as estate trustee and who has not joined in the application;</p> <p>(c) a consent to the applicant's appointment (Form 74.19) by persons who are entitled to share in the distribution of the estate and who together have a majority interest in the value of the assets of the estate at the date of death;</p> <p>(d) the security required by the <i>Estates Act</i>; and</p> <p>(e) such additional or other material as the court directs. O. Reg. 740/94, s. 1; O. Reg. 193/15, s. 10.</p> <p><i>Notice to Interested Persons</i></p> <p>(2) Notice of the application shall be served on all persons entitled to share in the distribution of the estate; however, notice need not be served on the applicant. O. Reg. 332/96, s. 2.</p> <p><i>Notice — Minor</i></p> <p>(3) If a person who is entitled to share in the distribution of the estate is less than 18 years of age, notice of the application shall not be served on the person, despite subrule (2), but shall be served on a parent or guardian and on the Children's Lawyer. O. Reg. 740/94, s. 1; O. Reg. 69/95, s. 19; O. Reg. 248/21, s. 15.</p> <p><i>Notice — Mentally Incapable Person</i></p> <p>(4) If a person who is entitled to share in the distribution of the estate is mentally incapable within the meaning of section 6 of the <i>Substitute Decisions Act, 1992</i> in respect of an issue in the proceeding, notice of the application shall also be served,</p>		<p><del>(a) an affidavit (Form 74.16) attesting that notice of the application (Form 74.17) has been served in accordance with subrules (2) to (5);</del></p> <p><del>(b) a renunciation (Form 74.18) from every person who is entitled in priority to be named as estate trustee and who has not joined in the application;</del></p> <p><del>(c) a consent to the applicant's appointment (Form 74.19) by persons who are entitled to share in the distribution of the estate and who together have a majority interest in the value of the assets of the estate at the date of death;</del></p> <p><del>(d) the security required by the <i>Estates Act</i>; and</del></p> <p><del>(e) such additional or other material as the court directs.</del></p> <p><i>Notice to Interested Persons</i></p> <p><del>(2) Notice of the application shall be served on all persons entitled to share in the distribution of the estate; however, notice need not be served on the applicant.</del></p> <p><i>Notice — Minor</i></p> <p><del>(3) If a person who is entitled to share in the distribution of the estate is less than 18 years of age, notice of the application shall not be served on the person, despite subrule (2), but shall be served on a parent or guardian and on the Children's Lawyer.</del></p> <p><i>Notice — Mentally Incapable Person</i></p> <p><del>(4) If a person who is entitled to share in the distribution of the estate is mentally incapable within the meaning of section 6 of the <i>Substitute Decisions Act, 1992</i> in respect of an issue in the proceeding, notice of the application shall also be served,</del></p> <p>(a) if there is a guardian with authority to act in the proceeding, on the guardian;</p>

	Current RCP Rule	Current Wording	Change and rationale	Rule changes in O. Reg. 709/21 (Bold text = addition; black line = deletion)
		<p>(a) if there is a guardian with authority to act in the proceeding, on the guardian;</p> <p>(b) if there is no guardian with authority to act in the proceeding but there is an attorney under a power of attorney with authority to act in the proceeding, on the attorney;</p> <p>(c) if there is neither a guardian nor an attorney with authority to act in the proceeding, on the Public Guardian and Trustee. O. Reg. 69/95, s. 12.</p> <p><i>Service</i></p> <p>(5) Notice under this rule shall be served on all persons, including the Children’s Lawyer and the Public Guardian and Trustee, and, unless the court specifies another method of service, may be served by,</p> <p>(a) personal service;</p> <p>(b) e-mail, to the last e-mail address for service provided by the person or, if no such e-mail address has been provided, to the person’s last known e-mail address; or</p> <p>(c) mail or courier, to the person’s last known address. O. Reg. 690/20, s. 3.</p> <p><i>Certificate</i></p> <p>(6) The certificate of appointment of estate trustee without a will shall be in Form 74.20. O. Reg. 740/94, s. 1.</p>		<p><del>(b) if there is no guardian with authority to act in the proceeding but there is an attorney under a power of attorney with authority to act in the proceeding, on the attorney;</del></p> <p><del>(c) if there is neither a guardian nor an attorney with authority to act in the proceeding, on the Public Guardian and Trustee.</del></p> <p><i>Service</i></p> <p><del>(5) Notice under this rule shall be served on all persons, including the Children’s Lawyer and the Public Guardian and Trustee, and, unless the court specifies another method of service, may be served by,</del></p> <p>(a) personal service;</p> <p>(b) e-mail, to the last e-mail address for service provided by the person or, if no such e-mail address has been provided, to the person’s last known e-mail address; or</p> <p>(c) mail or courier, to the person’s last known address.</p> <p><i>Certificate</i></p> <p><del>(6) The certificate of appointment of estate trustee without a will shall be in Form 74.20. O. Reg. 740/94, s. 1.</del></p>
7	74.05.1	<p>CERTIFICATE OF APPOINTMENT OF FOREIGN ESTATE TRUSTEE’S NOMINEE AS ESTATE TRUSTEE WITHOUT A WILL</p> <p><i>Material to Accompany Application</i></p>	<p>Reference to Form 74.20.3 replaced by Form 74C since that form includes the contents of Form 74.20.3.</p> <p>Reference to Form 74.20.2 replaced by</p>	<p>CERTIFICATE OF APPOINTMENT OF FOREIGN ESTATE TRUSTEE’S NOMINEE AS ESTATE TRUSTEE WITHOUT A WILL</p> <p><i>Material to Accompany Application</i></p>



	Current RCP Rule	Current Wording	Change and rationale	Rule changes in O. Reg. 709/21 (Bold text = addition; black line = deletion)
		<p>74.05.1 (1) An application for a certificate of appointment of a foreign estate trustee's nominee as estate trustee without a will (Form 74.20.1) shall be accompanied by,</p> <ul style="list-style-type: none"> <li>(a) a nomination (Form 74.20.2) of the applicant by the estate trustee appointed in the jurisdiction where the deceased was domiciled at the date of death;</li> <li>(b) a copy of the document appointing the foreign estate trustee, certified under the seal of the court that granted it;</li> <li>(c) a certificate under the seal of the court that granted the foreign document, issued within a reasonable amount of time before the date of the application and stating that the foreign document remains effective as of the date of the certificate;</li> <li>(d) the security required by the <i>Estates Act</i>; and</li> <li>(e) such additional or other material as the court directs. O. Reg. 332/96, s. 3.</li> </ul> <p><i>Certificate</i></p> <p>(2) The certificate of appointment of a foreign estate trustee's nominee as estate trustee without a will shall be in Form 74.20.3. O. Reg. 332/96, s. 3.</p>	<p>reference to Form 74K since that form includes the contents of Form 74.20.1.</p>	<p>74.05.1 (1) An application for a certificate of appointment of a foreign estate trustee's nominee as estate trustee without a will shall be in Form 74J and (<del>Form 74.20.1</del>) shall be accompanied by,</p> <ul style="list-style-type: none"> <li>(a) a nomination (Form <b>74K</b> <del>74.20.2</del>) of the applicant by the estate trustee appointed in the jurisdiction where the deceased was domiciled at the date of death;</li> <li>(b) a copy of the document appointing the foreign estate trustee, certified under the seal of the court that granted it;</li> <li>(c) a certificate under the seal of the court that granted the foreign document, issued within a reasonable amount of time before the date of the application and stating that the foreign document remains effective as of the date of the certificate;</li> <li>(d) any security required by the <i>Estates Act</i>; and</li> <li>(e) such additional or other material as the court directs.</li> </ul> <p><i>Certificate</i></p> <p>(2) The certificate of appointment of a foreign estate trustee's nominee as estate trustee without a will shall be in Form <b>74C</b> <del>74.20.3</del>.</p>
8	74.06	<p>CERTIFICATE OF APPOINTMENT OF SUCCEEDING ESTATE TRUSTEE WITH A WILL</p> <p>74.06 (1) An application for a certificate of appointment of estate trustee to succeed an estate trustee with a will (Form 74.21 or, if the application is for a certificate limited to the assets referred to in the will, Form 74.21.1) shall be accompanied by,</p> <ul style="list-style-type: none"> <li>(a) the original certificate of appointment or, if the original certificate has been lost, a copy of it certified by the court;</li> <li>(b) a renunciation (Form 74.11) from every living person who is named in the will or codicil as an estate trustee and who has not joined in the application and is entitled to do so;</li> </ul>	<p>References to existing forms replaced by references to the new forms that include the contents of the existing forms.</p>	<p>CERTIFICATE OF APPOINTMENT OF SUCCEEDING ESTATE TRUSTEE WITH A WILL</p> <p><b>Application</b></p> <p>74.06 (1) An application for a certificate of appointment of estate trustee to succeed an estate trustee with a will (<del>Form 74.21 or, if the application is for a certificate of appointment as estate trustee to succeed an estate trustee with a will</del> <b>limited to the assets referred to in the will shall be in Form 74J, and</b> (<del>Form 74.21.1</del>) shall be accompanied by,</p> <ul style="list-style-type: none"> <li>(a) the original certificate of appointment or, if the original certificate has been lost, a copy of it certified by the court;</li> </ul>

	Current RCP Rule	Current Wording	Change and rationale	Rule changes in O. Reg. 709/21 (Bold text = addition; black line = deletion)
		<p>(c) if the applicant is not named as an estate trustee in the will or codicil, a consent (Form 74.22 or, if the application is for a certificate limited to the assets referred to in the will, Form 74.22.1) to the application by persons who are entitled to share in the distribution of the remaining estate and who together have a majority interest in the value of the assets remaining in the estate at the date of the application;</p> <p>(c.1) in the case of an application for a certificate of appointment of succeeding estate trustee with a will limited to the assets referred to in the will, a draft order (Form 74.13.2) granting the certificate of appointment;</p> <p>(d) the security required by the <i>Estates Act</i>; and</p> <p>(e) such additional or other material as the court directs. O. Reg. 484/94, s. 12; O. Reg. 55/12, s. 10 (1-3).</p> <p>(2) The certificate of appointment of succeeding estate trustee with a will shall be in Form 74.23. O. Reg. 484/94, s. 12; O. Reg. 55/12, s. 10 (4).</p> <p>(3) The certificate of appointment of succeeding estate trustee with a will limited to the assets referred to in the will shall be in Form 74.23.1. O. Reg. 55/12, s. 10 (5).</p>		<p>(b) a renunciation (Form <b>74G</b> 74.14) from every living person who is named in the will or codicil as an estate trustee and who has not joined in the application and is entitled to do so;</p> <p>(c) if the applicant is not named as an estate trustee in the will or codicil, a consent (Form <b>74H</b> 74.22 or, if the application is for a certificate limited to the assets referred to in the will, Form 74.22.1) to the application by persons who are entitled to share in the distribution of the remaining estate and who together have a majority interest in the value of the assets remaining in the estate at the date of the application;</p> <p>(d) in the case of an application for a certificate of appointment of succeeding estate trustee with a will limited to the assets referred to in the will, a draft order (Form <b>74I</b> 74.13.2) granting the certificate of appointment;</p> <p>(e) the security required by the <i>Estates Act</i>; and</p> <p>(f) such additional or other material as the court directs.</p> <p><b>Certificate</b></p> <p>(2) The certificate of appointment of succeeding estate trustee with a will <b>or certificate of appointment of succeeding estate trustee with a will limited to the assets referred to in the will</b> shall be in Form <b>74C</b> 74.23.</p> <p><del>(3) The certificate of appointment of succeeding estate trustee with a will limited to the assets referred to in the will shall be in Form 74.23.1.</del></p>
9	74.07	<p>CERTIFICATE OF APPOINTMENT OF SUCCEEDING ESTATE TRUSTEE WITHOUT A WILL</p> <p>74.07 (1) An application for a certificate of appointment of estate trustee to succeed an estate trustee without a will (Form 74.24) shall be accompanied by,</p> <p>(a) the original certificate of appointment or, if the original certificate has been lost, a copy of it certified by the court;</p>	Reference to new form numbers.	<p>CERTIFICATE OF APPOINTMENT OF SUCCEEDING ESTATE TRUSTEE WITHOUT A WILL</p> <p>74.07 (1) An application for a certificate of appointment of estate trustee to succeed an estate trustee without a will <b>shall be in Form 74J, and</b> <del>(Form 74.24)</del> shall be accompanied by,</p> <p>(a) the original certificate of appointment or, if the original certificate has been lost, a copy of it certified by the court;</p>

	Current RCP Rule	Current Wording	Change and rationale	Rule changes in O. Reg. 709/21 (Bold text = addition; black line = deletion)
		<p>(b) a consent (Form 74.25) to the application by persons who are entitled to share in the distribution of the remaining estate and who together have a majority interest in the value of the assets remaining in the estate at the date of the application;</p> <p>(c) the security required by the <i>Estates Act</i>, and</p> <p>(d) such additional or other material as the court directs. O. Reg. 484/94, s. 12.</p> <p>(2) The certificate of appointment of succeeding estate trustee without a will shall be in Form 74.26. O. Reg. 484/94, s. 12; O. Reg. 55/12, s. 11.</p>		<p>(b) a consent (Form <b>74H 74.25</b>) to the application by persons who are entitled to share in the distribution of the remaining estate and who together have a majority interest in the value of the assets remaining in the estate at the date of the application;</p> <p>(c) the security required by the <i>Estates Act</i>, and</p> <p>(d) such additional or other material as the court directs. O. Reg. 484/94, s. 12.</p> <p>(2) The certificate of appointment of succeeding estate trustee without a will shall be in Form <b>74C 74.26</b>.</p>
10	74.08	<p>CONFIRMATION BY RESEALING OF APPOINTMENT OF ESTATE TRUSTEE WITH OR WITHOUT A WILL</p> <p>74.08 (1) An application for confirmation by resealing of the appointment of an estate trustee with or without a will that was granted by a court of competent jurisdiction in the United Kingdom, in a province or territory of Canada or in any British possession (Form 74.27) shall be accompanied by,</p> <p>(a) two certified copies of the document under the seal of the court that granted it, or the original document and one certified copy under the seal of the court that granted it;</p> <p>(b) the security required by the <i>Estates Act</i>, and</p> <p>(c) such additional or other material as the court directs. O. Reg. 484/94, s. 12; O. Reg. 740/94, s. 2; O. Reg. 653/00, s. 7.</p> <p>(2) A confirmation by resealing of the appointment of an estate trustee with or without a will shall be in Form 74.28. O. Reg. 484/94, s. 12.</p>	Reference to new form number.	<p>CONFIRMATION BY RESEALING OF APPOINTMENT OF ESTATE TRUSTEE WITH OR WITHOUT A WILL</p> <p>74.08 (1) An application for confirmation by resealing of the appointment of an estate trustee with or without a will that was granted by a court of competent jurisdiction in the United Kingdom, in a province or territory of Canada or in any British possession <b>shall be in Form 74J, and</b> <del>(Form 74.27)</del> shall be accompanied by,</p> <p>(a) two certified copies of the document under the seal of the court that granted it, or the original document and one certified copy under the seal of the court that granted it;</p> <p>(b) the security required by the <i>Estates Act</i>, and</p> <p>(c) such additional or other material as the court directs.</p> <p>(2) A confirmation by resealing of the appointment of an estate trustee with or without a will shall be in Form <b>74C 74.28</b>.</p>
11	74.09	<p>CERTIFICATE OF ANCILLARY APPOINTMENT OF ESTATE TRUSTEE WITH A WILL</p> <p>74.09 (1) An application for a certificate of ancillary appointment of an estate trustee with a will where the applicant has been appointed by a</p>	Reference to new form number.	<p>CERTIFICATE OF ANCILLARY APPOINTMENT OF ESTATE TRUSTEE WITH A WILL</p> <p>74.09 (1) An application for a certificate of ancillary appointment of an estate trustee with a will where the applicant has been appointed by a court having jurisdiction outside Ontario, other than a jurisdiction referred</p>

	Current RCP Rule	Current Wording	Change and rationale	Rule changes in O. Reg. 709/21 (Bold text = addition; black line = deletion)
		<p>court having jurisdiction outside Ontario, other than a jurisdiction referred to in rule 74.08, (Form 74.27) shall be accompanied by,</p> <p>(a) two certified copies of the document under the seal of the court that granted it;</p> <p>(b) the security required by the <i>Estates Act</i>; and</p> <p>(c) such additional or other material as the court directs. O. Reg. 484/94, s. 12; O. Reg. 740/94, s. 3; O. Reg. 653/00, s. 8.</p> <p>(2) A certificate of ancillary appointment of an estate trustee with a will shall be in Form 74.29. O. Reg. 484/94, s. 12.</p>		<p>to in rule 74.08, <b>shall be in Form 74J, and</b> (<del>Form 74.27</del>) shall be accompanied by,</p> <p>(a) two certified copies of the document under the seal of the court that granted it;</p> <p>(b) the security required by the <i>Estates Act</i>; and</p> <p>(c) such additional or other material as the court directs.</p> <p>(2) A certificate of ancillary appointment of an estate trustee with a will shall be in Form <b>74C</b> <del>74.29</del>.</p>
12	74.10	<p>CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE DURING LITIGATION</p> <p>74.10 (1) An application for a certificate of appointment of estate trustee during litigation (Form 74.30) shall be accompanied by,</p> <p>(a) a copy of the order appointing the applicant as estate trustee during litigation;</p> <p>(b) the security required by the <i>Estates Act</i>; and</p> <p>(c) such additional or other material as the court directs. O. Reg. 484/94, s. 12; O Reg. 383/21, s. 16.</p> <p>(2) A certificate of appointment of estate trustee during litigation shall be in Form 74.31. O. Reg. 484/94, s. 12; O Reg. 383/21, s. 16.</p>	Reference to new form number.	<p>CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE DURING LITIGATION</p> <p>74.10 (1) An application for a certificate of appointment of estate trustee during litigation <b>shall be in Form 74J, and</b> (<del>Form 74.30</del>) shall be accompanied by,</p> <p>(a) a copy of the order appointing the applicant as estate trustee during litigation;</p> <p>(b) the security required by the <i>Estates Act</i>; and</p> <p>(c) such additional or other material as the court directs.</p> <p>(2) A certificate of appointment of estate trustee during litigation shall be in Form <b>74C</b> <del>74.31</del>.</p>
13	74.11(1)	<p>BONDS</p> <p>74.11 (1) Unless the court orders otherwise,</p> <p>(a) the bond required by section 35 of the <i>Estates Act</i> shall be the bond of an insurer licensed under the <i>Insurance Act</i> to write surety and fidelity insurance in Ontario (Form 74.32) or of one or more personal sureties (Form 74.33);</p>	Reference to new form number.	<p>BONDS</p> <p>74.11 (1) Unless the court orders otherwise,</p> <p>(a) the bond required by section 35 of the <i>Estates Act</i> shall be the bond of an insurer licensed under the <i>Insurance Act</i> to write surety and fidelity insurance in Ontario (Form <b>74L</b> <del>74.32</del>) or of one or more personal sureties (Form <b>74M</b> <del>74.33</del>);</p>

	Current RCP Rule	Current Wording	Change and rationale	Rule changes in O. Reg. 709/21 (Bold text = addition; black line = deletion)
14	74.12(1)	<p>PROCEDURE ON APPLICATIONS FOR CERTIFICATES OF APPOINTMENT OF ESTATE TRUSTEES</p> <p>74.12 (1) If the registrar determines that a will or codicil has been deposited in the Superior Court of Justice that prevents confirmation under clause 16 (c) or (d) of the <i>Estates Act</i>, the registrar shall send a copy of the application, together with a notice in Form 74.34, to the estate trustee named in the deposited will or codicil by regular lettermail to the last address on record with the court. O. Reg. 690/20, s. 4; O. Reg. 248/21, s. 14.</p>	Reference to new form number.	<p>PROCEDURE ON APPLICATIONS FOR CERTIFICATES OF APPOINTMENT OF ESTATE TRUSTEES</p> <p>74.12 (1) If the registrar determines that a will or codicil has been deposited in the Superior Court of Justice that prevents confirmation under clause 16 (c) or (d) of the <i>Estates Act</i>, the registrar shall send a copy of the application, together with a notice in Form <del>74.34</del> <b>74N 74.34</b>, to the estate trustee named in the deposited will or codicil by regular lettermail to the last address on record with the court.</p>
15	74.14	<p>ISSUANCE OF CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE</p> <p>74.14 (1) The registrar may issue a certificate of appointment of estate trustee,</p> <p>(a) if the registrar is satisfied that,</p> <p>(i) issuance is not prevented under section 16 of the <i>Estates Act</i>,</p> <p>(ii) the application for the certificate contains the information, evidence and supporting documentation required by these rules or under any Act, and</p> <p>(iii) the applicant has met the requirements of subrule 74.13 (1) or (2), or has obtained an order under subsection 4 (1) of the <i>Estate Administration Tax Act, 1998</i>; or</p> <p>(b) if directed to do so by a judge. O. Reg. 690/20, s. 5.</p> <p><i>Request by Registrar</i></p> <p>(2) In making a determination for the purposes of clause (1) (a), the registrar may request that the applicant provide to the registrar any required information, or file any required evidence or documentation. O. Reg. 690/20, s. 5.</p>	<p>Specifies the form in which a certificate of appointment of estate trustee may be issued (Form 74C).</p> <p>Reference to new form number.</p>	<p>ISSUANCE OF CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE</p> <p>74.14 (1) The registrar may issue a certificate of appointment of estate trustee <b>(Form 74C)</b>:</p> <p>(a) if the registrar is satisfied that,</p> <p>(i) issuance is not prevented under section 16 of the <i>Estates Act</i>,</p> <p>(ii) the application for the certificate contains the information, evidence and supporting documentation required by these rules or under any Act, and</p> <p>(iii) the applicant has met the requirements of subrule 74.13 (1) or (2), or has obtained an order under subsection 4 (1) of the <i>Estate Administration Tax Act, 1998</i>; or</p> <p>(b) if directed to do so by a judge.</p> <p><i>Request by Registrar</i></p> <p>(2) In making a determination for the purposes of clause (1) (a), the registrar may request that the applicant provide to the registrar any required information, or file any required evidence or documentation.</p> <p><i>Refusal</i></p>

	Current RCP Rule	Current Wording	Change and rationale	Rule changes in O. Reg. 709/21 (Bold text = addition; black line = deletion)
		<p><i>Refusal</i></p> <p>(3) If the registrar is not satisfied that the conditions set out in clause (1) (a) have been met, the registrar shall, subject to subrule (4), refuse to issue the certificate. O. Reg. 690/20, s. 5.</p> <p><i>Referral to Judge</i></p> <p>(4) The registrar shall refer an application for a certificate of appointment of estate trustee to a judge for determination if, in the registrar's opinion, the application raises an issue that requires determination by a judge. O. Reg. 690/20, s. 5.</p> <p><i>Notice of Refusal</i></p> <p>(5) If the registrar refuses under subrule (3) to issue the certificate, the registrar shall send a notice in Form 74.35 to the applicant or the applicant's lawyer by,</p> <p>(a) regular lettermail to the mailing address shown in the application; or</p> <p>(b) by e-mail to the e-mail address most recently indicated for the applicant or the applicant's lawyer in the applicable court file, if any, or, in the case of a lawyer whose e-mail address is not indicated in the court file, the e-mail address for the lawyer as published on the Law Society of Ontario's website. O. Reg. 690/20, s. 5.</p>		<p>(3) If the registrar is not satisfied that the conditions set out in clause (1) (a) have been met, the registrar shall, subject to subrule (4), refuse to issue the certificate.</p> <p><i>Referral to Judge</i></p> <p>(4) The registrar shall refer an application for a certificate of appointment of estate trustee to a judge for determination if, in the registrar's opinion, the application raises an issue that requires determination by a judge. O. Reg. 690/20, s. 5.</p> <p><i>Notice of Refusal</i></p> <p>(5) If the registrar refuses under subrule (3) to issue the certificate, the registrar shall send a notice in Form <b>740</b> <del>74.35</del> to the applicant or the applicant's lawyer by,</p> <p>(a) regular lettermail to the mailing address shown in the application; or</p> <p>(b) <del>by</del> e-mail to the e-mail address most recently indicated for the applicant or the applicant's lawyer in the applicable court file, if any, or, in the case of a lawyer whose e-mail address is not indicated in the court file, the e-mail address for the lawyer as published on the Law Society of Ontario's website.</p>
16	74.15	<p>ORDERS FOR ASSISTANCE</p> <p><i>Kinds of Orders</i></p> <p>74.15 (1) In addition to a motion under section 9 of the <i>Estates Act</i>, any person who appears to have a financial interest in an estate may move,</p> <p>Order to Accept or Refuse Appointment</p>	<p>Reference to new form number.</p> <p>Form 74I prescribed for an order for further particulars and an order for other matters made under r. 74.15(1)(e) and (i), respectively</p>	<p>ORDERS FOR ASSISTANCE</p> <p><i>Kinds of Orders</i></p> <p>74.15 (1) In addition to a motion under section 9 of the <i>Estates Act</i>, any person who appears to have a financial interest in an estate may move,</p> <p>Order to Accept or Refuse Appointment</p>



	Current RCP Rule	Current Wording	Change and rationale	<b>Rule changes in O. Reg. 709/21</b> (Bold text = addition; black line = deletion)
		<p>(a) for an order (Form 74.36) requiring any person to accept or refuse an appointment as an estate trustee with a will;</p> <p>(b) for an order (Form 74.37) requiring any person to accept or refuse an appointment as an estate trustee without a will;</p> <p>Order to Consent or Object to Proposed Appointment</p> <p>(c) for an order (Form 74.38) requiring any person to consent or object to a proposed appointment of an estate trustee;</p> <p>Order to File Statement of Assets of the Estate</p> <p>(d) for an order (Form 74.39) requiring an estate trustee to file with the court a statement of the nature and value, at the date of death, of each of the assets of the estate to be administered by the estate trustee;</p> <p>Order for Further Particulars</p> <p>(e) after receiving the statement described in clause (d), for an order for further particulars by supplementary affidavit or otherwise as the court directs;</p> <p>Order to Beneficiary Witness</p> <p>(f) for an order (Form 74.40) requiring a beneficiary or the spouse of a beneficiary who witnessed the will or codicil, or who signed the will or codicil for the testator, to satisfy the court that the beneficiary or spouse did not exercise improper or undue influence on the testator;</p> <p>Order to Former Spouse</p>		<p>(a) for an order <del>(Form 74.36)</del> requiring any person to accept or refuse an appointment as an estate trustee with a will;</p> <p>(b) for an order <del>(Form 74.37)</del> requiring any person to accept or refuse an appointment as an estate trustee without a will;</p> <p>Order to Consent or Object to Proposed Appointment</p> <p>(c) for an order <del>(Form 74.38)</del> requiring any person to consent or object to a proposed appointment of an estate trustee;</p> <p>Order to File Statement of Assets of the Estate</p> <p>(d) for an order <del>(Form 74.39)</del> requiring an estate trustee to file with the court a statement of the nature and value, at the date of death, of each of the assets of the estate to be administered by the estate trustee;</p> <p>Order for Further Particulars</p> <p>(e) after receiving the statement described in clause (d), for an order for further particulars by supplementary affidavit or otherwise as the court directs;</p> <p>Order to Beneficiary Witness</p> <p>(f) for an order <del>(Form 74.40)</del> requiring a beneficiary or the spouse of a beneficiary who witnessed the will or codicil, or who signed the will or codicil for the testator, to satisfy the court that the beneficiary or spouse did not exercise improper or undue influence on the testator;</p>



	Current RCP Rule	Current Wording	Change and rationale	Rule changes in O. Reg. 709/21 (Bold text = addition; black line = deletion)
		<p>(g) for an order (Form 74.41) requiring a former spouse of the deceased to take part in a determination under subsection 17 (2) of the <i>Succession Law Reform Act</i> of the validity of the appointment of the former spouse as estate trustee, a devise or bequest of a beneficial interest to the former spouse or the conferring of a general or special power of appointment on him or her;</p> <p>Order to Pass Accounts</p> <p>(h) for an order (Form 74.42) requiring an estate trustee to pass accounts; and</p> <p>Order for Other Matters</p> <p>(i) for an order providing for any other matter that the court directs. O. Reg. 484/94, s. 12; O. Reg. 248/21, s. 11.</p>		<p>Order to Former Spouse</p> <p>(g) for an order <del>(Form 74.41)</del> requiring a former spouse of the deceased to take part in a determination under subsection 17 (2) of the <i>Succession Law Reform Act</i> of the validity of the appointment of the former spouse as estate trustee, a devise or bequest of a beneficial interest to the former spouse or the conferring of a general or special power of appointment on him or her;</p> <p>Order to Pass Accounts</p> <p>(h) for an order <del>(Form 74.42)</del> requiring an estate trustee to pass accounts; and</p> <p>Order for Other Matters</p> <p>(i) for an order providing for any other matter that the court directs.</p> <p>[...]</p> <p><b>Form of Orders</b></p> <p><b>(5) An order under clause (1) shall be in Form 74I.</b></p>
17	74.1.03	<p><i>APPLICATION FOR SMALL ESTATE CERTIFICATE</i></p> <p>74.1.03 (1) A person may seek a small estate certificate by filing an application for a small estate certificate (Form 74.1A) together with,</p> <p>(a) a request to file an application for a small estate certificate or an amended small estate certificate (Form 74.1B);</p> <p>(b) proof of death;</p> <p>(c) a draft small estate certificate (Form 74.1C);</p>	<p>Reference to new form number.</p> <p>Amendments clarify the person in respect of whom a document is served on the Public Guardian and Trustee or Children's Lawyer as an adult described in the application as lacking capacity or a minor.</p>	<p><i>APPLICATION FOR SMALL ESTATE CERTIFICATE</i></p> <p>74.1.03 (1) A person may seek a small estate certificate by filing an application for a small estate certificate (Form 74.1A) together with,</p> <p>(a) a request to file an application for a small estate certificate or an amended small estate certificate (Form 74.1B);</p> <p>(b) proof of death;</p> <p>(c) a draft small estate certificate (Form 74.1C);</p>

	Current RCP Rule	Current Wording	Change and rationale	Rule changes in O. Reg. 709/21 (Bold text = addition; black line = deletion)
		<p>(d) if there is a will, the original of the will and of any codicils, together with the following evidence of due execution of the will and each codicil:</p> <ul style="list-style-type: none"> <li>(i) if the will or codicil is not in holograph form, <ul style="list-style-type: none"> <li>(A) an affidavit of execution (Form 74.8) of the will or codicil,</li> <li>(B) if the will or codicil contains an alteration, erasure, obliteration or interlineation that has not been attested, an affidavit as to the condition of the will or codicil at the time of execution (Form 74.10), or</li> <li>(C) if each of the witnesses to the will or codicil has died or cannot be found, such other evidence of due execution as the court may require, or</li> </ul> </li> <li>(ii) if the will or codicil is in holograph form, an affidavit attesting that the handwriting and signature in the will or codicil are those of the deceased (Form 74.9);</li> </ul> <p>(e) any security required by the <i>Estates Act</i>; and</p> <p>(f) such additional or other material as the court directs. O. Reg. 111/21, s. 8.</p> <p><i>Notification of Other Persons Required Before Filing</i></p> <p>(2) An application for a small estate certificate may not be filed by a person until at least 30 days after the person has met the requirements of subrules (3) to (7), as applicable. O. Reg. 111/21, s. 8.</p> <p><i>Persons Entitled to Share in Distribution</i></p> <p>(3) The applicant shall send or give the following documents to each person entitled to share in the distribution of the estate, including charities and contingent beneficiaries:</p> <ol style="list-style-type: none"> <li>1. A copy of the application for a small estate certificate (Form 74.1A) and of any attachments.</li> </ol>		<p>(d) if there is a will, the original of the will and of any codicils, together with the following evidence of due execution of the will and each codicil:</p> <ul style="list-style-type: none"> <li>(i) if the will or codicil is not in holograph form, <ul style="list-style-type: none"> <li>(A) an affidavit of execution (Form <b>74D 74.8</b>) of the will or codicil,</li> <li>(B) if the will or codicil contains an alteration, erasure, obliteration or interlineation that has not been attested, an affidavit as to the condition of the will or codicil at the time of execution (Form <b>74E 74.10</b>), or</li> <li>(C) if each of the witnesses to the will or codicil has died or cannot be found, such other evidence of due execution as the court may require, or</li> </ul> </li> <li>(ii) if the will or codicil is in holograph form, an affidavit attesting that the handwriting and signature in the will or codicil are those of the deceased (Form <b>74F 74.9</b>);</li> </ul> <p>(e) any security required by the <i>Estates Act</i>; and</p> <p>(f) such additional or other material as the court directs.</p> <p><i>Notification of Other Persons Required Before Filing</i></p> <p>(2) An application for a small estate certificate may not be filed by a person until at least 30 days after the person has met the requirements of subrules (3) to (7), as applicable.</p> <p><del><i>Persons Entitled to Share in Distribution</i></del> <b>Notification Requirements</b></p> <p>(3) The applicant shall send or give the following documents to <b>every</b> each person entitled to share in the distribution of the estate, including charities and contingent beneficiaries:</p> <ol style="list-style-type: none"> <li>1. <del>A copy of the</del> <b>The</b> application for a small estate certificate (Form 74.1A), <b>including</b> <del>and of</del> attachments.</li> <li>2. If there is a will,</li> </ol>

	Current RCP Rule	Current Wording	Change and rationale	<b>Rule changes in O. Reg. 709/21</b> (Bold text = addition; black line = deletion)
		<p>2. If there is a will, a copy of the will and of any codicils. O. Reg. 111/21, s. 8.</p> <p><i>Same, Minor</i></p> <p>(4) If a person who is entitled to share in the distribution of the estate is less than 18 years of age, the documents listed in subrule (3) shall not be sent to the person but shall instead be sent or given to a parent or guardian and to the Children’s Lawyer. O. Reg. 111/21, s. 8; O. Reg. 248/21, s. 15.</p> <p><i>Unborn or Unascertained Persons</i></p> <p>(5) If there may be unborn or unascertained beneficiaries, the documents listed in subrule (3) shall be also sent or given to the Children’s Lawyer. O. Reg. 111/21, s. 8.</p> <p><i>Mentally Incapable Person</i></p> <p>(6) If a person who is entitled to share in the distribution of the estate is mentally incapable within the meaning of section 6 of the <i>Substitute Decisions Act, 1992</i> in respect of an issue in the proceeding, the documents listed in subrule (3) shall also be sent or given,</p> <p>(a) if there is a guardian with authority to act in the proceeding, to the guardian;</p> <p>(b) if there is no guardian with authority to act in the proceeding but there is an attorney under a power of attorney with authority to act in the proceeding, to the attorney; or</p>		<p>i. <b>in the case of a person entitled only to a specified item of property or a stated or determinable amount of money</b> <del>If there is a will, a copy of the will and of any codicils, or of the applicable portion of the will or codicil, or</del></p> <p>ii. <b>in the case of any other beneficiary, a copy of the will and of any codicils.</b></p> <p><i>Same, Minor</i></p> <p>(4) If a person who is entitled to share in the distribution of the estate is less than 18 years of age, the documents listed in subrule (3) shall not be sent to the person but shall instead be sent or given to a parent or guardian and to the Children’s Lawyer.</p> <p><i>Unborn or Unascertained Persons</i></p> <p>(5) If there may be unborn or unascertained beneficiaries, the documents listed in subrule (3) shall be also sent or given to the Children’s Lawyer.</p> <p><i>Mentally Incapable Person</i></p> <p>(6) If a person who is entitled to share in the distribution of the estate is mentally incapable within the meaning of section 6 of the <i>Substitute Decisions Act, 1992</i> in respect of an issue in the proceeding, the documents listed in subrule (3) shall also be sent or given,</p> <p>(a) if there is a guardian with authority to act in the proceeding, to the guardian;</p> <p>(b) if there is no guardian with authority to act in the proceeding but there is an attorney under a power of attorney with authority to act in the proceeding, to the attorney; or</p> <p>(c) if there is neither a guardian nor an attorney with authority to act in the proceeding, to the Public Guardian and Trustee.</p>

	Current RCP Rule	Current Wording	Change and rationale	<b>Rule changes in O. Reg. 709/21</b> (Bold text = addition; black line = deletion)
		<p>(c) if there is neither a guardian nor an attorney with authority to act in the proceeding, to the Public Guardian and Trustee. O. Reg. 111/21, s. 8.</p> <p><i>Method of Sending Documents</i></p> <p>(7) Documents listed in subrule (3) may be sent to a person either by e-mail to the person's last known e-mail address or by regular lettermail or courier to the person's last known address. O. Reg. 111/21, s. 8</p>		<p><b><i>Children's Lawyer, Public Guardian and Trustee</i></b></p> <p><b>(6.1) If under subrule (4), (5) or (6), the documents listed in subrule (3) are required to be sent or given to the Children's Lawyer or the Public Guardian and Trustee and there is a will, the applicant will send or give, in addition to a copy of the will and of any codicils, a statement of the estimated value of the interest in the estate of the adult described in the application as lacking capacity or the minor, as the case may be, if that value is not disclosed in the application.</b></p> <p><i>Method of Sending Documents</i></p> <p>(7) Documents <del>listed in subrule (3) may</del> <b>to be sent under this rule shall be sent</b> to a person either by e-mail to the person's last known e-mail address or by <del>regular lettermail</del> or courier to the person's last known address.</p>
18	75.06(4)	<p>APPLICATION OR MOTION FOR DIRECTIONS</p> <p>75.06</p> <p>[...]</p> <p>(4) An order giving directions shall be in Form 75.8 or 75.9. O. Reg. 484/94, s. 12.</p>	Reference to one form eliminated.	<p>APPLICATION OR MOTION FOR DIRECTIONS</p> <p>75.06</p> <p>[...]</p> <p>(4) An order giving directions shall be in Form 75.8 <del>or 75.9.</del></p>