

# What to Do in the Event of Death



### THERE'S NO PLACE LIKE "A SAFE" HOME

If there's one place in the world where you want to feel safe, it's at home. And that's why Reliance Protectron offers you more than a simple security system. Our tried-and-tested and extremely effective services help prevent intrusion, including home invasion. With Reliance Protectron, you can activate your home security system and move around freely within your home. The perimeter (doors and windows) is protected, which optimizes your security. Reliance Protectron can also protect you against fire and dangerous gases.

At Reliance Protectron, we protect your home and watch over your security!

1 800 811-1818 www.protectron.com



R.B.Q. : 5591-1473-01 Marque de commerce de Reliance Comfort Société en Commandite, utilisée sous licence









### We count more than 300 members in the Quebec Association of Christian Cemeteries such as:

#### QUÉBEC

Cimetière St-Charles 1460 boul. Wilfrid-Hamel Québec QC G1N 3Y6 Tél: 418-688-0566 cimetierestcharles.ca

QUÉBEC (arr. Ste-Foy) Cimetière Notre-Dame-de-Belmont 701 rue Nérée-Tremblay

Québec QC G1N 4R8 Tél: 418-527-2975 cimetierebelmont.ca

QUÉBEC (arr. Beauport) Cimetières Fargy et La Nativité de Notre-Dame 25 rue du Couvent Québec QC G1E 6R9 Tél: 418-661-6985 fabriquelanativite.com

#### **RIMOUSKI**

Jardins commémoratifs St-Germain 280 2° Rue Est, CP 225 Rimouski QC G5L 7C1 Tél: 418-722-0940 jardinscommemoratifs.com

#### **SHERBROOKE**

Cimetière St-Michel 635 rue St-Michel Sherbrooke QC J1E 2L2 Tél: 819-562-5233 cimetiere.diosher.org

#### **LÉVIS**

Corporation du cimetière Mont-Marie 152 rue du Mont-Marie Lévis QC G6V 8X1 Tél: 418-833-1813 cimetieremontmarie.com

#### MONTRÉAL

Repos St-François d'Assise 6893 rue Sherbrooke Est Montréal QC H1N 1C7 Tél: 514-255-6444 rsfa.ca

#### MONTRÉAL

Cimetière Mont-Royal 1297 chemin de la Forêt Outremont QC H2V 2P9 Tél: 514-279-7358 mountroyalcem.com

#### SAINTE-GENEVIÈVE

Cimetière Ste-Geneviève 16037 boul. Gouin Ouest Ste-Geneviève QC H9H 1C7 Tél: 514-696-4489 paroissestegenevieve.org



#### For more informations:

152 du Mont-Marie, Lévis QC G6V 8X1

Tél: 514-232-5553

Sans frais: 855-235-5553

accquebec.com

#### What to Do in the Event of Death

A Services Québec publication

#### **Advertising sales**

Dominic Roberge, CPS Média droberge@cpsmedia.ca Tel.: 450 227-8414, ext. 312

This guide is available in the "Citizens" section of the gouvernement du Québec portal at **www.gouv.qc.ca**, along with numerous forms and useful links. A PDF version can also be downloaded from the website. The guide is also available for sale from Les Publications du Québec. To order, call **1 800 463-2100** or visit **www.publicationsduquebec.gouv.qc.ca**.

The guide's contents were verified in January 2013, but the programs and services are subject to change at any time.

The information that Services Québec provides in this guide does not have force of law.

Any reproduction of the guide for commercial purposes is prohibited unless authorized by Services Québec.

ISBN 978-2-550-65879-5 ISBN 978-2-550-65880-1 (PDF) Legal deposit – Bibliothèque et Archives nationales du Québec, 2013 Legal deposit – Library and Archives Canada, 2013

© Gouvernement du Québec, 2013 All international rights reserved.

Cette publication est aussi disponible en français sous le titre Que faire lors d'un décès. Vous pouvez consulter la version électronique sur le site mentionné ci-dessus ou obtenir un exemplaire gratuitement en téléphonant à Services Québec (1 877 644-4545).

#### **Foreword**

The death of a loved one is a difficult ordeal that requires you to quickly complete a number of administrative steps. You may have to apply for benefits, terminate programs or liquidate the deceased's succession. To assist you, Services Québec publishes electronic and print versions of the guide *What to Do in the Event of Death*, which provides an overview of the main obligations that you have to fulfil and the applicable deadlines. It also provides contact information for the Québec government departments and bodies that you need to contact.

With the electronic version of the guide, you can map out a personalized itinerary and save it on a secure online site, "My Québec Services Account". You merely have to answer a short questionnaire to obtain a list of steps adapted to your particular situation. Visit the "Citizens" section of the gouvernement du Québec portal at **www.gouv.qc.ca** and click on "What to Do in the Event of Death".

The Directeur de l'état civil has improved the *Declaration of Death* by adding a new form: the *Application for the simplified forwarding of information following a person's death*. This form enables the Directeur to inform the government departments and bodies mentioned on it of the person's death on your behalf. Therefore, you do not have to provide them with a death certificate as proof of death.

At the end of this guide, you will find a checklist of what to do in the event of death, along with a list of useful documents for settling a succession and several definitions.

For general information on programs and services offered by the gouvernement du Québec, visit the gouvernement du Québec portal at the abovementioned address or call Services Québec at **644-4545**, preceded by the area code **418** for Québec and **514** for Montréal or by **1 877** for toll-free service. You may also go to a Services Québec office in person.

For information on federal government programs and services, contact Service Canada at **1 800 622-6232** or visit its website at **www.servicecanada.gc.ca**.

Services Québec would like to thank the contributors who helped update this guide.

#### Note concerning the term "heir"

In this guide, the term "heir" is used in a general sense. However, it should be noted that the *Civil Code of Québec* makes a distinction between a person who is entitled to inherit (*successor*) and a person who accepts a succession (*heir*). A person who receives a legacy by particular title is not considered to be an heir.

#### Note concerning de facto spouses

By law, a surviving de facto spouse is not entitled to inherit, unless a will provides otherwise. However, several laws and programs of the gouvernement du Québec grant de facto spouses certain rights in the event of death. To find out which laws and programs do so and the eligibility criteria, contact the government departments and bodies concerned. As a rule, for rights to be granted to a surviving de facto spouse, the spouses must have lived in a conjugal relationship for at least three years prior to the death of one of the spouses or for one year if a child was born or will be born shortly of their union or if a child was adopted.

# SETTLING AN ESTATE

When a death occurs, someone has to undertake the difficult task of settling the deceased person's estate. This responsibility, while graciously accepted, can involve important risks for the liquidator and the heirs.

Managing an estate that has more liabilities than assets, drawing up and publishing the **estate inventory**, obtaining authorizations from **tax authorities**, all the while complying with the formalities of the **Civil Code**, can prove very complex.

If the liquidator does not execute every action prescribed by law, he or she is liable to prosecution even several years after the death has occurred, and the heirs can be held personally responsible for present and future liabilities of the estate.

Mourning the loss of a loved one is difficult enough. Before getting involved as a liquidator, see your notary, an estate law expert and a valuable resource who can advise you on every legal aspect of estate settlement.

Protect yourself: for advice, see your notary, a reliable source.

To find a notary near you, visit www.apnq.qc.ca



### **Table of contents**

Planning in the event of death	1
Contracts for prearranged funeral services and burials	1
Whole body donation to an educational institution	1
Organ and tissue donation	_
Registries of consent to organ and tissue donation	2
Consent sticker	
Preparation or modification of a will	
Notarial will	
Holograph will (handwritten)	
Will made in the presence of witnesses	
Will in a marriage contract	4
General advice	4
Power of attorney and mandates	5
Tutor to a minor: role and obligations	5
Declaration and registration of a death	_
Attestation of death and declaration of death	
Death certificate, copy of an act of death and attestation of death	
	_
Death certificate  Copy of an act of death	
Attestation of death	
Online	
By regular mail	
At a service counter	
Processing time	
Insertion of an act of death made outside Québec into the Québec	/
register of civil status	8
Disappearance of a person and declaratory judgment of death	
Investigation and public coroner's inquest	
Succession procedures	
Search for a will	
Probate of a will	
Succession in the absence of a will	
How to settle a succession	
Liquidator of a succession	
Duties of a liquidator	
Acceptance or refusal of a succession	
Family patrimony	
Matrimonial or civil union regimes	16

Copy of a marriage or civil union contract	16
Authorization to distribute the property of a succession Income tax returns for the deceased	17
	18
Income tax return for the year of death Income tax return for the year preceding the year of death	18 18
Trust income tax return (TP-646-V)	18
Unclaimed property and successions	10 19
Transfer of the right of ownership on an immovable	19 20
Cancellation of a lease	20
Death of the mandatary of an incapacitated person	25
Protective supervision: tutor or curator	25
Medical record or case history kept by a public body	26
Obligation of support toward family members	26
Compensatory allowance	27
Government of Canada programs and services	27
Leave, annuities, pensions and other survivor benefits	28
Leave granted in the event of death	28
Survivors' benefits paid by the Régie des rentes du Québec	29
Death benefit	29
Eligible funeral expenses	30
Death benefit and prearranged funeral services contract	30
Surviving spouse's pension	30
Orphan's pension	31
Combined pension	31
Pensions from a foreign country	32
Special benefit for funeral expenses granted under the Social Assistance and Social Solidarity programs	32
Compensation for road accident victims	32
Indemnities in the event of death following an industrial accident	
or occupational disease	33
Compensation in the event of a crime or an act of good citizenship	33
Indemnities in the event of a hunting or trapping accident	34
Supplemental pension plans (pension funds)	34
Death benefits paid by the Commission administrative des régimes de retraite et d'assurances	34
Changes, transfers and cancellations	36
Cancellation of the health insurance card in the event of death	
Registration with the Public Prescription Drug Insurance Plan	
Driver's licence	37
Transfer of vehicle ownership	37
Disabled parking permit	
Loans and Bursaries Program and Loan Program for Part-Time Studies	
Social Assistance and Social Solidarity programs	
Quéhec Parental Insurance Plan	30

Shelter Allowance Program	40
Tax credit for childcare expenses	40
Tax credit for home-support services for seniors	40
Solidarity tax credit	40
Work premium	40
Support-payment collection program	41
Pensions paid by the Régie des rentes du Québec	42
Child assistance payment and the supplement for handicapped children	42
Pensions from a foreign country	42
Transfer of savings and retirement products offered	43
by Épargne Placements Québec	43 43
Hunter's or trapper's certificate	43
List of useful documents for the settlement of a succession	44
Checklist in the event of death	47
Services for the deaf or the mute	50
Gouvernement du Québec portal	50
Useful definitions	51

# Planning in the event of death

#### Contracts for prearranged funeral services and burials

To avoid administrative steps and expenses for your family when you die and ensure your wishes are respected, you can enter into a prearranged funeral services and burial contract, commonly called a *prearranged funeral contract*. A funeral director can thus advise you on the transportation of your body, the funeral plans, the choice of coffin or urn, the viewing of your body, the death notice, the choice of flowers, the cemetery plot, the columbarium or mausoleum, monuments and inscriptions, the reception following the funeral, and so forth.

Prearranged funeral services and burial contracts must be in writing. In fact, they consist of two separate contracts:

- a prearranged funeral services contract stipulating the services to be provided after your death; and
- a prepurchased burial contract concerning the purchase and aftercare of the site where your body or ashes will be buried (cemetery, columbarium or mausoleum).

The funeral home must give you a copy of the contracts and send another copy to a person of your choice within 10 days following the signing of the documents.

By law, only the holders of a funeral director's permit are authorized to negotiate and enter into prearranged funeral services and burial contracts. They must deposit the funds they receive in a trust account with a financial institution. The financial institution must notify you in writing that the funds have been deposited, within 30 days following the first payment.

Lastly, the cancellation conditions for prearranged funeral services and burial contracts may vary depending on the nature of the contract. In some cases, the funeral home may require the payment of a penalty.



For more information, contact the Office de la protection du consommateur.

Website

www.opc.gouv.qc.ca

Telephone

Québec area: 418 643-1484 Montréal area: 514 253-6556 Elsewhere in Québec: 1 888 672-2556

#### Whole body donation to an educational institution

If you are 14 years of age or over, you may decide that, after your death, your body will be donated to an educational or research institution. If you are under 14, you may also donate your body with the consent of your parents or tutor.

In Québec, five educational institutions are authorized to accept donated bodies: Université Laval, Université McGill, Université de Sherbrooke, Université du Québec à Trois-Rivières and Collège de Rosemont.

#### Planning in the event of death

If you wish to donate your body to science, you must fill out a donor card, sign it and have two witnesses aged 18 years or over countersign it. You must then carry it with you at all times in your wallet. We recommend that you inform your family of your decision. If you change your mind, you simply have to destroy the card.

Generally speaking, a body donated for teaching or research purposes is cremated or buried free of charge in the communal grave of the institution to which it was donated. However, the donor's family may recover the body (or ashes) for a religious service or burial, provided it notifies the institution in advance. In that case, the family must pay the funeral expenses.



For more information, contact

the Agence de la santé et des services sociaux de la Capitale-Nationale.

Direction des affaires médicales, universitaires et de la santé physique Agence de la santé et des services sociaux de la Capitale-Nationale 555, boulevard Wilfrid-Hamel Est

Québec (Québec) G1M 3X7

Website

www.rrsss03.gouv.gc.ca

**Email** 

03\_rrsss@ssss.gouv.qc.ca

Telephone

Québec area: 418 525-1500, ext. 222

Fax

Québec area: 418 529-9679

#### Organ and tissue donation

If you want your organs or tissue to be donated when you die, it is important to inform your next of kin of your decision to ensure that your wishes are respected. Since organ and tissue donation is very important, several organizations work together so that health professionals can access at all times the official list of people registered with the Registre des consentements au don d'organes et de tissus of the Régie de l'assurance maladie du Québec and the Registre des consentements au don d'organes et de tissus of the Chambre des notaires du Québec.

#### Registries of consent to organ and tissue donation

To enter your consent in the Registre des consentements au don d'organes et de tissus of the Régie de l'assurance maladie du Québec, you must fill out the *Consent to Organ and Tissue Donation* form sent to you with your health insurance card at renewal time by the Régie. You can also obtain the form by calling the Régie.

To enter your consent in the Registre des consentements au don d'organes et de tissus of the Chambre des notaires du Québec, you must have your notary record your decision when you draw up your will or your mandate in case of incapacity.

#### **Consent sticker**

To indicate your consent, you may also sign the sticker on the flyer *Sign* FOR LIFE! and affix it to the back of your health insurance card, in the space provided at the bottom. The flyer *Sign* FOR LIFE! Is distributed in Services Québec offices, local community service centres (CLSCs), hospitals and several pharmacies. In addition, the Régie de l'assurance maladie du Québec sends it to you with your new health insurance card.



For more information, visit the Signez don! website or contact any of the following organizations:

Transplant Québec

#### Website

www.signezdon.gouv.gc.ca

#### **Email**

info@transplantquebec.ca

#### **Telephone**

Throughout Québec: 1 877 INFO-DON (463-6366)

Régie de l'assurance maladie du Québec

#### Website

www.ramq.gouv.qc.ca

#### **Telephone**

Québec area: 418 646-4636 Montréal area: 514 864-3411

Elsewhere in Québec: 1 800 561-9749 Teletypewriter (TTY): see page 50 Chambre des notaires du Québec 1801, avenue McGill College, bureau 600

Montréal (Québec) H3A 0A7

#### Website

www.cdnq.org

#### **Telephone**

Montréal area: 514 879-1793

Elsewhere in Québec: 1 800 263-1793

#### Preparation or modification of a will

A will is an official document in which you can indicate your wishes in the event of death. Your will may contain the names of your heirs (and their replacements, in the event of their death), the property you have bequeathed to them and the way it is to be divided, as well as the name of the liquidator of your succession (and the name of the liquidator's replacement and the replacement method if the liquidator is unable to fulfil his or her duties) and the liquidator's powers. Your will may also stipulate that the liquidator is to be remunerated, even though the liquidator is entitled to the reimbursement of expenses incurred in performing his or her duties. Lastly, it may designate a tutor for your minor children in the event that their other parent dies at the same time as or before you.

The Civil Code of Québec recognizes three types of wills: notarial wills, holograph wills (handwritten) and wills made in the presence of witnesses. You can modify your will at any time, as well as during any change in circumstances that justifies its modification (e.g. a divorce). Your notary may then advise you to add a codicil or draw up a new will. Only the most recent will is legally valid.

There is no legal obligation to read out the will after your death. However, doing so has many advantages, since the notary can answer the heirs' questions and explain to the liquidator his or her duties.

A notarial will is the only type of will that does not have to be probated. However, holograph wills and wills made in the presence of witnesses or by a lawyer must be probated by a notary or the court. For the procedure, see "Probate of a will" in the "Succession procedures" section of this guide.

#### Planning in the event of death

Probating a will that has not been notarized delays the liquidation of the succession, since the liquidator must await the court's judgment or the notary's minutes of the probate to continue with his or her duties.

#### **Notarial will**

A notarial will has many advantages. There is no risk of its being lost or stolen, since the notary keeps the original document and registers it in the Registres des dispositions testamentaires et des mandats du Québec. In addition, the advice of a notary can be very useful for ensuring your will complies with the law and reflects your wishes. Lastly, a notarial will makes it possible to begin liquidating a succession quickly, since the will does not have to be probated.

You can also create a testamentary trust. This will enable you to, for example, pay a pension to your children once they reach 18 years of age or pay them specific amounts of money once they reach a certain age. In fact, the trust receives the property of your succession in order to return it to your heirs.

#### Holograph will (handwritten)

A holograph will is the simplest form of will. It costs nothing and may consist of only a few lines. You must write it entirely by hand and sign and date it. In addition, you may change a holograph will as often as you want. Make sure that you keep it in a safe place and that you tell someone you trust about its existence.

#### Will made in the presence of witnesses

You may write this type of will yourself or have it prepared by someone else. It may be handwritten or typed on a typewriter or computer. You must choose two witnesses aged 18 or over and sign the will in their presence, after stating that the document is indeed your will. The witnesses must then sign it immediately in your presence. If the will is several pages long, you and your witnesses must sign or initial each page.

As in the case of a holograph will, be sure to tell someone you trust that the will exists and where it is kept. You can also ask your lawyer to register it in the Registres des dispositions testamentaires et des mandats du Québec.

A will prepared and drafted by a lawyer is deemed to be a will made in the presence of witnesses. Therefore, it has to be probated after your death.

#### Will in a marriage contract

Some marriage contracts contain a "surviving spouse" clause, which makes the surviving spouse the sole heir of all your property. This clause serves as a will if you have not made one.

#### **General** advice

If you have a defacto spouse, you should be aware that your spouse is not deemed by law to be an heir unless he or she is designated as such in your will. However, some government programs make it possible for defacto spouses to receive benefits in the event of death, under certain conditions. You must check with each government department or body concerned to find out the eligibility criteria.

For more information, see the brochure entitled *My Will*, published by the ministère de la Justice, which discusses the different types of wills and contains a template

that you can customize and use for drawing up your own will. You can purchase the brochure from Les Publications du Québec by going to one of its sales outlets, calling **418 643-5150** or **1 800 463-2100** (toll free) or ordering it online at **www.publicationsduquebec.gouv.qc.ca**. You can also purchase it in certain bookstores. It is preferable not to use other will templates sold in stores or online, for they do not always take into account the legislation in force in Québec.



#### Power of attorney and mandates

Any power of attorney or incapacity mandate, tutorship or curatorship concerning the property of a person ends on the death of that person. Therefore, when a person for whom you have power of attorney dies, you may no longer use the power of attorney for banking or other purposes.

#### Tutor to a minor: role and obligations

If you are the parent of a minor child (under 18 years of age), you are automatically the child's legal tutor. In anticipation of your death, you may designate a person who will become the tutor of your minor child in the event that you and the child's other parent die at the same time or the other parent is unable to assume the child's tutorship upon your death. The right to appoint a tutor rests solely with the last surviving parent or with the parent who is still capable of exercising that right. If both parents die or become incapacitated at the same time and they have appointed two different tutors, the court must decide which one will act as tutor.

A tutor may be appointed in three different ways: by naming the person in your will, by naming the person in your mandate in case of incapacity or by completing the *Declaration of Dative Tutorship* form, available on the website of the Curateur public du Québec.

A tutor to a minor is responsible for ensuring the child's protection, administering the child's property and exercising and defending the child's rights, as well as seeing to the child's education and well-being until the child turns 18. The tutor must render an account of his or her administration to the Curateur public. As a rule, if the value of an inheritance in favour of a minor child exceeds \$25 000, the liquidator must notify the Curateur public.



Montréal area: 514 873-4074 Elsewhere in Ouébec: 1 800 363-9020

# **Declaration and registration of a death**

#### Attestation of death and declaration of death

When a person dies, the physician and the funeral director intervene in turn in the ensuing administrative process.

#### The physician

- completes two copies of the attestation of death;
- submits both copies to the funeral director without delay.

#### The funeral director

- gives the person declaring the death a copy of the attestation of death and helps the person complete the declaration of death;
- fills out and signs the section of the declaration concerning the disposal of the body;
- sends the attestation of death and the declaration of death to the Directeur de l'état civil, along with the deceased's health insurance card.

Once the Directeur de l'état civil has received the documents and assigned them a registration number, the Directeur can draw up an act of death and insert it into the Québec register of civil status. The Directeur may then issue, on request, a death certificate or a copy of the act of death. We recommend that you make this request as quickly as possible.

### Death certificate, copy of an act of death and attestation of death

#### **Death certificate**

A death certificate contains the main information appearing on the act of death, namely, the deceased's name and sex, date of birth, date and place of death, and the registration number and date of issue of the certificate. The purpose of a death certificate is to confirm that the death has been entered in the Québec register of civil status.

#### Copy of an act of death

A copy of an act of death attests to a person's death and reproduces the deceased's civil status information: name, sex, date and place of birth, date and place of marriage or civil union, the name of the person's spouse, if applicable, and the name of the person's parents.

The death certificate and copy of an act of death serve to settle successions and terminate access to government programs. They also determine the start date for the payment of pensions, annuities and other survivor benefits.

Both documents are required to liquidate a succession.

#### **Attestation of death**

An attestation of death is a letter from the Directeur de l'état civil that attests to the presence or absence of a person's act of death in the Québec civil status register or to the presence or absence of any information that should be contained in the act.

The only documents deemed to be official are those issued by the Directeur NOTF de l'état civil.

During the succession settlement process, several government departments or bodies require proof of death: either the death certificate of the deceased or a copy of the act of death. Be sure to find out exactly which document is required and whether a photocopy is accepted. This will help you to determine how many documents you need.

Only persons named in the act of death and persons who justify their interest (spouse, liquidator of the succession, etc.) may request a death certificate or a copy of an act of death.

How to apply for a death certificate or a copy of an act of death

#### Online

The DEClic! service available on the Directeur de l'état civil website (www.etatcivil.gouv.qc.ca) is the fastest and least expensive way to apply for a death certificate or a copy of an act of death. You will need a credit card (Visa or MasterCard) to pay the required fees.

#### By regular mail

You must complete the Application for a Certificate or a Copy of an Act – Death form and provide a photocopy of a valid photo ID (e.g. your health insurance card, driver's licence or passport) and a photocopy of a valid proof of home address (e.g. municipal or school tax bill, recent government correspondence). The fees payable for a death certificate or a copy of an act of death are indicated on the application form. You may make your payment by cheque, postal money order or bank money order payable to Services Québec or by credit card (Visa or MasterCard).

#### At a service counter

You must complete the *Application for a Certificate or a Copy of an Act – Death form* and submit it in person at an office of the Directeur de l'état civil or a Services Québec office that offers Directeur de l'état civil services. You must provide a valid photo ID and a valid proof of home address. If necessary, you may ask the attendant to help you complete the form. The fees payable for a death certificate or a copy of an act of death are indicated on the application form. You may make your payment by cheque, postal money order or bank money order payable to Services Québec, credit card (Visa or MasterCard), debit card or cash.

You can obtain the *Application for a Certificate or a Copy of an Act – Death* form from the website of the Directeur de l'état civil at www.etatcivil.gouv.gc.ca, one of its service counters or a Services Ouébec office.

#### **Processing time**

You can expect to receive the civil status documents in about 12 business days if you request normal processing and 3 business days if you request accelerated processing. In the latter case, you will be required to pay additional fees. Processing times may be longer if, for example, your application is incomplete or the death occurred recently and has not yet been entered in the register.



For more information, contact the Directeur de l'état civil.

Regular mail or in person 2535, boulevard Laurier Québec (Québec) G1V 5C6 In person 2050, rue De Bleury

Montréal (Québec) H3A 2J5

www.etatcivil.gouv.gc.ca

Email

etatcivil@dec.gouv.qc.ca **Telephone** 

Québec area: 418 644-4545 Montréal area: 514 644-4545

Elsewhere in Québec: 1 877 644-4545

## Insertion of an act of death made outside Québec into the Québec register of civil status

If a person who was a resident of Québec dies outside Québec, you may request that the deceased's act of death be inserted into the Québec register of civil status. This formality can facilitate the succession's settlement and is free of charge. You must complete the Application for Insertion of an Act of Civil Status Made Outside Québec into the Québec Register of Civil Status form and send it to the Directeur de l'état civil.

For more information, contact the Directeur de l'état civil. The Directeur's contact information is provided in the previous section.

## Disappearance of a person and declaratory judgment of death

By law, a person is deemed absent if the person, although still a resident of Québec, has ceased to be seen at home, has not been heard from by anyone and is not known to be still alive. The person is presumed to be alive during the seven years that follow his or her disappearance, unless the person's death is proven during that period.

A member of your family may disappear in various ways: through kidnapping, running away, illness, voluntary departure, murder or suicide. In the person's absence, you may request that the court open a tutorship to the absentee in order to administer the person's property and exercise the person's rights.

Generally speaking, the Superior Court may hand down a declaratory judgment of death once seven years have elapsed from the date of the person's disappearance. This judgment may also be handed down before this time limit when it is certain that the person has died without it being possible to draw up an attestation of death.

The declaratory judgment of death is sent to the Directeur de l'état civil so that the necessary information can be entered in the Québec register of civil status. After that, you may request a death certificate or a copy of the act of death in order to settle the person's succession.

#### Investigation and public coroner's inquest

An investigation or a public coroner's inquest may need to be conducted in certain situations; for example, when a person dies in violent or mysterious circumstances, when it is impossible to establish the deceased's identity or when the cause of death is unknown. In such situations, the police notify the Bureau du coroner.

When a coroner conducts an investigation, the body remains under guard until the deceased's identity has been established or, if need be, an autopsy has been performed. The body is then entrusted to the funeral home chosen by the family. The coroner must give a copy of the *Authorization to Dispose of the Body* form to the funeral director to ensure that the family has the information needed to open the succession.

If a problem arises concerning a death, the chief coroner may order a public inquest. Following an investigation or a public inquest, the coroner submits a report indicating the probable causes and the circumstances of the death. If need be, the coroner also makes recommendations aimed at preventing other deaths under similar circumstances. The coroner's report is public. You may obtain a copy if you pay the required fee.



For more information, contact the Bureau du coroner.

Édifice Le Delta 2 2875, boulevard Laurier, bureau 390 Québec (Québec) G1V 5B1 **Website** 

www.coroner.gouv.qc.ca

Talanhana

**Telephone** 

Québec area: 418 643-1845

Elsewhere in Québec: 1 866 312-7051

#### **Succession procedures**

#### Search for a will

To settle a succession, you must first find out if the deceased left a will. If so, you must verify that the will you have found is indeed the most recent one. Lastly, you have to check the will to see if the deceased appointed a liquidator of the succession. The liquidator usually carries out most of the tasks needed to settle a succession. In the case of a notarial will, the notary who executed the will is sometimes named as liquidator.

If you find a holograph will (handwritten), a will made in the presence of witnesses or a will drawn up by a lawyer, the document will have to be probated by a notary or the court. See "Probate of a will" below for a description of the procedure.

In all cases, and even if you have not found a will, you must submit a request for a will search to the Registres des dispositions testamentaires et des mandats du Québec. This will enable you to determine whether the will you have in hand is indeed the last one that was made, whether there is a more recent one or whether the deceased did not leave a will. In the latter case, you should ask a notary to draw up a declaration of heredity to help you identify the potential heirs. See "Succession in the absence of a will" in this section.

The will search request must be addressed to the Registres des dispositions testamentaires et des mandats du Québec. A single request enables you to obtain the two will search certificates necessary: one from the Chambre des notaires du Québec and the other from the Barreau du Québec. Several Québec departments and bodies require these certificates.

You must complete the *Will Search Request* form, available on the Chambre des notaires du Québec website, and attach **the original copy of the act of death** issued by the Directeur de l'état civil. You may also attach a photocopy of this act and the Chambre des notaires will return the original to you. There is a fee for conducting a will search. It may be paid by postal money order or credit card.



For more information, contact the Chambre des notaires du Québec.

Registres des dispositions testamentaires et des mandats du Québec 1801, avenue McGill College, bureau 600

Montréal (Ouébec) H3A 0A7

Website

www.cdnq.org

Telephone

Montréal area: 514 879-2906

Elsewhere in Ouébec: 1 800 340-4496

**Email** 

registres@cdnq.org

#### Probate of a will

If the deceased left a notarial will, it is not necessary to have it probated. On the other hand, if the deceased left a holograph will or a will made in the presence of witnesses (even if it was made before a lawyer), the will must be probated by

a notary or the court for its validity to be recognized. You can either ask a notary or a lawyer to take the necessary steps on your behalf or you can take them yourself.

If you want the will to be probated by the court, you must contact the courthouse in the judicial district where the deceased resided or, if the deceased did not reside in Québec, the courthouse in the judicial district where the person died or left property.

You must submit the following documents to the court:

- the original will;
- a copy of the act of death issued by the Directeur de l'état civil;
- proof that notice was sent to the successors (people entitled to inherit) to notify them that you are having the will probated;
- a sworn statement by one of the witnesses, in the case of a will made in the presence of witnesses, or a declaration by a person who is not related to the deceased and can recognize the signature and, if applicable, the handwriting of the deceased, in the case of a holograph will (handwritten).

The brochure entitled *Application for the Probate of a Will*, published by the ministère de la Justice, provides useful information and a template for presenting an application. You can purchase it from Les Publications du Québec by going to one of its sales outlets, calling **418 643-5150** or **1 800 463-2100** (toll free) or ordering it online at **www.publicationsduquebec.gouv.qc.ca**. It is also on sale in certain bookstores.

For more information, contact the ministère de la Justice (see page 5).

#### Succession in the absence of a will

If the deceased did not make a will, the succession will be liquidated in accordance with the Civil Code of Québec.

The following situations are also considered successions in the absence of a will:

- the will is not valid;
- the deceased was under 18 years of age and owned valuables;
- there is no "surviving spouse" clause in the marriage or civil union contract;
- the will does not cover the property of the deceased.

A declaration of heredity may be drafted by a notary in the case of a succession in the absence of a will. This declaration helps to draw up the list of potential heirs, who usually are:

- the surviving spouse to whom the deceased was still married, with whom the deceased was still in a civil union or from whom the deceased was separated, without being divorced or without the civil union being dissolved;
- individuals related to the deceased by blood or adoption in accordance with the rules of the *Civil Code of Québec*.

The following are not considered by law to be heirs, unless their name appears in the will: de facto spouses, brothers-in-law, sisters-in-law, sons-in-law and daughters-in-law.

See the "Successions" section of the ministère de la Justice website NOTE (www.justice.gouv.qc.ca) for a detailed table showing how the property of a person who dies without a will is distributed.

#### How to settle a succession

#### Liquidator of a succession

Generally speaking, the liquidator of a succession is named in the will. If a liquidator has not been named or there is no will, the responsibility of liquidating the succession falls to the heirs. They may appoint a liquidator among themselves by a majority decision or entrust the responsibility to an outside person, such as a notary. The heirs may also decide to take on different duties in order to settle the succession together.

If the will names you as the sole heir, you are obliged to agree to act as liquidator of the succession. If there is more than one heir, the person appointed as liquidator in the will may refuse to assume this responsibility. It is recommended that he or she do so in writing. The liquidator's replacement must be chosen using the method provided for in the will. If no method is indicated, the liquidator may be designated by a majority decision of the heirs. If the heirs fail to reach an agreement, the court may appoint a liquidator.

If you are not an heir, you may be given a sum of money to assume the role of liquidator. If you are both the liquidator and an heir, you may not request compensation unless all of the heirs agree to remunerate you, or provision has already been made to that effect in the will. Regardless of whether you are remunerated, you are entitled to the reimbursement of reasonable expenses incurred to settle the succession.

Lastly, you must liquidate the succession within a reasonable amount of time. If the liquidation takes more than one year, at the end of the first year you must submit a report on your administration of the deceased's property to the heirs, individuals who are to receive a legacy by particular title and any unpaid creditors. Subsequently, you must submit a report at least once a year.

The Civil Code of Québec sets out certain requirements for the settling of **NOTE** a succession. The liquidator must ensure that the following rights are entered, in the order indicated, in the register of personal and movable real rights (RDPRM); the name of the liquidator (or the liquidator's replacement, if applicable), the closure of the inventory and the closure of the liquidator's account. For more information, see the document entitled Le rèalement d'une succession et le Registre des droits personnels et réels mobiliers (RDPRM) in the "Publications utiles" section of the RDPRM website. The address is provided on page 14. The name of the liquidator or the liquidator's replacement may also be published in the Québec land register if the succession includes an immovable.

If you have questions regarding your rights and obligations as a liquidator or an heir, you can also visit the Éducaloi website at www.educaloi.gc.ca.

#### **Duties of a liquidator**

If you have been named liquidator of a succession and you accept this responsibility, you will have to administer the deceased's property and settle the succession. In some cases, you may have to seek out the services of a notary. For example, if the succession includes immovables (land, house, apartment building, etc.), the titles of ownership must be transferred by means of a declaration of transmission made before a notary and entered in the Québec land register. If there is no will or marriage or civil union contract, you may want to consult a notary in order to obtain a declaration of heredity. This will help you to identify the heirs. You may also ask an accountant to help you with certain decisions.

At the end of this guide, you will find a checklist of what to do in the event of death. You will also find a short list of useful documents for settling a succession.

Your main duties as liquidator are as follows:

- pay the funeral expenses and apply for the death benefit from the Régie des rentes du Québec;
- apply for a death certificate and a copy of the act of death from the Directeur de l'état civil;
- look for a will in the deceased's papers and assemble all important documents: marriage or civil union contract, statements from financial institutions, savings certificates, titles of ownership for movable and immovable property, life insurance policies, etc. Generally speaking, life insurance proceeds are not part of the succession, unless the life insurance policy says "payable to the heirs or the succession"; submit a request for a will search to the Registres des dispositions testamentaires et des mandats du Québec. This formality is compulsory and will enable you to make sure you have the most recent will. It will also enable you to obtain the necessary search certificates;
- if the will was not notarized, file an application to have a notary or a court probate the content. In the absence of a will, a notary will draw up a declaration of heredity;
- register the name of the liquidator in the RDPRM using the General Application for Registration form, so that everyone is aware of your appointment as liquidator;
- publish the name of the liquidator in the Québec land register, if applicable;
- identify the successors and contact them;
- notify Revenu Québec of the death as quickly as possible and send it the required documents;
- close the deceased's accounts in each financial institution, cancel the deceased's credit cards, check to see if any bills were paid by preauthorized withdrawal and then take the appropriate steps. Note that as soon as financial institutions are informed of a death, the deceased's accounts are frozen and, in the case of joint accounts, the other account holder can no longer access the funds in the accounts;
- draw up an inventory of the deceased's property, i.e. an overview of all of the deceased's possessions and debts, including taxes, on the date of death. This process enables the heirs to determine whether the amount of the debts exceeds the value of the property bequeathed to them;
- open an account with a financial institution to cash cheques and pay current accounts related to the settlement of the succession. You will require, among other things, proof of death, proof of a will and will search certificates;
- register a notice of closure of inventory in the RDPRM using the General Application for Registration form and place the notice in a newspaper published in the locality of the deceased's last known address;
- partition the family patrimony and liquidate the matrimonial regime if the deceased was married or in a civil union, unless the surviving spouse renounces it by way of a notarial act. In that case, the renunciation will be registered in the RDPRM;
- settle questions concerning the compensatory allowance and support payments, if applicable;

- check the register of unclaimed property maintained by Revenu Québec and available on its website at www.revenuquebec.ca;
- submit a final account indicating the succession's net assets or deficit and register a notice of closure of the liquidator's account in the RDPRM using the General Application for Registration form;
- file the deceased's income tax return(s) (TP-1) or trust income tax return (TP-646):
- pay the debts of the deceased that existed on the date of death and recover any amounts owed, such as salaries or pensions. Note that certain debts, such as legal fees, income taxes or municipal taxes, must be paid first;
- ask Revenu Québec for the certificate authorizing the distribution of property to the heirs by completing the Notice Before Distribution of the Property of a Succession form (MR-14.A-V);
- once all of the debts have been paid, distribute the property among the heirs (heirs of a legacy by particular title, heirs of a sum of money, heirs according to the order indicated in the will);
- close the account opened to administer the succession.

Note that, depending on the situation, the order in which the various tasks are taken may differ from that described above. In the case of Government of Canada programs, the liquidator must contact Service Canada and the Canada Revenue Agency, in particular to obtain a clearance certificate confirming that the deceased's taxes have been paid.



For more information, contact any of the following organizations:

Registre des droits personnels et réels mobiliers

#### Website

www.rdprm.gouv.qc.ca

#### **Email**

services@rdprm.gouv.qc.ca

#### **Telephone**

Québec area: 418 646-4949 Montréal area: 514 864-4949

Elsewhere in Ouébec: 1 800 465-4949

Foncier Québec's customer support services

#### Website

www.registrefoncier.gouv.qc.ca

#### **Email**

assistance.clientele@mrnf.foncierquebec.gouv.gc.ca

#### Telephone

Ouébec area: 418 643-3582

Elsewhere in Ouébec: 1 866 226-0977

Revenu Ouébec

Direction principale des biens non réclamés

Revenu Ouébec

500, boulevard René-Lévesque Ouest, bureau 10.00

Montréal (Québec) H2Z 1W7

#### Website

www.revenuguebec.ca

#### **Telephone**

Throughout Québec: 1 866 840-6939 Teletypewriter (TTY): see page 50

#### Acceptance or refusal of a succession

If the deceased has designated you as an heir, you may accept or refuse the succession. Generally speaking, an heir will refuse a succession if the deceased's total debts exceed the value of the property bequeathed. If the deceased has left debts and you accept the succession, you must pay the debts up to the value of the inheritance

You have six months from the date of death to accept or refuse a succession. However, this period is automatically extended for as long as necessary to give you 60 days from the publication of the liquidator's notice of closure of inventory in the register of personal and movable real rights (RDPRM) to make a decision.

If you refuse the succession, you must sign a renunciation before a notary. The renunciation will be registered in the RDPRM.

If you do not sign a document before a notary indicating that you refuse the succession, you will be deemed to have accepted it. Note that certain actions or omissions are equated with accepting the succession, even if you have not yet given your consent, so you must be vigilant.

However, you can take certain steps before making your decision. For example, you can distribute the deceased's clothing, personal papers, medals, diplomas and souvenirs, sell perishable goods or give them to charity or divide them among the heirs.

As a rule, once you accept a succession, you cannot change your mind.

If a successor, acting in bad faith, misappropriates succession property NOTE for his or her own benefit, conceals it or fails to report it to the liquidator when the inventory is drawn up, the successor is deemed by law to have renounced the succession, despite having accepted it.

#### Family patrimony

If you are married or in a civil union and reside in Québec, you are what is termed a legal spouse and are subject to, almost without exception, the provisions of the Civil Code of Québec regarding family patrimony.

If you are the legal spouse of the deceased, you should be aware that the provisions of the Civil Code of Québec regarding family patrimony take precedence over wills and any testamentary clauses in marriage or civil union contracts, but do not invalidate them. In principle, you will receive half of the partitionable value of the family patrimony, but not the property itself. You may not renounce your rights in the family patrimony before the death of your spouse, and a will cannot circumvent the rules on family patrimony.

If the will does not respect the family patrimony rules, the value of the half of the family patrimony to which you are entitled as the surviving spouse must be deducted from the property bequeathed to the heirs. The value of the remaining half of the family patrimony and any other property of the succession are then distributed according to the testator's wishes.

#### Matrimonial or civil union regimes

If you are the liquidator of the succession of a married couple or a couple in a civil union, you must first settle the partition of the family patrimony and then settle the liquidation of the matrimonial or civil union regime before you liquidate the succession. To determine the matrimonial or civil union regime to which the couple is subject, consult the marriage or civil union contract.

For more information on family patrimony and matrimonial or civil union regimes, visit the ministère de la Justice website at **www.justice.gouv.qc.ca**.

#### Copy of a marriage or civil union contract

If you cannot find the marriage or civil union contract in the deceased's papers, you must obtain a copy from the notary who prepared the contract.

If you do not know the name of the notary, look for the deed of acquisition of an immovable, as it will have the name of the notary and the matrimonial regime applicable to the deceased and his or her spouse indicated on it. If you know the name of the notary, but he or she is no longer practising or has died, the Chambre des notaires du Québec can assist you with the search.

If you are still unable to find the notary's name, conduct a search in the register of personal and movable real rights (RDPRM). This will enable you to determine the deceased's matrimonial regime and the name of the notary who drafted the marriage contract (after July 1, 1970) or the civil union contract. You will have to provide the surname, given name and date of birth of one of the spouses and pay the applicable fees.



For more information, contact the Registre des droits personnels et réels mobiliers or the Chambre des notaires du Ouébec.

Registre des droits personnels et réels mobiliers

#### Website

www.rdprm.gouv.gc.ca

#### Telephone

Québec area: 418 646-4949 Montréal area: 514 864-4949

Elsewhere in Québec: 1 800 465-4949 Chambre des notaires du Québec 1801, avenue McGill College, bureau 600

Montréal (Ouébec) H3A 0A7

#### Website

www.cdnq.org

#### **Telephone**

Montréal area: 514 879-1793

Elsewhere in Québec: 1 800 263-1793

#### Authorization to distribute the property of a succession

If you are the liquidator of a succession, you are responsible for drawing up an inventory of the deceased's property and distributing it.

You must notify Revenu Québec as quickly as possible that you are the liquidator of the succession. The will may name two liquidators, in which case you must act jointly. If you do not wish or are unable to act at the same time, you must decide which one of you will act as a representative in dealings with Revenu Québec.

To prove that you are indeed the liquidator of the succession, you must file the death certificate and, depending on the situation, one or more of the following documents:

#### Succession with a will

- a certified true copy of the notarial will and any related codicil (a document that changes the will);
- a certified true copy of the holograph will or the will made in the presence of witnesses, issued by a clerk of the court or a notary, and a certified copy of the judgment probating the will or the minutes of the probate.

#### Succession in the absence of a will

- a letter signed by the heirs naming you as liquidator;
- the court judgment;
- the marriage or civil union contract;
- a declaration of heredity registered before a notary.

You may provide either the original documents or certified copies.

Before you distribute the deceased's property, you must notify Revenu Québec of your intention and obtain a certificate authorizing the distribution of the property. You must complete the *Notice Before Distribution of the Property of a Succession* form (MR-14.A-V) and send it to Revenu Québec as soon as the value of the property and the amount of the deceased's debts are known. As a rule, you must enclose the following documents:

- an official document certifying the death (such as the death certificate);
- the will search certificates issued by the Chambre des notaires du Québec and the Barreau du Québec;
- one of the following documents:
  - if the deceased left a notarial will, a certified copy of the will and any codicils,
  - if the deceased left a holograph will or a will made in the presence of witnesses, a certified copy of the will signed by a clerk of the court or a notary, and a certified copy of the judgment probating the will or the minutes of the probate.

NOTE for the deceased must be filed, all related notices of assessment must be received, and all amounts due must be paid.

You may pay the funeral and related expenses (cost of publishing the death notice in the newspaper, flowers, etc.) and urgent or absolutely essential expenses that do not exceed \$12 000 before you send the *Notice Before Distribution of the Property of a Succession* form (MR-14.A-V) to Revenu Québec.

If you distribute the property of the succession before obtaining the authorization certificate from Revenu Québec, you will be held personally liable for the payment of the amounts due, up to the value of the property distributed. On the other hand, if you have obtained the certificate authorizing the distribution of property, the heirs will be liable for the amounts owed to Revenu Québec.

#### Income tax returns for the deceased

#### Income tax return for the year of death

#### When death occurs during the first 10 months of the year

If a person dies during the first 10 months of the year, you must file the deceased's Québec income tax return no later than,

- April 30 of the year following the year of death; or
- June 15 of the year following the year of death if the deceased or the deceased's spouse operated a business during the year of death.

In both instances, the taxes must be paid no later than **April 30 of the year following the year of death**.

#### When death occurs during the last two months of the year

If a person dies in November or December, the deceased's income tax return must be filed no later than,

- six months to the day after the date of death;
- June 15 of the year following the year of death if the deceased or the deceased's spouse operated a business during the year of death.

In both instances, the taxes must be paid no later than six months to the day after the date of death.

You must specify that the income tax return is for a deceased person.

NOTE

#### Income tax return for the year preceding the year of death

If a person dies **before May 1** (or before June 16 if the deceased or the deceased's spouse operated a business during the year preceding the year of death), you must file the deceased's income tax return for the year preceding the year of death within **six months to the day after the date of death**.

If a person dies after April 30 (or after June 15 if the deceased or the deceased's spouse operated a business during the year preceding the year of death), no extension is granted for filing the deceased's income tax return.

#### Trust income tax return (TP-646-V)

In your capacity as liquidator, you are also responsible for filing the income tax return of the succession if the succession earned any income. For this purpose, you must complete the *Trust Income Tax Return* form (TP-646-V).

However, you do not have to file a trust income tax return if:

- the death benefit paid by the Régie des rentes du Québec is the only income that would be indicated on the return. In that case, the heirs must include it in their income;
- the succession did not generate any income before the property was distributed to the heirs.

For detailed information on this subject, see the Guide to Filing the Trust Income Tax Return (TP-646.G-V).

Revenu Ouébec offers a brochure entitled Estates and Taxation (IN-313-V) NOTE intended for individuals who, following the death of a close relative, must assume responsibility for settling the succession. You can consult this brochure in the "Publications" section of the Revenu Ouébec website.



For more information, contact Revenu Québec.

#### Regular mail

Montréal, Laval, Laurentides, Lanaudière and Montérégie

Direction principale des services à la clientèle des particuliers Revenu Ouébec

C. P. 3000, succursale Place-Desjardins

Montréal (Québec) H5B 1A4

#### **Québec and other regions**

Direction principale des services à la clientèle des particuliers Revenu Québec

3800, rue de Marly

Québec (Québec) G1X 4A5

#### Website

www.revenuquebec.ca

#### Telephone

Ouébec area: 418 659-6299 Montréal area: 514 864-6299

Elsewhere in Ouébec: 1 800 267-6299 Teletypewriter (TTY): see page 50

#### **Unclaimed property and successions**

Every year, thousands of property items are not claimed by their owners. The main types of unclaimed property are:

- financial assets:
- succession property;
- property of businesses that have been dissolved;
- property without an owner;
- property whose owner is unknown or untraceable.

In Québec, Revenu Québec is responsible for recovering and provisionally administering unclaimed property. More specifically, its mission is to receive such property (from financial institutions, in particular) and draw up a list of it.

Revenu Québec must take various measures to inform the population of its role as provisional administrator of unclaimed property, particularly by listing the items in the public register of unclaimed property, available on its website at www.revenuguebec.ca.

A succession is deemed to be unclaimed if, six months after the person's death, no successor exists, is known or has claimed the succession. This is also the case if all of the heirs refuse the succession.

In such instances, Revenu Québec temporarily administers the unclaimed successions and property. It thus acts as the liquidator of the succession. To that end, it draws up an inventory of the property making up the succession and sells it. Then, after collecting the applicable charges and fees, it reimburses the creditors, if need be and insofar as possible, according to the priority and rank prescribed under the *Civil Code of Québec*. If, after deductions, the succession's balance sheet is positive, Revenu Québec pays the remaining funds to the government, which allocates them to the Generations Fund.

A person has 10 years from the date on which the succession was opened to contact Revenu Québec in order to recover an inheritance and the applicable interest.

#### Transfer of the right of ownership on an immovable

If the deceased possessed real property such as a building, house, land. etc., you must consult a notary, who will draft the declaration of transmission for real property attesting to the transfer of the titles of ownership to the heirs. To that end, the notary will consult the Québec land register to verify the ownership of the immovable and related expenses. The land register contains a record of all transactions in respect of immovables located in Québec. The Québec land register can be consulted online (a fee applies).

Before consulting the notary, make sure you have in hand the documents related to the deceased, including proof of death, a copy of the deceased's marriage or civil union contract, a copy of the will, titles of ownership and a copy of the municipal assessment of the immovable concerned.

To search an immovable in the online Québec land register, you need to know the lot number given to the immovable and the name of the cadastre in which it is located.



For more information, contact customer support services at Foncier Québec.

#### Website

www.registrefoncier.gouv.qc.ca

Emaii

assistance.clientele@mrnf.foncierquebec.gouv.qc.ca

#### **Telephone**

Québec area: 418 643-3582

Elsewhere in Québec: 1 866 226-0977

#### Cancellation of a lease

The death of a tenant or of a landlord does not terminate a residential lease. If you are the liquidator of the succession or the heir of a person who was a tenant at the time of death, you may cancel the deceased's lease. If the person was living alone, you must give the landlord two months' notice within six months following the date of death. You must pay the rent during the two months commencing on the date of your notice. The lease may be cancelled before the end of the **two months** by agreement with the landlord or if the landlord rents the dwelling to someone else.

The same rules generally apply if the deceased was living in a residential and long-term care centre (CHSLD) or in a private senior's residence.



# NOT ONLY DIAMONDS ARE FOREVER...

MANUFACTURE OF COMMEMORATIVE AND CEMETERY MONUMENTS SUITABLE FOR ALL CULTURES

Sculptures • Bronze plaques • Lettering and engraving Cleaning and restoration • Porcelain portraits
Ornaments • Urns





Granite Lacroix inc.
Manufacturer of monuments

Tel.: 450 669-7467 info@granitelacroix.com www.granitelacroix.com 1735 Des Laurentides Blvd. Vimont, Laval (Quebec) H7M 2P5

Member of the Association des Détaillants de Monuments du Québec

# Easy does it

# MyAccount >RRQ

- Consult or modify your file whenever you want
- File and track an application or request
- Sign up for direct deposit

rrq.gouv.qc.ca/mondossier



### YOUR GATEWAY

# TO GOVERNMENT SERVICES



### www.gouv.qc.ca

- O My Québec Services Account
- Certificate of Birth
- O Urgence Québec
- Service québécois de changement d'adresse
- Becoming a parent
- O Settling in Québec
- O What to Do in the Event of Death
- Seniors: Programs and Services
- Persons with Disabilities
- Coping with a Loss of Independence









# Become a panelist!

For a better understanding of the public's needs, Services Québec has formed the Services Québec citizens' panel. From time to time, the members of the panel are consulted on various topics related to government programs and services.

As a panelist, you will be invited to respond to short online questionnaires\*.

For additional details, or to sign up: www.gouv.qc.ca/citoyens

\*The online questionnaires are in French only.



Specific rules apply where the deceased was a tenant and not living alone at the time of death. If the deceased had a co-tenant, the latter may become the legal tenant of the dwelling if he or she notifies the landlord within the prescribed time limits, using the *Notice regarding the death of the tenant* form. The form is available on the Régie du logement website.

Contact information for Régie du logement offices is provided on its website under the heading "To reach us".



For more information, contact the Régie du logement.

Wehsite

www.rdl.gouv.qc.ca

Telephone

Montréal area: 514 873-2245

Elsewhere in Québec: 1 800 683-2245

#### Death of the mandatary of an incapacitated person

If the deceased was the mandatary of an incapacitated person, a replacement must take over the responsibility. If there is a mandate in case of incapacity for the incapacitated person (sometimes called *protective supervision*), it is essential to verify whether a substitute is to be appointed in case of the mandatary's death. If no provision is made for a substitute, the court must institute a tutorship or a curatorship.

In your capacity as liquidator of the succession, you must notify the Curateur public du Québec of the mandatary's death. It is your responsibility to protect the incapacitated person's interests until a new mandatary is appointed.

#### Protective supervision: tutor or curator

If the deceased was under private protective supervision monitored by the Curateur public du Québec, you must inform the latter of the death. If the deceased was a tutor or a curator, you must also inform the Curateur public so that it can make sure the person is replaced.

Generally speaking, you must notify the Curateur public du Québec of any change, because the latter is responsible for keeping three public registers: a register of persons of full age under tutorship or curatorship, a register of homologated mandates in case of incapacity (also called *protective mandates*) and a register of tutorships to minors.



For more information, contact the Curateur public du Québec.

Regular mail

600, boulevard René-Lévesque Ouest Montréal (Québec) H3B 4W9

Website

www.curateur.gouv.qc.ca

Telephone

Montréal area: 514 873-4074

Elsewhere in Québec: 1 800 363-9020

#### Medical record or case history kept by a public body

As a rule, family members of a deceased person are entitled to know the cause of death. Family members include the deceased's father, mother, child or spouse. A blood relative may also access information in the deceased's medical record for the sole purpose of ascertaining whether the deceased had a genetic or hereditary disease.

All access to information requests must be submitted, in writing, to the person in charge of access to information and protection of personal information at the institution concerned or to the institution's executive director.



For more information, contact the Commission d'accès à l'information du Québec.

#### Québec

575, rue Saint-Amable, bureau 1.10 Québec (Québec) G1R 2G4

#### **Montréal**

500, boulevard René-Lévesque Ouest, bureau 18.200 Montréal (Québec) H2Z 1W7

#### Website

www.cai.gouv.qc.ca

#### **Email**

cai.communications@cai.gouv.qc.ca

#### Telephone

Québec area: 418 528-7741 Montréal area: 514 873-4196

Elsewhere in Québec: 1 888 528-7741

#### Obligation of support toward family members

Death does not terminate a person's obligation of support. Consequently, if the debtor (the person who was paying support) dies, the creditor (the person who was receiving support payments) may, within **six** months after the death, claim a financial contribution from the succession as support. By law, the creditor may claim a financial contribution even if the right to support was not exercised prior to the death. This financial obligation may thus be paid out of the succession funds over a specified period of time. To resolve any problems related to this obligation or to determine the amount of the contribution payable, do not hesitate to consult a legal advisor. If necessary, see if you are eligible for legal aid services.

If the deceased was paying you spousal or child support, your first step will be to contact the officer in charge of your support file at Revenu Québec to find out what happens in the event of a debtor's death.

# **Compensatory allowance**

In the event of your spouse's death, you are entitled to a compensatory allowance if you can provide proof that, during your marriage or civil union, your personal contribution was so significant that it contributed to the enrichment of your spouse's patrimony in property or services (for example, you made a regular contribution to a business without receiving a salary). The allowance may be in the form of a sum of money or property.

You must submit the request to the liquidator in the year following the death. The amount of the allowance is fixed by mutual agreement between you and the liquidator.

# **Government of Canada programs and services**

Following a death, you must take several steps related to Government of Canada programs and services. For example, before distributing the assets of the succession, the liquidator must obtain a clearance certificate from the Canada Revenue Agency by completing the *Asking for a Clearance Certificate* form. This form releases the liquidator from future liability with respect to any income tax payable by the deceased.

For more information, call Service Canada at **1 800 622-6232** or visit its website at **www.servicecanada.gc.ca**.

# Leave, annuities, pensions and other survivor benefits

# Leave granted in the event of death

When a loved one dies, you must notify your employer of your absence as soon as possible. In certain cases, you are entitled to a leave that must be taken between the day of the death and the day of the funeral.

If your employment is governed by the *Act respecting labour standards*, you may be absent from work for the amount of time stipulated therein, namely:

- five days, including one with pay, for the death or funeral of your spouse, your child or your spouse's child, or your father, mother, brother or sister;
- one day, without pay, for the death or funeral of your son-in-law, daughter-inlaw, one of your grandparents or grandchildren, or of your spouse's father, mother, brother or sister.

Under the same circumstances, an employee in the garment industry may be absent from work for:

- five days, including three with pay, for the death or funeral of the employee's spouse, child or the child of the employee's spouse, the employee's father, mother, brother or sister;
- one day, with pay, for the death or funeral of one of the employee's grandparents or the father or mother of the employee's spouse;
- one day, without pay, for the death or funeral of a son-in-law or daughter-inlaw, one of the employee's grandchildren, or the brother or sister of the employee's spouse.

If your spouse or child (even if the child is over 18) commits suicide, you are entitled to a maximum of 52 weeks of unpaid leave.

If your spouse or child (even if the child is over 18) died during or as a direct result of a criminal act, you are entitled to a maximum of 104 weeks of unpaid leave. For information on the compensation that may be payable to you in this case, see the section "Compensation in the event of a crime or an act of good citizenship".

If you are governed by a collective agreement, the *Canada Labour Code* or a decree, the leave granted in the event of death may vary. As a rule, your union representative should be able to tell you what kind of leave applies in your situation.

For more information, contact the Commission des normes du travail.

Website

www.cnt.gouv.qc.ca

Telephone

Montréal area: 514 873-7061

Elsewhere in Québec: 1 800 265-1414

# Survivors' benefits paid by the Régie des rentes du Ouébec

The Québec Pension Plan is a mandatory public insurance plan that offers basic financial protection to workers and their families at retirement and in the case of disability or death.

If you are a family member of a deceased worker who contributed sufficiently to the Plan (generally, the person must have contributed for at least 10 years, but sometimes it may be less), you may be entitled to survivors' benefits. Depending on your situation, there are three types of financial assistance:

- the death benefit;
- the surviving spouse's pension;
- the orphan's pension.

If you are a family member of a worker who passed away on or after January 1, 2013, you may be entitled to survivors' benefits even if the deceased did not contribute sufficiently to the Québec Pension Plan (certain conditions apply). For more information, visit the Régie's website.

## To apply for survivors' benefits

You can apply for survivors' benefits using the online service on the Régie des rentes du Québec website or by downloading the Application for Survivors' Benefits form, either from the same website or from the electronic version of the guide What to Do in the Event of Death, Print versions of the form are available at most funeral homes.

The definition of "spouse" may differ depending on the program. See the NOTE "Death of a spouse" section of the Régie des rentes du Québec website to determine your eligibility for a pension or benefit paid by the Régie.

## **Death benefit**

The death benefit is a lump-sum payment of a maximum amount of \$2 500.

If an application and a photocopy of proof of payment are submitted to the Régie within 60 days following the death, the benefit is paid on a priority basis to the person or charitable organization that paid the funeral expenses.

If the funeral expenses are less than the amount of the death benefit payable, the difference may be paid to the deceased's heirs or other eligible persons.

After 60 days, the death benefit can be paid to the deceased's heirs or other eligible persons. The application must be submitted to the Régie within five years after the date of death.

Note that the death benefit is taxable and an income tax slip will be issued in the succession's name.

## **Eligible funeral expenses**

The following funeral expenses are accepted for the purposes of payment of the death benefit:

- transportation and embalming of the body;
- casket, funeral urn and niche;
- visitation at the funeral home;
- funeral service;
- burial or cremation;
- services of a funeral director;
- publication of death notices;
- thank-you cards;
- cemetery plot, monument, inscription;
- expenses incurred for telephone calls or telegrams to reach members of the immediate family;
- taxes charged on reimbursable expenses.

## Death benefit and prearranged funeral services contract

Funeral expenses prepaid by the deceased under a prearranged funeral services contract will not be reimbursed.

Eligible expenses not covered by the prearranged funeral services contract are sometimes incurred after the person dies. In this case, the person who paid the expenses may submit an application for reimbursement, up to \$2 500, to the Régie.

## Surviving spouse's pension

If you are the surviving spouse of a person who contributed sufficiently to the Québec Pension Plan, you may be eligible for the surviving spouse's pension. To qualify as a "surviving spouse", you must have been married to or in a civil union with the deceased.

If you are the de facto spouse of the deceased, you may qualify as the surviving spouse if you lived in a conjugal relationship with that person for at least three years preceding his or her death. However, if a child was born or is to be born of the union, if you adopted a child together or if one of you adopted the other's child, only one year of cohabitation is required. In this case, the pension will be paid to you if the deceased was not married or in a civil union. Under certain conditions, the pension may be paid to a legally separated spouse.

The surviving spouse's pension ensures a basic income. It is taxable and will be paid beginning in the month following the death. There is no time limit for applying for the pension, but it is paid retroactively for up to 12 months only. The amount of the surviving spouse's pension is indexed each year.

## The amount of the pension is determined based on:

- the contributions your spouse made to the Québec Pension Plan;
- your age.

## The amount varies according to whether or not:

- you support dependent children of the deceased person or children recognized as such;
- you are disabled and under 45 years of age;
- you are already receiving a retirement or disability pension.

If the person died on or after January 1, 2013 and was receiving a retirement pension supplement, a portion of the supplement will be considered for the purposes of calculating the surviving spouse's pension.

## Orphan's pension

If you are supporting a minor child of the deceased and the latter contributed sufficiently to the Québec Pension Plan, you may receive an orphan's pension until the child reaches the age of 18.

The deceased's child may be:

- his or her biological or adopted child;
- a child who had been living with the deceased for at least one year, if the deceased served as mother or father to the child. Note that a child placed in foster care in the deceased's home is not considered to be the deceased's child.

The orphan's pension is paid as of **the month following the death**. The pension is taxable and must be reported in the child's income. It is indexed annually. Almost without exception, the pension is paid retroactively for up to 12 months.

## **Combined pension**

If you were receiving the surviving spouse's pension and you also contributed to the Québec Pension Plan, you may also be entitled to a retirement pension or a disability pension. In this case, the Régie will pay you these two pensions in a single monthly payment known as a combined pension. However, the total amount paid is not necessarily equivalent to the sum of the two pensions, since there is a maximum set by the *Act respecting the Québec Pension Plan*. The retirement and disability pensions remain unchanged, but the surviving spouse's pension may be reduced in certain cases.

Note that if an additional amount for disability is added to your retirement pension, it will be considered for the purposes of calculating the combined pension. Consequently, the reduction in the surviving spouse's pension could be higher.

If you are already receiving a surviving spouse's pension as a result of a prior union and you lose your current spouse as well, you must submit a new application to the Régie. You will not receive two surviving spouse's pensions, but the Régie will pay you the higher of the two pensions to which you are entitled.



For more information or to apply for survivors' benefits, contact the Régie des rentes du Québec.

Website

www.rrq.gouv.qc.ca

Telephone

Québec area: 418 643-5185 Montréal area: 514 873-2433

Elsewhere in Québec: 1 800 463-5185 Teletypewriter (TTY): see page 50

# Pensions from a foreign country

If your deceased spouse worked in a foreign country, you may be entitled to a pension from that country for you and your dependent children.



For more information, contact the Bureau des ententes de sécurité sociale at the Régie des rentes du Québec.

**Telephone** 

Montréal area: 514 866-7332, ext. 7801

Elsewhere in Québec: 1 800 565-7878, ext. 7801

# Special benefit for funeral expenses granted under the Social Assistance and Social Solidarity programs

You may be eligible to receive a special benefit, up to \$2 500, from the ministère de l'Emploi et de la Solidarité sociale to cover the expenses incurred or to be incurred for the funeral of another person, even if the person was not receiving last resort financial assistance. This special benefit is generally granted where the deceased person had insufficient financial resources. Certain amounts are subtracted from the maximum benefit payable, including life insurance proceeds included in the succession, the amount paid by the Régie des rentes du Québec and amounts paid under a prearranged funeral services contract.

First, you must contact the Régie des rentes du Québec within **60 days** following the death to find out if you are eligible for the death benefit payable under the Québec Pension Plan. If you are not eligible, you have **90 days** from the date of receipt of a notice of refusal from the Régie to apply for the special benefit for funeral expenses granted by the ministère de l'Emploi et de la Solidarité sociale. To apply, complete the *Application for the payment of funeral expenses* form, which you can get from your local employment centre (CLE), and submit it to the CLE along with proof of payment of funeral expenses and the death certificate. You can also download the form from the Ministère's website.

For more information, contact your local employment centre or the ministère de l'Emploi et de la Solidarité sociale.



Website www.mess.gouv.qc.ca Telephone

Throughout Québec: 1 888 643-4721

# **Compensation for road accident victims**

If your spouse (or a dependant) dies as a result of a road accident, you may be entitled to an indemnity. If the deceased did not have any dependants, the parent(s) are entitled to the indemnity or, if the deceased had already lost both parents, the indemnity is included in the succession.

The first step is to call the Société de l'assurance automobile du Québec to have a claim file opened. You can then mail in your claim for compensation, even if some of the required forms or documents are missing. You can submit them later.

You have **three years** from the date of the victim's death to file your claim for compensation. Compensation for funeral expenses may also be paid.



For more information, contact the Société de l'assurance automobile du Ouébec.

Website

www.saaq.gouv.qc.ca

**Telephone** 

For an accident in Québec: 1888810-2525

For an accident outside Québec: 1 800 463-6898 (toll free in Canada

and the United States)

Teletypewriter (TTY): see page 50

# Indemnities in the event of death following an industrial accident or occupational disease

If a family member dies as a result of an industrial accident or occupational disease, you may be entitled to various indemnities paid by the Commission de la santé et de la sécurité du travail. Depending on the circumstances, indemnities are paid as a pension or a lump sum. The Commission de la santé et de la sécurité du travail also reimburses to the payer, on the presentation of vouchers, funeral expenses (up to a set maximum) and the cost of transporting the body. You must file your claim within six months.



For more information, contact the Commission de la santé et de la sécurité du travail.

Website www.csst.qc.ca Telephone

Throughout Québec: 1 866 302-2778

# Compensation in the event of a crime or an act of good citizenship

If a person dies as a result of a crime or while trying to come to the rescue of another person, compensation may be granted to the deceased's dependants. Dependants of the victim or the rescuer include the surviving spouse, the victim's or rescuer's child, who must be under 18 years of age (or over 18 but under 25 and attend an educational institution or be incapacitated) or any person who lives wholly or partially on the victim's or the rescuer's income. In addition, funeral expenses and the cost of transporting the body may be partially reimbursed to the payer.

You must file an application for benefits with the Direction de l'indemnisation des victimes d'actes criminels (IVAC) within **12 months** following the death, using the form provided for that purpose. The form can be obtained from the Direction or downloaded from its website.



For more information, contact the Direction de l'indemnisation des victimes d'actes criminels at the Commission de la santé et de la sécurité du travail.

Website

www.ivac.gc.ca

**Telephone** 

Throughout Québec: 1800561-4822



Assistance services are also provided to help overcome the psychological NOTE consequences of such events. Contact the network of crime victims' assistance centres (CAVAC).

#### Website

www.cavac.qc.ca

**Telephone** 

Throughout Québec: 1866 532-2822

# Indemnities in the event of a hunting or trapping accident

If a family member dies as a result of a hunting or trapping accident, you may be entitled to an indemnity if the deceased was the holder of a hunter's or trapper's certificate and the accident occurred while the person was hunting or trapping.

You must submit your application, along with a photocopy of the death certificate issued by the Directeur de l'état civil, to the ministère du Développement durable, de l'Environnement, de la Faune et des Parcs within 90 days following the hunting or trapping accident. See also "Hunter's or trapper's certificate" in the "Changes, transfers and cancellations" section of this guide.



For more information, contact the ministère du Développement durable, de l'Environnement, de la Faune et des Parcs.

#### Website

www.mddefp.gouv.qc.ca

service.citoyens@mddefp.gouv.qc.ca

#### Telephone

Ouébec area: 418 627-8600

Elsewhere in Ouébec: 1 866 248-6936

# Supplemental pension plans (pension funds)

Many employees participate in a supplemental pension plan, commonly called a pension fund. In the event of death of a close relative, contact the administrator of the fund in question to find out if death benefits are payable. The plan administrator's contact information is usually indicated on the statements the deceased received.

# Death benefits paid by the Commission administrative des régimes de retraite et d'assurances

The Commission administrative des régimes de retraite et d'assurances administers most of the pension plans in which public and parapublic sector employees (employees of the gouvernement du Québec and public bodies) participate. If the deceased was a public or parapublic sector employee, you must contact the Commission.

When a retiree or a participant in one of the plans administered by the Commission administrative des régimes de retraite et d'assurances dies, the deceased's spouse, dependent children or heirs may receive a pension, the total of the deceased's pension contributions, or the actuarial value of the pension, depending on the plan.

Also, public and parapublic sector employees are generally eligible for a basic **life insurance** plan. In fact, most collective agreements make provision for such protection. Upon the death of an eligible employee, the Commission pays the life insurance benefit to the person's heirs.



For more information, contact the Commission administrative des régimes de retraite et d'assurances.

#### Website

www.carra.gouv.qc.ca

**Telephone** 

Québec area: 418 643-4881

Elsewhere in Québec: 1 800 463-5533

# Changes, transfers and cancellations

# Cancellation of the health insurance card in the event of death

If the death occurs in Québec, the funeral director can send the deceased's health insurance card to the Directeur de l'état civil at the same time as the attestation of death. The latter then sends the card to the Régie de l'assurance maladie du Ouébec to be cancelled.

If the health insurance card is not given to the funeral director, it must be returned to the Régie within three months following the death, at the following address:

Régie de l'assurance maladie du Québec Case postale 6600 Québec (Québec) G1K 7T3

Contact the Régie de l'assurance maladie du Québec to notify it of a death that occurred outside Québec.

## **Telephone**

Québec area: 418 646-4636 Montréal area: 514 864-3411

Elsewhere in Ouébec: 1 800 561-9749 Teletypewriter (TTY): see page 50

Before you give the deceased's health insurance card to the funeral direc-**NOTE** tor or return it to the Régie, write down the card number. This information often has to be provided on forms.

# Registration with the Public **Prescription Drug Insurance Plan**

If you were covered by the private drug insurance plan of a person who has died, you must find out if your coverage is affected. Given your new circumstances, you may have to register for the Public Prescription Drug Insurance Plan.



For more information, visit the "Citizens" section of the Régie de l'assurance maladie du Québec website.

### Website

www.ramq.gouv.qc.ca

**Telephone** 

Ouébec area: 418 646-4636 Montréal area: 514 864-3411

Elsewhere in Québec: 1 800 561-9749 Teletypewriter (TTY): see page 50

## Driver's licence

If the deceased had a driver's licence and you are the liquidator of the succession, you must contact the Société de l'assurance automobile du Québec to have the driver's licence cancelled. It may be possible to get a reimbursement of the fees for the full months remaining between the date of death and the expiry date of the driver's licence. If you are eligible for a reimbursement, a cheque made out to the succession will be mailed to you.

To request a reimbursement, you can go to a Société de l'assurance automobile du Québec service outlet in person and provide the following information: the deceased's name, full address, date of birth, driver's licence and the original of the death certificate issued by the Directeur de l'état civil. Write down the number of the driver's licence, as you may need this information for other procedures.

If you are unable to go to a service outlet in person, you can request a reimbursement by mail as long as you provide all of the necessary information and documents. Requests must be mailed to:

Service aux particuliers Société de l'assurance automobile du Québec Case postale 19600 Québec (Québec) G1K 8J6



For more information, contact the Société de l'assurance automobile du Ouébec.

## Website

www.saaq.gouv.qc.ca

**Telephone** 

Québec area: 418 643-7620 Montréal area: 514 873-7620

Elsewhere in Canada and the United States: 1 800 361-7620

Teletypewriter (TTY): see page 50

The addresses of service outlets of the Société and its mandataries are also listed in the Québec government pages of the telephone book.

# **Transfer of vehicle ownership**

If the deceased had a vehicle registered in Québec and you are the liquidator of the succession, transferring ownership of the vehicle to an heir is one of your duties. To make the transfer, you must go to a Société de l'assurance automobile du Québec service outlet with the heir in whose name the vehicle registration is to be transferred. You must submit the *Declaration of Transfer of Ownership following Death*, duly completed and signed, along with the following documents:

- the original of the vehicle owner's death certificate or the proof of death issued by the funeral director;
- the vehicle registration;
- one of the following:
  - the new owner's driver's licence,
  - the original of the new owner's birth certificate issued by the Directeur de l'état civil, indicating the names of the new owner's father and mother,
  - proof of the new owner's identity (e.g. health insurance card).



If you are unable to go to a Société service outlet in person, you can send **NOTE** a representative provided that person submits the *Declaration of Transfer* of Ownership following Death form, which you have signed beforehand. The heir may thus conduct the transaction without you provided you have authorized the transaction on the form.

Where a liquidator of the succession is not named in the deceased's will or the deceased did not leave a will, a representative of the heirs may complete the form and carry out the necessary transactions.

The Declaration of Transfer of Ownership following Death form is available on the Société's website and at its service outlets. The addresses and phone numbers of the service outlets are listed in the Québec government pages of the telephone book.



For more information, contact the Société de l'assurance automobile du Ouébec.

www.saaq.gouv.qc.ca

**Telephone** 

Québec area: 418 643-7620 Montréal area: 514 873-7620

Elsewhere in Canada and the United States: 1 800 361-7620

# Disabled parking permit

If the deceased had a disabled parking permit, you must return the permit to the Société de l'assurance automobile du Québec by mail, with a note saying that the permit holder has died. If the deceased had a valid permit, you must enclose one of the following documents:

- the declaratory judgment of death;
- the death certificate:
- the copy of the *Declaration of Death* form kept by the declarant (green copy):
- the coroner's report:
- a copy of a death-related document issued by the funeral home;
- the death notice published in a newspaper;
- the death notice posted on the Internet;
- the burial certificate:
- any other document issued by a body responsible for recording a death or burying a person.

## Send the permit and document to:

Vignettes de stationnement pour personnes handicapées Société de l'assurance automobile du Québec (ACT 6630) Case postale 19850, succursale Terminus Ouébec (Ouébec) G1K 8Z4

## Loans and Bursaries Program and Loan Program for Part-Time Studies

If the deceased was receiving financial assistance under the Loans and Bursaries Program or the Loans Program for Part-Time Studies, you must report the death to

Aide financière aux études as well as to the financial institution with which the student loan was contracted.

You must submit the duly completed *Declaration of Change – Student* form and the proof of death stipulated on the form to Aide financière aux études. On each of the documents submitted, indicate the deceased's name and his or her permanent code.

You must also notify Aide financière aux études if the deceased had begun paying back his or her student loan.



For more information, contact Aide financière aux études.

Aide financière aux études Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie 1035, rue De La Chevrotière Québec (Québec) G1R 5A5

Website

www.afe.gouv.qc.ca

Telephone

Québec area: 418 643-3750 Montréal area: 514 864-3557

Elsewhere in Québec: 1 877 643-3750

# Social Assistance and Social Solidarity programs

If the deceased was receiving last resort financial assistance, the liquidator of the succession must immediately inform the local employment centre of the person's identity and date of death. The liquidator must also return the cheque for the month following the death to the ministère de l'Emploi et de la Solidarité sociale. If the recipient was living alone, the Ministère will cease paying benefits as soon as it is informed of the recipient's death. If the recipient was part of a family, the benefits will continue to be paid for the three months following the date of death. Where applicable, the Ministère will calculate the new amount of benefits payable.



For more information, contact the ministère de l'Emploi et de la Solidarité sociale.

**Website** www.mess.gouv.qc.ca

Telephone

Throughout Québec: 1888643-4721

## **Québec Parental Insurance Plan**

In the event of death of a person who was receiving maternity, paternity, parental or adoption benefits under the Québec Parental Insurance Plan (QPIP) or of the person's child, you must inform the QPIP's customer service centre, in case the death changes the amount of benefits payable or means that benefits will cease to be paid.



For more information, contact the QPIP's customer service centre.

**Telephone** 

Toll free: 1 888 610-7727

# **Shelter Allowance Program**

In the event of death of a person who was receiving financial assistance under the Shelter Allowance Program, you must notify Revenu Québec and submit proof of death. If the recipient was living alone, the allowance will cease to be paid the month following the death. If the recipient had a spouse who was living in the same dwelling, the spouse will continue to receive the allowance until the end of the fiscal year, unless the spouse requests a review.

For the purposes of the Shelter Allowance Program, the fiscal year begins NOTE on October 1 and ends on September 30 of the following year. Any change in your family status may warrant a new application.

# Tax credit for childcare expenses

You must inform Revenu Québec of the death of a person who was receiving advance payments of the tax credit for childcare expenses or of the person's child. That way, you will avoid having to reimburse payments made after the death. Since the payments are made by direct deposit, they will be cancelled.

# Tax credit for home-support services for seniors

When an older person dies, Revenu Québec stops payments of the tax credit for home-support services (if the person was living alone) or adjusts them (if the person was living in a conjugal relationship). As liquidator of the succession, you must inform Revenu Québec of the date of death of the recipient or the recipient's spouse as soon as possible to prevent an overpayment that will have to be repaid and to ensure that the surviving spouse continues receiving advance payments.

# Solidarity tax credit

If you are the liquidator of the succession of a person who was receiving the solidarity tax credit, you must inform Revenu Québec of the person's death. If the deceased was living alone, the payments will cease the month following the death.

If you receive the solidarity tax credit and your spouse dies, you will have to claim the tax credit again by completing Schedule D of your Québec income tax return and the Request for an Adjustment to an Income Tax Return form (TP-1.R-V). You must indicate your spouse's date of death on form TP-1.R-V.

# Work premium

If you are the liquidator of the succession of a person who was receiving advance payments of the work premium or the adapted work premium, you must notify Revenu Québec of the death as soon as possible.

If you receive one of these premiums and your spouse dies, you must notify Revenu Québec of the death, as the amount of the premium is calculated on the basis of your family situation.



For more information on the Shelter Allowance Program, the tax credit for childcare expenses, the tax credit for home-support services for seniors, the solidarity tax credit or advance payments of the work premium, contact Revenu Québec.

#### Website

www.revenuguebec.ca

### **Telephone**

Québec area: 418 659-6299 Montréal area: 514 864-6299

Elsewhere in Québec: 1 800 267-6299 Teletypewriter (TTY): see page 50

## Regular mail

## Montréal, Laval, Laurentides, Lanaudière and Montérégie

Direction principale des services à la clientèle des particuliers

Revenu Québec

C. P. 3000, succursale Place-Desjardins

Montréal (Québec) H5B 1A4

## **Québec and other regions**

Direction principale des services à la clientèle des particuliers Revenu Québec 3800, rue de Marly Québec (Québec) G1X 4A5

# Support-payment collection program

If the deceased was receiving or making support payments or was the child in respect of whom such support was being paid, you must, as liquidator of the succession, notify Revenu Québec of the death and submit the death certificate and the documents proving you are the liquidator.

Under the support-payment collection program, Revenu Québec may recover amounts due up until the day of death. Moreover, death does not cancel the debtor's obligation of support toward family members in need. See "Obligation of support toward family members" in the "Succession procedures" section of this guide.



For more information, contact

the Direction principale des pensions alimentaires at Revenu Québec.

#### Website

www.revenuquebec.ca

#### **Telephone**

Québec area: 418 652-4413

Elsewhere in Québec: 1 800 488-2323 If you mail the documents, send them to:

you man the docume

#### Québec

Direction principale des pensions alimentaires

Revenu Québec

3800, rue de Marly, secteur 1-1-1

Québec (Québec) G1X 4A5

#### **Montréal**

Direction principale des pensions alimentaires

Revenu Québec

577, boulevard Henri-Bourassa Est, 2e étage

Montréal (Québec) H2C 1E2

# Pensions paid by the Régie des rentes du Québec

If the deceased was receiving a retirement pension, a surviving spouse's pension or a disability pension from the Régie des rentes du Québec and the death occurred in Québec, you do not have to notify the Régie. The Directeur de l'état civil automatically notifies the Régie of deaths that occur in Québec.

If the death occurred outside Québec, however, you must notify the Régie as soon as possible. As a close relative of the deceased, you may be entitled to survivors' benefits. For more information, see "Leave, annuities, pensions and other survivor benefits" on page 29 of this guide.

# Child assistance payment and the supplement for handicapped children

If your spouse or child dies, it could affect the amount of your child assistance payment. The Régie des rentes du Québec determines the amount of the payment on the basis of the family income, conjugal status, the number of dependent children and the number of children in sole or shared custody.

Note that the Directeur de l'état civil automatically notifies the Régie of deaths, so you do not need to do so.



For more information, visit the Régie des rentes du Québec website at **www.rrq.gouv.qc.ca**.

# Pensions from a foreign country

If a person receiving a pension paid by a foreign body dies, you must contact the Bureau des ententes de sécurité sociale at the Régie des rentes du Québec. The Bureau is responsible for the application of social security agreements signed between Québec and certain foreign countries.

If you need to terminate a pension paid by a foreign body that has signed a social security agreement with Québec, you must send the body proof of the beneficiary's death and provide the appropriate reference number.

Depending on your situation, you may be entitled to a surviving spouse's pension, a death benefit or an orphan's pension.



For more information, call the Bureau des ententes de sécurité sociale at the Régie des rentes du Québec at **1 800 565-7878**, ext. **7801**, or **514 866-7332**, ext. **7801**. Special information officers will help you with the steps you need to take.

# Transfer of savings and retirement products offered by Épargne Placements Québec

As liquidator of the succession, you must call Épargne Placements Québec to inform it of the death of a person who owns Québec Savings Bonds or other savings products offered by Épargne Placements Québec. You must provide the original or a certified true copy of the requested documents (will, proof of death, marriage contract containing a testamentary clause or a declaration of heredity, and will search certificates) in order to transfer the deceased's savings products. The documents will allow for the transfer of the funds to the succession, an heir or a legatee by particular title. The original documents will subsequently be returned to you.

A certified true copy is a copy of the original document received from the NOTE notary or from a lawyer, or a copy made by Épargne Placements Québec or a financial institution with the institution's seal on it (or the commissioner of oath's seal), the date the copy was made and the signature of the person who made the copy.



For more information, contact Épargne Placements Québec.

333, Grande Allée Est Ouébec (Ouébec) G1R 5W3

Website

www.epq.gouv.qc.ca

Telephone

Anywhere in Canada and the United States: 1 800 463-5229

# Hunter's or trapper's certificate

If the deceased was the holder of a hunter's or trapper's certificate, you must return the certificate to the Direction des permis et de la tarification at the ministère du Développement durable, de l'Environnement, de la Faune et des Parcs or to one of the Ministère's regional offices. You must attach a photocopy of the death certificate. If the person died as a result of a hunting accident, you may be entitled to an indemnity. See the "Leave, annuities, pensions and other survivor benefits" section of this quide.



For more information, contact the ministère du Développement durable, de l'Environnement, de la Faune et des Parcs.

Service de la réglementation, de la tarification et des permis Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs Édifice Bois-Fontaine, bureau RC 100

880, chemin Sainte-Foy Québec (Québec) G1S 4X4

Website

www.mddefp.gouv.gc.ca

service.citoyens@mddefp.gouv.gc.ca

Telephone

Québec area: 418 521-3888 (Service de la réglementation)

Québec area: 418 627-8600 (general information) Elsewhere in Québec: 1 866 CITOYEN (248-6936)

# List of useful documents for the settlement of a succession

νo	cuments relating to funeral wisnes
	Prearranged funeral services contract and prepurchased burial contract
	Document stating funeral wishes
	Funeral bill and invoice attesting to payment
Leg	gal documents
	Residential lease
	Will search certificates
	Certificate or judgment of adoption
	Marriage, civil union or de facto union contract
	Declaration of heredity
	Declaration of dissolution of a civil union
	Declaration of dative tutorship (tutor to a child under 18 years of age)
	Judgment of divorce or of separation from bed and board
	Support judgment
	Declaratory judgment of death (disappearance of a person)
	Acquittance
	Coroner's report
	Renunciation of a succession
	Renunciation of the family patrimony
	Application for the probate of a will
	Will, codicil
	Titles of ownership (principal residence, secondary residence, rental building land, etc.)
Adı	ministrative documents (cards, permits, licences, certificates)
	Health insurance card (No)
	Social insurance card (No)
	Permanent resident card
	Credit cards
	Debit cards

## WHAT TO DO IN THE EVENT OF DEATH

	Cortificate authorizing the distribution of property (Payany Québec)
	Certificate authorizing the distribution of property (Revenu Québec)
	Group insurance certificate
	Firearm registration certificate
	Vehicle registration
	Certificate of citizenship
	Certificate of competency (construction workers)
	Death certificate, copy of the act of death, attestation of death issued by the Directeur de l'état civil
	Clearance certificate (Canada Revenue Agency)
	Certificate of divorce
	Certificate of location
	Birth certificate (issued after 1994)
	Hunter's or trapper's certificate
	Investment certificates
	Passport (Service Canada)
	Security guard licence (Sûreté du Québec)
	Driver's licence (No)
	Gun permit (Sûreté du Québec)
	Disabled parking permit
	Visa
Fin	ancial documents
	Shares held in a private company and investments
	Statements of remuneration
	Safety deposit box (No., keys)
	Trust account
	Notice of liquidator's final account
	Instalment contract
	Vehicle purchase or lease contract
	Automobile insurance contract
	Mortgage contract
	Warehouse rental contract
	Trust income tax return (Revenu Québec)

## List of useful documents for the settlement of a succession

	Income tax return for the year prior to death (Canada Revenue Agency)
	Income tax return for the year prior to death (Revenu Québec) and supporting documents
	Bills to be paid out of the succession (notary, accountant, etc.)
	Bills from service providers, e-bills, preauthorized payments (phone bill, Internet, Hydro-Québec, etc.)
	Inventory of all belongings
	Bankbooks
	Savings bonds
	Insurance policies (life, home, legal, etc.)
	Appraisal report (jewelry, collections, works of art, etc.)
	Acknowledgement of debts (IOUs) and other debt securities
	Statement of contributions from the Commission administrative des régimes de retraite et d'assurances
	Statement of contributions from the Régie des rentes du Québec
	Statement of school, municipal taxes
	Statement for the account opened at a financial institution for the purposes of the succession (account No)
	Statements of account for registered retirement savings plans (RRSPs) or registered education savings plans (RESPs) and other financial investments
0th	ner documents
	Recent correspondence received from the government

# Checklist in the event of death

When a loved one dies, there are several steps that must be taken. Below is a checklist that covers most of them. Note that the order in which the steps are taken may vary depending on your personal situation, if you are a surviving spouse, the liquidator of the succession or an heir.

NOTE Bearing in mind your particular situation, the list below may not contain all of the steps you must take. The information provided does not constitute legal advice. It is up to you to make sure you fulfil all of your obligations. If in doubt, do not hesitate to consult a legal advisor.

**General information** 

will, identify the successors.

<b>/</b>	
	Select a funeral home and make arrangements for the funeral (check to see if the deceased signed a prearranged funeral services contract).
	Sign the declaration of death in the presence of the funeral director, who will send it to the Directeur de l'état civil.
	Write down the number of the deceased's health insurance card and then give the card to the funeral director (who can then notify the Régie de l'assurance maladie du Québec of the death).
	In the case of a surviving spouse, verify whether this person is still covered by the deceased's health insurance plan or, if not, is eligible for the Public Prescription Drug Insurance Plan.
	Notify your employer of your absence (leave of absence for a death).
	Complete the request for a death certificate or copy of an act of death and then send it to the Directeur de l'état civil (official proof of death is required in order to open the succession). Make several photocopies of all documents received.
	If the death occurred outside Québec, request the insertion of the act of death in the Québec register of civil status (this will facilitate succession-related steps).
	See if you can find a copy of the most recent will in the deceased's personal effects or safety deposit box, request a will search in the Registres des dispositions testamentaires et des mandats, then locate the marriage or civil union contract ("surviving spouse" testamentary clause). If the will was not notarized, have a notary or a court probate the will (application for the probate of a will).
	Appoint the liquidator of the succession or the liquidator's replacement and register the appointment in the register of personal and movable real rights (RDPRM).
	Pay the funeral expenses and keep the receipts.
П	Draw up the list of successors and contact them. If the deceased did not have a

## Checklist in the event of death

	Have the will read in the presence of the heirs or send a copy of the will to the heirs by registered mail.
	Have the deceased's mail forwarded to the liquidator's address.
	tify the following gouvernement du Québec partments and bodies of the death
	Régie de l'assurance maladie du Québec (see p. 36);
	Revenu Québec (see p. 41);
	Régie des rentes du Québec (see p. 31);
	Curateur public du Québec (see p. 25);
	Aide financière aux études (see p. 39);
	Ministère de l'Emploi et de la Solidarité sociale, for the Québec Parental Insurance Plan (see p. 39);
	Ministère de l'Emploi et de la Solidarité sociale, for the Social Assistance and Social Solidarity programs (see p. 39).
App	oly for pensions, annuities and other survivor benefits
	Apply to the Régie des rentes du Québec for survivors benefits: death benefit, surviving spouse's pension, orphan's pension (see p. 29).
	Apply for the pensions, annuities and other survivor benefits paid for deaths stemming from a road accident, an industrial accident or occupational disease, a crime, an act of good citizenship, or a hunting or trapping accident (see p. 32).
	Notify the administrator of the pension plan(s) in which the deceased participated.
	Verify whether the deceased had life insurance and notify the insurance companies of the death (some insurance policies include provisions giving access to legal advice).
	Notify the landlord if the deceased was a tenant (payment of two months' rent, cancellation or modification of the lease).
Cancel cards, permits, licences, certificates, etc.	
	Cancel the deceased's driver's licence, vehicle registration and disabled parking permit and transfer vehicle ownership to an heir or a legatee, as the case may be.
	Transfer savings and retirement products from Épargne Placements Québec, savings bonds, investment certificates, etc.
	Return the hunter's or trapper's certificate, by mail, to the ministère du Développement durable, de l'Environnement, de la Faune et des Parcs.

Notify service providers and financial institutions of the death (current accounts, safety deposit box, credit cards, debit cards) and provide the required proof of death, as the case may be.
Open a bank account for the purposes of liquidating the succession (keep a copy of all correspondence sent and received in relation to the succession).
Collect all of the documents necessary to draw up the inventory of property (salary, pensions, invoices, accounts payable, titles of ownership for immovables or businesses, marriage contract, mortgage certificate, acknowledgement of debts, savings accounts, investment certificates, etc.) and consult the register of unclaimed property maintained by Revenu Québec.
Determine the deceased's obligations, such as accounts payable.
Prepare the liquidator's account comprising the assets and liabilities of the succession.
Accept or refuse the succession if you are a successor. Should you refuse the succession, sign an act before a notary and have the renunciation of the succession or renunciation of the legacy recorded in the register of personal and movable real rights (RDPRM). Certain steps, such as disposing of personal effects or perishable goods, can be carried out before accepting the succession.
File the deceased's Québec income tax return and indicate that the person has died (verify the time limits depending on the date of death and pay any balances owing).
File the trust income tax return, if need be.
Request authorization from Revenu Québec to distribute the property by completing the <i>Notice Before Distribution of the Property of a Succession</i> form.
If the deceased had a legal spouse, settle the matters of family patrimony and matrimonial or civil union regime. In certain cases, the succession may grant a compensatory allowance to the surviving spouse, or support payments if the deceased had an obligation of support towards the former spouse or children.
Prepare the liquidator's final account and submit it to the heirs, register the notice of closure of inventory and the notice of closure of the liquidator's account in the RDPRM, and publish the notice of closure of inventory in a newspaper distributed in the locality of the deceased's last known address. Once the succession has been accepted, distribute the property and money to the heirs. The liquidator is then discharged of his or her administration.
Have a notary transfer ownership of immovables. The notary will draft the acts and make sure the necessary information is entered in the Québec land register.
Notify Service Canada of the death (Old Age Security pension, income tax return, clearance certificate, Canada Child Tax Benefit, social insurance card, passport, firearms permit, etc.).
Close the bank account opened for the purposes of the succession.

# Services for the deaf or the mute

The following numbers are reserved exclusively for deaf or mute persons who use a teletypewriter (TTY).



## Services Québec

Throughout Québec: 1800 361-9596

## Office des personnes handicapées du Québec

Québec area: 418 643-1599 or 1 888 643-1599 Trois-Rivières area: 819 371-6926 or 1 888 371-6926

Montréal area: 514 873-9880

Elsewhere in Québec: 1 800 567-1477

## Régie des rentes du Québec

Throughout Québec: 1800603-3540

## Régie de l'assurance maladie du Québec

Québec area: 418 682-3939

Elsewhere in Ouébec: 1 800 361-3939

#### Revenu Québec

Montréal area: 514 873-4455

Elsewhere in Ouébec: 1 800 361-3795

#### Société de l'assurance automobile du Québec

Montréal area: 514 954-7763

Elsewhere in Québec: 1 800 565-7763

# Gouvernement du Québec portal

For more information on government programs and services, visit the gouvernement du Québec portal at **www.gouv.qc.ca**. You can access the websites of the government departments and agencies mentioned in this guide through the gouvernement du Québec portal, under "Departments and Agencies". You can also speak to a Services Québec employee by calling:

Québec area: 418 644-4545 Montréal area: 514 644-4545

Elsewhere in Ouébec: 1 877 644-4545

# **Useful definitions**

The definitions below are general definitions intended to familiarize you with some of the terms used in this guide. They have no legal value. You must verify with each government department or agency to find out the definitions specific to each program and the eligibility criteria.

#### **Benefit**

A payment made, in particular under a program or plan.

#### **Bequeath**

To give by will in anticipation of death.

## **Burial (sepulture)**

The act of placing a dead person in the ground.

#### **Civil union contract**

A notarized contract concerning the civil union of two persons.

#### Codicil

An addition or a modification to a will after it has been written. The codicil does not invalidate the will.

#### Columbarium

A building with recesses in which funerary urns are placed.

#### **Compensatory allowance**

An amount paid to one of the spouses to compensate for his or her contribution to the enrichment, in property or services, of the other spouse's patrimony.

### Coroner's office

The body that investigates the causes of and circumstances surrounding a death when they are unexplained or questionable.

#### Creditor

A person to whom a sum of money is owed.

## **Creditor of support**

A person to whom support must be paid.

#### Curator

A person who is appointed to administer the property and take care of a person who has been declared incapacitated by the court.

#### **Damage**

The harm caused to a person.

## De facto spouse

A person living in a conjugal relationship with another person without the commitment of marriage or civil union.

### **Embalming**

A series of procedures to improve the appearance and preserve the body of a deceased person for visitation purposes, before it is cremated or buried.

## **Family patrimony**

Certain property provided for by law that is acquired by married or civil union spouses for the usual needs of the family.

### **First cousins**

Cousins, one of whose father or mother is the brother or sister of the other person's father or mother and both of whom share one or two grandparents.

#### **Funeral**

A farewell ceremony in homage to a deceased person.

#### **Funeral rite**

A tradition or rite surrounding death.

#### **Indemnity**

A sum of money serving as compensation for damage sustained.

#### **Inheritance**

All of the property and assets from a succession.

## Legal heir

A person who has a right to an inheritance and accepts it in accordance with the law.

## Legal spouse

A spouse recognized by the *Civil Code* of *Québec* as a result of marriage or a civil union.

## Legatee by particular title

A person to whom money or property is bequeathed by means of a will.

#### Liquidator of a succession

The person designated to administer the succession of a person after the latter's death.

## **Marriage contract**

A notarized contract concerning the marriage of two persons.

## Mausoleum

A large funerary monument where funerary urns are stored.

#### Minor

A person under 18 years of age.

#### **Obligation of support**

A legal obligation to provide for the support and educational needs of the children and spouse by marriage or civil union.

#### **Pension**

The annual income from financial investments or paid under a public or private program or plan.

#### Person of full age

A person 18 years of age or over.

#### Succession

The property and liabilities left by a deceased person, to be distributed as stipulated by law or a will.

#### Successor

A person entitled to inherit who has not yet accepted the succession.

#### Survivor

A person who outlives another person.

#### **Testator**

A person who makes a will.

#### **Tutor to a minor**

A person of full age who is responsible for overseeing the care provided to a minor and the administration of the minor's property.

#### Will

A document by means of which a person bequeaths his or her property and makes known his or her last wishes in the event of death.

# Save!

Apply for a certificate or copy of an act using the DEClic! online service.



DEClic! etatcivil.gouv.qc.ca

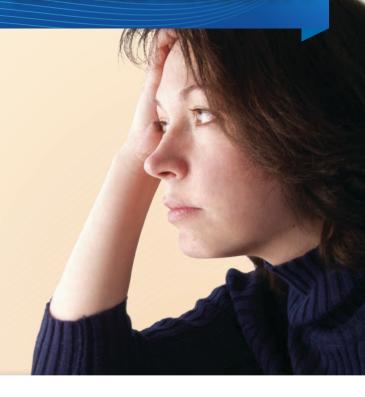
At your service for the important events of your life:

- Birth
- Marriage or civil union
- Death

Directeur de l'état civil Québec 🌞 🤹



# DO YOU HAVE YOUR **QUÉBEC SERVICES ACCOUNT?**



With your Québec Services Account, you obtain a list of personalized steps that you must take with government departments and bodies in the event of a death, and you have direct access to online services.

Simplify your steps.

www.gouv.qc.ca







