



LAW COMMISSION OF ONTARIO  
COMMISSION DU DROIT DE L'ONTARIO

January 22, 2020

The Honourable Doug Downey  
Ministry of the Attorney General  
720 Bay Street  
McMurtry-Scott Building 11<sup>th</sup> Floor  
Toronto ON M7A 2S9

Dear Minister,

**Re: *Estate Act Amendments, Bill 161, the Smarter and Stronger Justice Act.***

On behalf of the Law Commission of Ontario (LCO), I am writing to comment upon the estates administration provisions of *Bill 161, the Smarter and Stronger Justice Act*. These provisions are set out in Schedule 9 of the *Bill*. The LCO will be sending you a second letter that comments upon the *Class Proceedings Act* provisions of the *Bill*.

As you know, the foundation for the proposed estates administration amendments is the LCO's 2015 report, *Simplified Procedures for Small Estates*. The LCO concluded that the cost of Ontario's probate system, including fees and legal assistance, is disproportionately high for some small value estates. Where access to probate is not financially feasible, small estates are effectively shut out the system. These estates may not be administered and estate assets not distributed. The LCO recommended that a much simpler probate process be introduced for estates worth less than \$50,000. We designed a system that would retain the most important protections of probate but would be simple enough for applicants to complete without legal assistance.

*Bill 161's* proposed amendments to the *Estates Act* are generally consistent with our report and recommendations. As a result, the LCO supports the proposed amendments.

The LCO recognizes that the legislative reform for small estates introduced in *Bill 161* will only be fully realized through the regulatory and rule-making process. As a result, the LCO looks forward to this process to ensure that this important reform succeeds.

The LCO would be pleased to discuss these issues further with the Ministry.

The LCO will also be seeking to appear at the *Bill 161* committee hearings to present our analysis.

Sincerely,

A handwritten signature in blue ink that reads "Andrew Pinto". The signature is written in a cursive style with a distinct dot over the 'i' in "Pinto".

Andrew Pinto,  
Chair, LCO

CC Irwin Glasberg, Acting Deputy Attorney General  
Amanda Iarusso, Director of Policy and Legal Affairs, Attorney General  
LCO Small Estates Advisory Group