

# The Public Trustee As The Representative Of A Deceased Person's Estate

## Important Note

Photographs, diplomas, war medals, awards and items of sentimental value are kept for the family whenever possible. Personal items necessary for the comfort of a deceased's children may also be made available.

## Tips

- Respond to requests quickly
- Be prepared to show your birth or baptismal certificate showing your place and date of birth, and your parents' names
- Provide your social insurance number for tax purposes
- Notify the Public Trustee immediately of assets that should be distributed 'as is' to prevent them from being sold
- Refer to the deceased person's name, file number, or both when contacting the Office of the Public Guardian and Trustee
- Be patient – it takes time to properly administer an estate

## Office Of The Public Guardian and Trustee

### Edmonton

4th Floor, Brownlee Building  
10365-97 Street  
Edmonton, AB T5J 3Z8  
Phone: 780-427-2744  
Fax: 780-422-9136

### Calgary

Suite 900  
444 - 7th Avenue SW  
Calgary, AB T2P 0X8  
Phone: 403-297-6541  
Fax: 403-297-2823

## For More Information:

Visit: [www.humanservices.alberta.ca/opgt](http://www.humanservices.alberta.ca/opgt)  
Or, call toll-free: 310-0000, then dial  
780-427-2744 for the Edmonton office, or  
403-297-6541 for the Calgary office

## Office Of The Public Guardian and Trustee

The Public Trustee is appointed by the Alberta Government under the *Public Trustee Act* to protect and manage the financial interests of vulnerable Albertans. The trust administrators, lawyers, taxation officers, auditors and support staff in the Office of the Public Guardian and Trustee act on behalf of people with mental disabilities, administer the estates of deceased persons and protect the property interests of minors.

## When Does The Public Trustee Get Involved?

When no appropriate person or corporation is found to handle the estate, the Public Trustee will be called upon as a last resort. When a minor or a represented adult has an interest in a deceased person's property and financial assets, the Public Trustee may be called upon to be the personal representative of the estate. This happens when there is no Will and the minor or represented adult is the closest next-of-kin in Alberta or when an Executor cannot be found and no adult beneficiaries are found in Alberta.

## Steps Involved In Administering An Estate:

### Assets Are Located

An investigation is conducted to locate and identify assets. Valuables are placed in the Public Trustee's vault or storage. When necessary, insurance is placed on estate property such as a real estate, vehicles, etc.

### Funeral Costs Are Paid

Proceeds of the sale of assets are used to cover funeral costs. If funds are not available, the Public Trustee will apply for funding from other government sources. If the family wishes to arrange a funeral exceeding Public Trustee guidelines, they must pay the additional charges.

### Beneficiaries Are Identified

The Public Trustee needs documents such as birth certificates, marriage certificates and death certificates to identify beneficiaries and to prove the right to inherit.

### Renunciation Documents Are Obtained

To become the personal representative of the estate, the Public Trustee may require a renunciation document from anyone with a prior right to be the personal representative.

### Documents Are Prepared To Obtain A Court Grant

The Public Trustee must make an application to the Court to become the personal representative for the estate. The Public Trustee must show whether the deceased passed away with or without a Will, the property and debts, who will inherit the estate, and how much each person will receive. Beneficiaries who receive a share of the estate will receive a copy of the application to the Court and will be notified if they are receiving a specific bequest.

### Copies Of The Application Are Sent To Dependents

Dependents, or their legal representative, must be notified of the application so they can make a claim for a greater share of the estate if they feel they are not receiving a sufficient amount to meet their needs.

### The Court Issues A Grant

If the application is in order, the Court grants the Public Trustee the power to act as the personal representative of the estate.

### Assets And Liabilities Are Dealt With

The Public Trustee calls in bank accounts, applies for death benefits and redeems investments. Assets such as machinery, vehicles and land are sold unless there is a Will stating they should be distributed. Claims against the deceased under the *Wills and Succession Act - Part 5*, *Matrimonial Property Act*, *Fatal Accidents Act*, or an action for wrongful death are also handled. Legal proceedings or disputes with creditors may delay the distribution of the estate. The Public Trustee will advertise for creditors and claimants and pay legally enforceable debts if sufficient funds are available.

### Income Tax Returns Are Completed

Income tax returns are filed until the estate is distributed. A final income tax clearance certificate will also be required from the Canada Revenue Agency, which could take six months or longer to obtain.

### An Audit Is Completed

The Public Trustee audits each estate to ensure it was administered correctly.

### An Account Is Given To The Beneficiaries

When an estate is ready to be distributed, beneficiaries are provided with an accounting of our administration for review and approval. The Public Trustee must wait for the income tax clearance certificate and all releases to be returned. When these items are received, legal and administration fees are taken and the estate is distributed. If the beneficiaries are not satisfied with the accounting and refuse to provide releases, the matter goes to Court.