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Despite the following provisions in the law, if you die without a Will, your family may face an expensive and frustrating process. Also, Dependant's relief provisions may override the following:

**How Your Assets are Divided
if You Die Without a Will in Ontario ("intestate")**

If you live in Ontario and you die without a will,

If you leave...

...your estate will generally be divided as follows :

a spouse only

All will be inherited by your spouse.

a spouse, relative(s) but no children

All will be inherited by your spouse.

a child, children (or grandchildren)
and no spouse

All will be inherited by your child or divided among your children. If a child has died before you, the children of your deceased child (grandchildren or, if they are deceased, great grandchildren) would take the child's share.

a spouse and one child (or
grandchildren)

The first \$200,000 goes to your spouse; the rest of the inheritance is split equally between your spouse and your child. If your child has died before you, the children of your deceased child (grandchildren or, if they are deceased, great grandchildren) would take the child's share.

a spouse and children (or
grandchildren)

The first \$200,000 will go to your spouse; 1/3 of the rest goes to your spouse; 2/3 is divided among your children, subject to a possible equalization claim under provincial legislation.

no spouse or children or
grandchildren

All inheritance goes to the closest next of kin. Next of kin is determined usually in a particular order. First in line to inherit your estate would be your parents. If neither parent survives, then the inheritance would go to your brothers and/or sisters, and the children of already-deceased brothers and sisters would share their parents' share. If none of your brothers or sisters survives, the inheritance goes to your nephews and/or nieces. If no nephews or nieces survive, then the inheritance goes to the closest next of kin. If there is no traceable next of kin, it all goes to the government.

Important Note: Certain provisions in the Family Law Act can alter the application of the above provisions and can sometimes override your wishes even when you do have a Will. The above information is provided for general information purposes only and should not be construed as legal advice.