

Summary of Rules of Civil Procedure estate court rules and forms amended by O. Reg. 435/22 (in effect on July 1, 2022)

	Form or Rule		Change to the existing rules and forms (set out in blue text)	Description
1	a	Forms 74A and 74.1A Applications Part 1: Information about the deceased	Adds “at date of death” after “marital status” (“marital status at date of death”).	Clarifies that the disclosure of the deceased’s marital status at date of death is required.
	b	Applications Part 1: Information about the deceased	Adds: The deceased was 18 years of age or older on the date the Will was executed <input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain here or in an attached schedule why the deceased was authorized to make a Will (i.e., legislative provision): _____.	Allows for disclosure regarding the proper execution of the Will in accordance with the <i>Succession Law Reform Act</i> .
	c	Applications Part 2: Testamentary documents	Adds: “If the date for a Will or codicil is missing, explain how the date was determined:”	Allows for an explanation of a missing date on a testamentary document.
	d	Applications Part 6: Entitlement to Apply	Adds: The Will includes a provision that makes the appointment of the estate trustee conditional upon the named estate trustee surviving the deceased for a specified period of time <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, the specified period of time is (insert amount of time in days) and it has ended. This time period ended on (insert date).	Enables a prompt determination of whether an application was started too early.
	e	Applications Part 6: Entitlement to Apply	Adds: “For multiple applicants, reproduce this section for each applicant and state applicant name(s) before each reproduced section” Insert guiding language to delete statements that do not apply: (check all that apply. You can delete the statements that do not apply.)	Clarifies that if multiple applicants have a different reason for applying, they can explain this by inserting separate sections for each applicant. Clarifies that statements that do not apply and that are not checked off can be deleted.
	f	Applications Part 6: Entitlement to Apply	Adds: The estate trustee(s) (insert estate trustee name(s)) named in the Will is (are) not applying because the estate trustee(s) <input type="checkbox"/> died <input type="checkbox"/> renounced their right to apply to act as estate trustee <input type="checkbox"/> is (are) mentally incapable <input type="checkbox"/> is (are) under the age of eighteen years <input type="checkbox"/> other If one or more of the five boxes above is checked, provide details here. For example, date of death of the named estate trustee, if known, whether renunciation is attached, evidence of mental incapacity or that a supporting affidavit is filed regarding this issue and/or date of birth of estate trustee named in the Will:	Allows an applicant to explain why an estate trustee named in the Will is not applying for a Certificate of Appointment.

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g		Applications Part 6: Entitlement to Apply	Inserted the words “on consent” in this statement: <input type="checkbox"/> I am not automatically entitled to apply. I request a court order on consent pursuant to the <i>Estates Act</i> section 29(3) granting me a certificate of appointment of estate trustee (i.e., special circumstances). The basis for this request is as follows: <hr/> <i>(attach additional pages if required).</i>	Clarifies that an order under s. 29(3) of the <i>Estates Act</i> can be requested through the application where it is made on consent. Where the consent of the persons who are entitled to apply for a Certificate is not obtained, a motion remains available on notice to the persons who are entitled to apply.
h	Forms 74A and 74.1A	Applications Contact Section	Adds “ Relationship to Deceased ” field.	Allows for a determination of spousal relationship for applications with a will.
i		Applications Part 7: Beneficiaries.	In each table (in section 1, 2, 3), adds a column “ Relationship to the Deceased ”.	Allows for a determination of whether proper persons were served with the application and identified properly as beneficiaries. This disclosure was required in an earlier version of the form (the old notice of application without a will form).
j		Applications Part 7: Beneficiaries	Adds the following direction: <i>If the beneficiary’s name includes a middle name, provide the middle name in the first name column.</i> <i>If the beneficiary’s name in the Will is different from the name stated in this application (above in paragraph 1 or below in paragraphs 2 or 3), in the row beneath the name, provide the name in the Will and explain the reason for the difference.</i>	Allows for the required information about names to be disclosed.
k		Applications Part 7: Beneficiaries	In second paragraph, revises the address field for beneficiaries who are incapable adults: <div style="border: 1px solid black; padding: 5px; background-color: #e0f0ff;"> Beneficiary’s Address, and the Guardian or Attorney’s Address (if any) and, if available, E-mail Addresses </div> Revised third paragraph: 3. Other Adult persons not listed in paragraph 2 and or charities that who are entitled to a share an interest in the distribution of the estate.	Clarifies that an address must be provided for both the incapable adult and their guardian/attorney (if any). Clarifies the persons or charities to be identified as beneficiaries in paragraph 3.
l		Applications Part 8: Declarations	Revises statement: “provide an accounting if required by court order to do so or when requested by any party who is served with this application or required by court order to do so (unless that person has received the fixed sum of money or the specific asset that they are entitled to). ”	Clarifies that an estate accounting need not be provided to a party who has received the fixed sum of money or the specific asset to which they are entitled.
m		Applications Part 8: Declarations	Revises statements: The application will be filed in the court location where at (insert court location) because that is the county or district in which: The application will be filed in the court location where at (insert court location) because that is the county or district in which: <input type="checkbox"/> the deceased resided in Ontario at the time of death	Clarifies that a probate application must still be commenced in accordance with the <i>Estates Act</i> , s.7.

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			<input type="checkbox"/> the deceased owned real estate or personal property (since the deceased did not have a residence in Ontario or resided out of Ontario at the time of death) <input type="checkbox"/> other (<i>Explain</i>): _____	
n	Forms 74A and 74.1A	Applications Part 8: Declarations	Replaces the word “attached” with “together with”: <input type="checkbox"/> file at the Superior Court of Justice this Application form, (together with originals of the Will and any codicil(s) attached , if any), the proof of death and any required affidavits.	Clarifies that a Will and any codicil must be filed “together with” a probate application, in accordance with the direction in rules 74.04(1)(d) and 74.1.03(1)(d).
o		Applications New Part 10	Adds a section to address bond requirements and permit a request for a consent order dispensing with the bond requirement or reducing the bond amount.	Provides applicants with guidance on the circumstances in which a bond must be addressed, clarifies the document filing requirements in support of requests to waive the bond or reduce the bond amount, makes it easier for applicants to make a request by completing a new section in the application form, allows court staff to more quickly determine whether the application requires consideration by a judge because it involves a request for an order and facilitates a judge’s review of a request and the application. New rules establish the consent request process, including requirements for affidavits (rules 74.11(3) to (6)).
p		Applications New Part 9	Adds a section to address the payment of the estate administration tax deposit, including a request for an order deferring the tax deposit payment.	Provides guidance on the estate administration tax requirement, makes it easier for applicants to request deferral of a tax payment (removes the need for an undertaking letter), allows court staff to more quickly determine whether the application requires consideration by a judge, and facilitates a judge’s review of a request and the application.
q		Applications Notice	Updates webpage links and hyperlinks.	Addresses incorrect or outdated hyperlinks and links.
r		Applications	Adds “married” before the word “spouse” (where references to “spouse” means a “married spouse”).	Clarifies where references to a “spouse” do not include a “common law spouse”.
2	Form 74A	Application Part 8: Declarations	Replaces the word “attached” with “being filed together with”: <input type="checkbox"/> the deceased died with a Will or with a Will and one or more codicils. I believe the Will and codicil(s) (if any) being filed together with attached to this application comprise the: <input type="checkbox"/> deceased’s valid last Will <input type="checkbox"/> deceased’s valid last Will limited to assets referred to in that Will.	Clarifies that a Will and any codicil must be filed “together with” a probate application, in accordance with the direction in rules 74.04(1)(d) and 74.1.03(1)(d).
3	a	Form 74.1A Small Estates Application	Incorporates Part 3 of Form 74A questions.	Allows for disclosure of information that is required to determine 1) the validity of a Will; 2) entitlement of a separated or divorced spouse who is named as estate trustee to act and 3) entitlement of separated or divorced spouse to receive bequests under the Will (in accordance with the <i>Succession Law Reform Act</i>).
	b	Small Estates Application	Adds the “ Current Occupation, if any ” field.	Aligns with content in Forms 74A and 74J.

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		Applicant Contact Information						
4	a	Form 74.1B	<p>Declaration of Service</p> <p>Adds:</p> <p>If you did not send or give the application to any of the persons who are named in the Will or who are members of a class of beneficiaries under the Will or are entitled under an intestacy pursuant to the <i>Succession Law Reform Act</i> provide the reason(s) here:</p> <table border="1"> <thead> <tr> <th>Name of person (as it appears in Will, if any)</th> <th>Reason the application was not sent or given to the person</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table> <p><input type="checkbox"/> To the best of my knowledge and belief the persons named in the application are all the persons who are entitled to share in the distribution of the estate.</p>	Name of person (as it appears in Will, if any)	Reason the application was not sent or given to the person			<p>Aligns with content in the Form 74B Affidavit of Service for R.74 applications.</p> <p>Requires for a small estate application an explanation as to why the application was not sent or given to a beneficiary who is named in the Will or who is entitled on an intestacy (reasons include a beneficiary named in the Will has died, cannot be located or received the gift before the testator's death).</p>
	Name of person (as it appears in Will, if any)	Reason the application was not sent or given to the person						
b		<p>Declaration of Service</p> <p>Clarifies the statements set out below:</p> <p><input type="checkbox"/> Along with the Application, I sent or gave</p> <ul style="list-style-type: none"> i. an extract of the part or parts of the Will or codicil relating to the gift, or a copy of the Will (and codicil(s), if any), if along with the applications must be that were sent to or in respect of a person entitled only to a specified item of property or stated or determinable amount of money, ii. a copy of the Will (and codicil(s), if any), if the application must be sent to or in respect of along with the applications sent to the beneficiaries other than the persons set out in paragraph number i. above any other beneficiary, iii. a copy of the Will (and codicil(s), if any), together with 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 this Application form, if along with the application must be sent to the Children's Lawyer or the Public Guardian and Trustee. 	<p>Clarifies that a Will or Codicil must be sent along with the application that is sent to a beneficiary or their representative. Aligns with the direction in the application form.</p>					
c		<p>Declaration of Service</p> <p>Replaces references to "<i>Estate Administration Tax Act</i>" with "<i>Estate Administration Tax Act, 1998</i>".</p>	<p>Corrects a reference to the <i>Estate Administration Tax Act, 1998</i>.</p>					
5	a	Forms 74C and 74.1C	<p>Certificates</p> <p>Adds an optional statement:</p> <p><i>(If the Will was executed remotely, insert "The Will was executed remotely and signed in counterpart pursuant to Succession Law Reform Act.")</i></p>	<p>This statement may clarify for third parties the validity of a will executed remotely and signed in counterpart.</p>				
	b		<p>Certificates</p> <p>Adds the following optional statements and direction:</p> <p><i>(If a person has renounced their right to a certificate of appointment be appointed estate trustee, insert "(name), has having renounced the right to be appointed a certificate of appointment of estate trustee".)</i></p> <p><i>(If a person named in the Will as estate trustee has predeceased the testator, insert "(name), estate trustee named in the Will, has predeceased the testator".)</i></p> <p><i>(If a person named in the Will as estate trustee is a minor (person under the age of eighteen years), insert "(name), estate trustee named in the Will is a person minor under the age of eighteen years".)</i></p>	<p>Allows for an explanation on the Certificate that a person has renounced their right to be appointed or predeceased the testator etc. Such statements are presently required by the court on Certificates; the changes provide direction on the language.</p>				

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			<i>(If a person named in the Will is a mentally incapable adult, insert "(name), estate trustee named in the Will is a mentally incapable adult".)</i>	
	c	Certificates	Adds space for the court seal.	Allows the court seal to be applied without covering any text.
	b	Certificates	Adds guiding language to encourage filers to fit information on one page, if possible. On page 1, insert at top right: <i>Court file number _____</i> On page 2, insert at top right: <i>ESTATE OF (insert name of deceased) Court file number _____</i>	Enables a certificate to take the form of a one-page document in most circumstances and will ensure that where a certificate is two pages long it will be clear that both pages comprise the certificate.
	d	Certificates	Revises contact information fields for the applicant so that they appear in the same order that is set out in the Application form: <i>(Reproduce this section for multiple applicants)</i> Name of Applicant Name: <i>(First name) (Middle name) (Surname)</i> Current Occupation, if any: _____ Street address _____ City or town _____ Province/State _____ Postal code/Zip Code _____ Country _____ E-mail address, if any _____ Telephone number _____ If corporate applicant, name of trust officer _____ Occupation: _____	Makes the contact information sections of the application and the certificate forms consistent. Makes it possible to cut and paste the information from one form into another form.
6	Forms 74.1C and 74.1F	Small Estate Certificates	Replaces the following <i>(If there is a Will, insert the following: A copy of the deceased's Will dated (insert date) is attached.)</i> <i>(If there is a codicil, insert the following: A copy of the codicil(s) dated (insert date) is attached.)</i> with <i>"(If there is a Will, insert the following: Attached to this certificate is a copy of the deceased's last Will dated (insert date) (and codicil(s) dated (insert date))."</i>	Aligns with the content in Form 74C, Certificate of Appointment of Estate Trustee.
7	Form 74.1C	Certificate	Adds "Occupation" field.	Aligns with content in Form 74C, Certificate of Appointment of Estate Trustee.
8	a	Form 74C	Adds the following optional statement: <i>(For confirmation by resealing of appointment of estate trustee and certificate of ancillary appointment of estate trustee with a Will, insert the following: "A copy of the foreign grant that is a certified by the court that issued it is attached)."</i>	Inserts a statement required in the past versions of the form (old Form 74.29).
	b	Certificate	Adds guiding language that a Will or Codicil(s) need not be attached in the case of a Certificate of Appointment of Estate Trustee During Litigation. <i>(If there is a Will, insert the following: "Attached to this document is a copy of the deceased's last Will dated (insert date) (and codicil(s) dated (insert date))." This is not necessary for a Certificate of Appointment of Estate Trustee During Litigation.)</i>	Clarifies that there is an exception to the requirement to attach an existing Will or codicil(s) to the draft Certificate, that is, where the Certificate is for the Appointment of an Estate Trustee During Litigation.
9	Forms 74A, 74.1A, 74C, 74.1C	Applications, Certificates	Replaces "Deceased's Last Address" with "Deceased's Residence at the time of death".	Clarifies that the deceased's address at the time of death should be provided.

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10	Form 74D and 74E	Affidavit of Execution of Will or Codicil	Removes paragraph 3: 3. On <i>(insert date)</i> , I signed the document in the testator's presence <i>(insert "by video conference", if applicable)</i> as an attesting witness. Clarifies direction for paragraph 5: <i>(Insert paragraph 5 6 if the Will was signed remotely applicable.)</i> 6- 5. I am a <i>(insert "lawyer" or "paralegal")</i> licensed by the Law Society of Ontario.	Removes paragraph 3 which is superfluous to paragraph 4 (states that the affiant was in the testator's presence, along with the other witness, when they signed the document). Clarifies that paragraph 5 is only applicable if the Will was signed remotely.			
11	Forms 74A, 74D, 74J, 74.1A	Applications, Affidavit of Execution of Will or Codicil	Removes the following line from the jurats: This <i>(insert date)</i> day of <i>(insert month)</i>, <i>(insert year)</i>.	Removes the duplicate date field.			
12	a	Forms 74A, 74J, and 74.1A	Applications Adds: <i>If the Applicant's name in the Will is different than from the name stated above, provide the name in the Will and explain the reason for the difference:</i>	Directs the identification of discrepancies between the names of an applicant identified in the Will and in the application.			
13	a	Form 74I	Order Adds sample content for orders to dispense with the bond requirement, to reduce the bond amount and to defer the payment estate administration tax.	Makes it easier to prepare draft orders to seek to reduce or waive a bond and to defer the payment of the estate administration tax.			
	b		Order Adds a direction to attach a backsheet.	Provides guidance on the r.4.02 requirement to attach a backsheet.			
14	a	Form 74J	Applications Adds a field to indicate where the deceased last resided. Adds a field to indicate the deceased's last occupation. Adds a field to indicate the applicant's relationship to deceased.	Aligns with the fields required in Form 74A applications.			
	b	Applications Revised Parts 2 and 3 New Part 4	Revises parts 2 and 3 to make these specific to applications for a Certificate of Appointment of Succeeding Estate Trustee and a Certificate of Appointment of Foreign Estate Trustee's Nominee as Estate Trustee without a Will, respectively. Revise part 2: <table border="1" data-bbox="747 1482 1941 1625"> <tr> <td>Name(s) of estate trustee(s) issued the first certificate of appointment of estate trustee</td> <td>Date the certificate was issued</td> </tr> <tr> <td></td> <td>[DD/MM/YYYY]</td> </tr> </table> <i>The person(s) who are entitled to share in the distribution of the remaining estate are (list names):</i> _____ Together with this Application, I am filing: <input type="checkbox"/> the original certificate of appointment or, if the original certificate has been lost, a copy of it certified by the court that granted the appointment is being filed with this Application	Name(s) of estate trustee(s) issued the first certificate of appointment of estate trustee	Date the certificate was issued		[DD/MM/YYYY]
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	[DD/MM/YYYY]						

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		<p><input type="checkbox"/> (If applying with a Will) a renunciation (Form 74G) 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><input type="checkbox"/> (If applying without a Will or with a Will and the applicant is not named as an estate trustee in the Will or codicil) a consent (Form 74H) 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><input type="checkbox"/> (If applying 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 74I) granting the certificate of appointment</p> <p>Revises part 3:</p> <p><i>Only complete Part 3 if applying for a Certificate of Appointment of Foreign Estate Trustee's Nominee as Estate Trustee without a Will, Confirmation by Resealing of Appointment or a Certificate of Ancillary Appointment of Estate Trustee with a Will.</i></p> <table border="1" data-bbox="742 913 1944 1155"> <thead> <tr> <th data-bbox="742 913 1196 1102">Country (and province or state if applicable) where foreign certificate or primary certificate was issued</th> <th data-bbox="1196 913 1558 1102">Issuing court</th> <th data-bbox="1558 913 1944 1102">Date the certificate was issued</th> </tr> </thead> <tbody> <tr> <td data-bbox="742 1102 1196 1155"></td> <td data-bbox="1196 1102 1558 1155"></td> <td data-bbox="1558 1102 1944 1155">[DD/MM/YYYY]</td> </tr> </tbody> </table> <p><input type="checkbox"/> A copy of the document appointing the foreign estate trustee, certified under the seal of the court that granted it, is being filed with this Application.</p> <p>A certificate under the seal of the Court that granted the foreign document, issued within six months of this Application, stating that the foreign document remains effective as of the date of the certificate</p> <p><input type="checkbox"/> is being filed with this Application.</p> <p><input type="checkbox"/> cannot be obtained, for the following reason (if more space is required, attach schedule):_____.)</p> <p>Adds new part 4 on applications for a Confirmation by Resealing of Appointment of Estate Trustee or a Certificate of Ancillary Appointment of Estate Trustee with a Will, incorporating the same fields on the issued certificate previously included in part 3 and adding two checkboxes:</p> <p><i>Only complete Part 4 if applying for a Confirmation by Resealing of Appointment or a Certificate of Ancillary Appointment of Estate Trustee with a Will.</i></p> <table border="1" data-bbox="667 1785 2012 1906"> <thead> <tr> <th data-bbox="667 1785 1285 1906">Country (and province or state if applicable) where foreign certificate or primary certificate was issued</th> <th data-bbox="1285 1785 1745 1906">Issuing court</th> <th data-bbox="1745 1785 2012 1906">Date the certificate was issued</th> </tr> </thead> <tbody> <tr> <td data-bbox="667 1906 1285 1906"></td> <td data-bbox="1285 1906 1745 1906"></td> <td data-bbox="1745 1906 2012 1906"></td> </tr> </tbody> </table>	Country (and province or state if applicable) where foreign certificate or primary certificate was issued	Issuing court	Date the certificate was issued			[DD/MM/YYYY]	Country (and province or state if applicable) where foreign certificate or primary certificate was issued	Issuing court	Date the certificate was issued				<p>Nominee as Estate Trustee without a Will as set out in rules 74.05.1(b)(c).</p> <p>The check boxes in part 4 provide direction on the supporting documents that must be filed with an application for a Confirmation by Resealing of appointment of Estate Trustee or a Certificate of Ancillary Appointment of Estate Trustee with a Will as set out in rules 74.08(1)(a) and 74.09(1)(a).</p>
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			<div style="border: 1px solid black; background-color: #e0f0ff; padding: 2px; display: inline-block;">[DD/MM/YYYY]</div> <p><input type="checkbox"/> A court certified copy of the original appointment under the seal of the Court that granted it with the Will attached to it, dated within six months of the date of this Application, is being filed with this Application.</p> <p><input type="checkbox"/> The foreign certificate or primary certificate is still effective.</p> <p><i>If completing this section, you must also complete Parts 5, 6 and 7.</i></p>	
c	Applications Revised Part 6	Add the following directions:	<p><i>For multiple applicants, this section may be reproduced for each applicant and the applicant name(s) stated before each reproduced section.</i></p> <p><input type="checkbox"/> I am entitled to apply to the court for the above-mentioned certificate because: _____.</p> <p><input type="checkbox"/> I am entitled to apply pursuant to a court order made by <i>(insert name of judge)</i> dated <i>(insert date.)</i></p> <p><input type="checkbox"/> <i>(If applying for a Certificate of Estate Trustee During Litigation): A copy of the order appointing the applicant is being filed with this Application.</i></p>	Provides direction on: <ul style="list-style-type: none"> a. completing Part 6 when there are multiple applicants b. the supporting documents that are required to be attached to a Form 74J application for a Certificate of Appointment of Estate Trustee During Litigation.
d	Applications New Part 7	Incorporates a section to address bond requirements and permit a request for an order dispensing with the bond requirement or reducing the bond amount.		Provides direction on the circumstances in which a bond must be addressed, clarifies the filing requirements, makes it easier for applicants to seek an order dispensing with a requirement for a bond or reducing the bond amount, allows court staff to more quickly determine whether the application requires consideration by a judge, and facilitates a judge's review of a motion and the application.
e	Applications New Part 8	Incorporates a section to address the payment of the estate administration tax deposit for applications for a Certificate of Appointment of Foreign Estate Trustee's Nominee as Estate Trustee without a Will, Confirmation by Resealing of Appointment of Estate Trustee or Certificate of Ancillary Appointment of Estate Trustee with a Will and permit a request for an order deferring the tax deposit payment.		Provides direction on the estate administration tax requirement, makes it easier for applicants to request deferral of a tax payment (undertaking letter is no longer required since request can be made through the form), allows court staff to more quickly determine whether the application requires consideration by a judge, and facilitates a judge's review of a request and the application.
15	Rules 74.04(1)(c) and 74.1.03(1)(c)	Application filing rules re Certificates	Revises: <p>74.04(1) [...] (c) a draft certificate of appointment of estate trustee (Form 74C), <i>with the will, if any, including codicils attached to it;</i></p> <p>74.1.03(1) [...] (c) a draft small estate certificate (Form 74.1C), <i>with the will, if any, including codicils attached to it;</i></p>	Clarifies the documents that must be filed as part of the application. The changes to the rules align with the direction in the Certificate forms that indicate that the Will and/or Codicil must be attached.

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16	New Rules 74.04(1)(c.1) and 74.1.03(1)(c.1)	Application filing rules	Adds a new subrule to require the filing of: (c.1) any court order directing the issuance of the certificate;	Requires a court order directing the issuance of a certificate, if any, to be filed with the application, consistent with current practice.
17	Rules 74.04(1)(d) and 74.1.03(1)(d)		Revises subrule: 74.04(1) [...] d) if there is a will, the original of the will and of any codicils, together with attached and marked as an exhibit to the following evidence of due execution of the will and each codicil, <ul style="list-style-type: none"> (i) if the will or codicil is not in holograph form, <ul style="list-style-type: none"> (A) an affidavit of execution (Form 74D) of the will or codicil, (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 74E), or (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 (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); 74.1.03(1) [...] (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: attached and marked as an exhibit to, <ul style="list-style-type: none"> (i) if the will or codicil is not in holograph form, <ul style="list-style-type: none"> (A) an affidavit of execution (Form 74D) of the will or codicil, (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 74E), or (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 (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); 	Clarifies that the original Will and any codicils should be attached and marked as an Exhibit to: <ul style="list-style-type: none"> i. an Affidavit of Execution ii. Affidavit of Condition, or iii. other affidavit with evidence of due execution of the testamentary document. This is consistent with the direction in the Affidavit of Execution (Form 74D) and Affidavit of Condition (Form 74E) which require the original Will and any Codicil to be attached and marked as exhibit.

	Form or Rule		Change to the existing rules and forms (set out in blue text)	Description
18	Rule 74.12(5)(6)	Registrar notation on Will of a revocation of a bequest	<p>Revokes these two subrules and adds a new subrule:</p> <p>Registrar's Notes</p> <p>(5) If a beneficiary or spouse of a beneficiary under a will or codicil has attested the will or codicil or has signed the will or codicil for the testator, and the provision for the beneficiary appears to the registrar to be void by reason of section 12 of the Succession Law Reform Act, the registrar shall note the fact on the will or codicil and the note shall be reproduced on the copy attached to the certificate of appointment. O. Reg. 484/94, s. 12.</p> <p>(6) Where a devise or bequest of a beneficial interest in property to a former spouse of the testator, or an appointment of a former spouse as estate trustee, or the conferring of a general or special power of appointment on a former spouse, is revoked by reason of section 17 of the Succession Law Reform Act, the registrar shall note the fact on the will or codicil and the note shall be reproduced on the copy of the will that is attached to the certificate of appointment.</p> <p>(5) If a judge makes an order voiding a devise or bequest of a beneficial interest under a will or codicil or declaring that a person named in the application as a person who is entitled to share in the distribution of the estate does not have an interest in the estate, the registrar shall note that fact, and the date on which the order was made, on the certificate of appointment.</p>	<p>Removes the direction to a Registrar to make a note on an original Will or codicil or a copy of it.</p> <p>Where a judge makes an order that a devise or bequest is revoked, the Registrar will note that fact and the date on which the order is made on the Certificate of Appointment of Estate Trustee.</p>
19	Revised subrule 74.11(2) New subrules 74.11(3)(4) (4.1)(5)(6)	Motions on consent to dispense with a bond or reduce bond amount	<p>Revises subrule 74.11(2):</p> <p>(2) Any person, including a creditor, who has a contingent or vested interest in an estate may at any time, on notice to the estate trustee or applicant for a certificate of appointment of estate trustee or confirmation of appointment, move for an order to have a bond filed or the amount of an existing bond increased or reduced.</p> <p>Adds new subrules to rule 74.11:</p> <p>Order dispensing with bond or reducing bond amount</p> <p>(3) An applicant for a certificate of appointment of estate trustee or confirmation of appointment may make a motion for an order,</p> <p>(a) under subsection 37 (2) of the <i>Estates Act</i>, dispensing with the requirement to give the bond or reducing the amount of the bond required to be given; or</p> <p>(b) under subsection 52 (3) of the <i>Estates Act</i>, permitting like security to be given covering the assets in Ontario as in the case of an application for a certificate of appointment of estate trustee.</p> <p>Procedures</p> <p>(4) For greater certainty, Rule 37 applies with respect to a motion referred to in subrule (2) or (3).</p> <p>Request on consent</p> <p>(5) An applicant for a certificate of appointment of estate trustee or confirmation of appointment may, in the following circumstances, request an order referred to in subrule (3) without</p>	<p>Establishes the document filing requirements for a consent request to dispense with the requirement to post a bond or to reduce the amount of a bond.</p> <p>Sets out that the new probate application forms (Forms 74A, 74.1A, Form 74J) can be used for these requests on consent.</p> <p>Specifies the requirements for an affidavit in support of a request on consent relating to a bond. The affidavit requirements model the factors set out in caselaw.</p> <p>Explains that where it is not possible to obtain consent (for example, there is a minor or adult incapable beneficiary without a guardian or attorney acting under power of attorney) a motion under Rule 37 is available to seek an order relating to the bond (allows respondents to file evidence in reply and facta).</p>

	Form or Rule	Change to the existing rules and forms (set out in blue text)	Description
		<p>making a motion by filing the documents listed in subrule (6) together with the application for the certificate or confirmation of the appointment (Form 74A, 74J or 74.1A):</p> <p>The request is made on consent of the persons who are entitled to share in the distribution of the estate.</p> <p>2. None of the persons entitled to share in the distribution of the estate is</p> <p>i. a minor, or</p> <p>ii. a person who 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, unless there is a guardian or attorney acting under a power of attorney with authority to act in the proceeding.</p> <p>(6) The following documents shall be filed together with the application:</p> <p>1. A draft order (Form 74I).</p> <p>2. A consent to the order (Form 74H) from each person who is entitled to share in the distribution of the estate.</p> <p>3. An affidavit (Form 4D) setting out,</p> <p>i. that the application identifies each of the persons entitled to share in the distribution of the estate and the deceased's last occupation,</p> <p>ii. the debts of the deceased at the time of death, including any obligations under an order or support agreement, and, in respect of each debt, whether the debt has been paid,</p> <p>iii. whether the deceased operated a business at the time of death and, if so, whether any debts of that business have been or may be claimed against the estate and a description of each such debt and its amount,</p> <p>iv. if all the debts of the estate have not been paid,</p> <p style="padding-left: 40px;">A. the value of the assets of the estate,</p> <p style="padding-left: 40px;">B. the particulars of each debt of the estate, including the debt amount and the name of the creditor, and</p> <p style="padding-left: 40px;">C. with respect to each creditor, whether any arrangements have been made with the creditor to pay the debt, and what security the applicant proposes to put in place in order to protect the creditor,</p> <p>v. whether the consents required by paragraph 2 are being filed together with the application, and</p> <p>vi. whether any of the persons entitled to share in the distribution of the estate is,</p> <p style="padding-left: 40px;">A. a minor, or</p>	

	Form or Rule		Change to the existing rules and forms (set out in blue text)	Description
			B. a person who 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 and without a guardian or attorney acting under a power of attorney with authority to act in the proceeding.	
20	Revised rule 74.14(5)	Issuance of Certificate of Appointment of Estate Trustee rule	<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 74O 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; O. Reg. 709/21, s. 14 (2).</p>	Addresses a typo.

