WHAT TO DO IN THE EVENT OF DEATH

2023 EDITION

Votre gouvernement

Québec

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This guide, produced by the Gouvernement du Québec, is available in Web or PDF format on the Québec.ca website, by clicking on Family and support for individuals, then on Death. A print version is available at all Services Québec offices, or can be ordered by calling a Services Québec information officer:

Québec region: 418-644-4545
Montréal region: 514-644-4545
Elsewhere in Québec: 1-877-644-4545
Teletypewriter (TTY): 1-800-361-9596
Monday to Friday, 8:00 a.m. to 6:00 p.m.

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The information in this guide was verified in July 2022, but the programs and services mentioned are subject to change at any time.

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FOREWORD

The death of a loved one is a trying experience and there are a number of steps that need to be taken.

What are the required first steps? Are you entitled to survivors' benefits? What are the liquidator's responsibilities? You will find the answers to those questions in this guide, which provides information on what to do when someone dies.

The steps to be taken are presented in the following order:

- First steps that need to be taken
- Steps relating to financial assistance for survivors
- Steps relating to liquidation of the succession

The guide also shows you how to contact government departments and bodies to apply for survivors' benefits, pensions and indemnities. At the end of the guide, you will find a checklist of what to do when someone dies as well as a list of definitions.

Although the guide provides legal information, it does not cover exceptions and does not replace specialized counsel from a notary or lawyer.

We invite you to consult the web version of this guide or download the PDF version that you can find by first clicking on Family and support for individuals, then Death on the **Québec.ca** website.

Services Québec information officers can answer any questions about all Gouvernement du Québec programs and services or help you find the information you are looking for. See the **Need Help?** section on page 64.

We wish to thank our colleagues at the government departments and bodies who helped update this guide.

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PREPARING FOR DEATH

Prearranged funeral services and sepultures

To save loved ones from difficult decisions and reduce the expenses associated with a death, you can enter into a prearranged funeral services contract or a prepurchased sepulture contract while you are alive, in consideration of partial or total payment.

At least 90% of the amount that you pay for the purchase of the contract is kept in a trust account. Amounts are protected and can be recovered should an establishment close or go bankrupt before the services are rendered.

A prearranged funeral services contract covers all of the goods and services provided in connection with a death, such as embalming, viewing of the body, cremation, burial, transportation, coffin or urn and the ceremony. A prepurchased sepulture contract covers the purchase of a lot, plot, compartment or other space in a cemetery, columbarium, mausoleum or any other place used for the same purposes. Maintenance services for such a space are also included. Prearranged funeral services and sepultures must be the subject of two separate contracts made in writing.

Sellers of prearranged funeral services contracts and prepurchased sepulture contracts must abide by certain rules, including

- abstaining from soliciting business by telephone or in hospitals, seniors' residences, reception centres and similar institutions, unless an individual personally requests such solicitation;
- abstaining from soliciting any person who is ill, or the person's family or relatives, or a person who is bereaved;
- placing at the disposal of the public, at all times and in each of their establishments, a list of the current prices of all the goods and services offered by the seller.

In addition, only holders of a funeral services business licence issued by the Minister of Health and Social Services are authorized to negotiate or make prearranged funeral services contracts.

The seller must give you a copy of each contract after it is signed. In accordance with the *Act respecting arrangements for funeral services and sepultures*, the seller must also transmit a copy of each contract to a third person of your choosing within **10 days** after the contract is signed. This will ensure that at least one person close to you is aware of the arrangements you have

made. If you do not wish for a third person to receive a copy, you must sign a waiver to this effect in your contract.

Lastly, the cancellation conditions of prearranged funeral services and pre-purchased sepulture contracts may vary, depending on the nature of the contract and whether the contract was made at the seller's place of business or elsewhere.

THE REGISTER OF PREARRANGED FUNERAL SERVICES CONTRACTS

When a loved one dies, an important question is whether the person made funeral arrangements while they were alive. The Registre des contrats d'arrangements préalables de services funéraires (in French only) could tell you that such a contract exists. Persons, including religious cemetery operators, who sell funeral or burial goods or services are required to consult the register and give you proof of consultation before entering into a contract during a person's lifetime or after their death. You may also request proof of consultation of the register, without necessarily entering into a contract, by justifying your connection and a legitimate interest in carrying out this verification for the person concerned.

The register serves to verify whether other contracts have already been entered into concerning the person for whom the goods or funeral services are intended. This information ensures that the deceased's last wishes are respected and saves the deceased's loved ones expenses for arrangements that have already been made.

For more information on prearranged funeral services contracts or the register, visit the section dedicated to consumers on the website of the Office de la protection du consommateur (**opc.gouv.qc.ca**).

Note

The Registre des contrats d'arrangements préalables de services funéraires was established on January 18, 2021. The registration of contracts concluded before that date is done progressively. All existing contracts should be entered no later than July 18, 2023.

Website
opc.gouv.qc.ca

Advance medical directives

Advance medical directives are written instructions in which a person indicates in advance the medical care that they accept or refuse to receive in the event that they become unfit to consent to care in **specific clinical situations**. Only a person who has reached the age of majority and is able to consent to care can express their anticipated medical instructions.

Your decisions can be registered in the Registre des directives médicales anticipées administered by the Régie de l'assurance maladie du Québec (RAMQ), or in your medical record if you make a request to your doctor or a health care professional. You can also entrust your instructions to your loved ones or even your notary, who can notify the RAMQ on your behalf.

To notify the RAMQ of your advance medical directives, download and print the *Advance Medical Directives in Case of Incapacity to Give Consent to Care* form from the home page of the RAMQ website (**ramq.gouv.qc.ca**), in the section **What do you want to do? / Issue my directives in case of incapacity**. Complete the form, sign it in the presence of two witnesses aged 18 or over and then mail it to the RAMQ.

At any time, it is possible to modify and revoke the wishes expressed in those advance medical directives.

For information on the procedure for giving advance medical directives, contact Services Québec.

Mail
Régie de l'assurance maladie du Québec
Case postale 16000
Québec (Québec) G1K 9A2

Website
Québec.ca (Contact us section)

Telephone
Québec region: 418-644-4545
Montréal region: 514-644-4545
Elsewhere in Québec: 1-877-644-4545
Teletypewriter (TTY): 1-800-361-9596
Monday to Friday, 8:00 a.m. to 6:00 p.m.

See also the **Health system and services** section under **Health** at **Québec.ca**.

Organ and tissue donation

If you want to donate organs or tissue when you die, it is important to inform your next of kin. Organ and tissue donation is a generous act that can save the lives of several people and help others regain their health.

Various organizations work together to ensure that authorized health professionals have access to the official list of people entered in the registers of consent to organ and tissue donation administered by the Régie de l'assurance maladie du Québec (RAMQ) and the Chambre des notaires du Québec.

You can give your consent to organ and tissue donation in any of the following ways:

- Sign the RAMQ's *Consent to Organ and Tissue Donation* form in hard copy. This form is sent with your health insurance card renewal notice if you are not already registered. You can also download the form from the home page of the RAMQ website (**ramq.gouv.qc.ca**), in the section **What do you want to do? / Make my consent to organ and tissue donation official**.
- Sign the consent sticker included with the health insurance card renewal notice and affix it to the back of your card in the space provided at the bottom.
- Ask your notary to enter your consent or refusal in the Consent Registry for Organ and Tissue Donations of the Chambre des notaires du Québec.

You can revoke your consent at any time. To do so, you must contact the RAMQ to obtain the form Revocation of Consent to Organ and Tissue Donation.

For more information, contact any of the following organizations:

SERVICES QUÉBEC
Telephone
Québec region: 418-644-4545
Montréal region: 514-644-4545
Elsewhere in Québec: 1-877-644-4545
Teletypewriter (TTY): 1-800-361-9596
Monday to Friday, 8:00 a.m. to 6:00 p.m.

TRANSPLANT QUÉBEC (ORGAN DONATION)
Website
transplantquebec.ca
(Contact us section)

Telephone
Anywhere in Québec: 1-855-373-1414

HÉMA-QUÉBEC (TISSUE DONATION)
Website
hema-quebec.qc.ca
(Contact us section)

Telephone
1-888-666-4362

RÉGIE DE L'ASSURANCE MALADIE DU QUÉBEC

Website
ramq.gouv.qc.ca (Contact us section)

Telephone
Québec region: 418-646-4636
Montréal region: 514-864-3411
Elsewhere in Québec: 1-800-561-9749

CHAMBRE DES NOTAIRES

Mail
Bureau 101
2045, rue Stanley
Montréal (Québec) H3A 2V4

Website
cnq.org (Contact us section)

Telephone
Montréal region: 514-879-1793
Elsewhere in Québec: 1-800-263-1793

Whole body donation to science

Under certain conditions, a person can decide to donate their body to an educational institution so that when they die, it may be used for education or research. In Québec, five educational institutions are authorized to receive bodies for education or research:

Université Laval, McGill University, Université de Sherbrooke, Université du Québec à Trois-Rivières, and Collège de Rosemont.

If you wish to donate your body to science, fill out a donor card, sign it and have two witnesses aged 18 or over countersign it. Keep your donor card in your wallet with your ID cards (e.g., health insurance card, driver's licence).

If a person who has donated their body to science dies, you must inform the hospital personnel. They will determine whether the body meets the acceptance criteria set by the educational institutions. For example, the body must not have undergone an autopsy.

The educational institution can keep the donor's body for a period ranging from a few months to four years. Afterwards, the body or the ashes are buried in a private cemetery plot at the educational institution's expense. If the donor's next of kin want to recover the donor's ashes once the study period is completed, they must reach an agreement with the educational institution in the days following the death. In this case, the cost may be borne by the family. Several institutions organize an annual memorial service, in which donors' next of kin are invited to take part.

For more information on donating your body to science, in particular the acceptance criteria, contact Services Québec.

Website
Québec.ca (Contact us section)

Telephone
Québec region: 418-644-4545
Montréal region: 514-644-4545
Elsewhere in Québec: 1-877-644-4545
Teletypewriter (TTY): 1-800-361-9596
Monday to Friday, 8:00 a.m. to 6:00 p.m.

See also the **Health** section at **Québec.ca**.

Power of attorney, mandates, etc.

The death of a person puts an end to all mandates given, whether they be a protection mandate (formerly known as a "mandate in case of incapacity") or any other type of mandate, such as a power of attorney. It also terminates their protective regime if they were under tutorship.

A Power of attorney, whether for banking or other purposes, can no longer be used after the person for whom you have power of attorney dies.

Changes in the measures to protect individuals took effect on November 1, 2022. For up-to-date information on those measures, you can consult the website at **Québec.ca/betterprotection**.

Wills

CONDITIONS FOR MAKING A WILL

To make a will, you must be at least 18 years old, legally capable and able to give informed consent.

However, a person under 18 years of age can make a will to bequeath property of little value. The court can determine the validity of wills made by a person under tutorship. A person's ability to express their last wishes is assessed at the time the will is made. The person must be free from any pressure, coercion or threats. Furthermore, the fact that a person must receive assistance from an advisor does not prevent that person from writing a will.

In Québec, individuals are responsible for making their own will. A couple, for instance, may not make a joint will. However, a "surviving spouse" clause in a marriage or civil union contract has much the same effect as a notarial will.

Before drawing up your will, you must make a written inventory of

- your property (house, cottage, savings bonds, insurance policy, bank account, etc.)
- your debts (mortgages, loans or other debts)

If the inventory is complete, up to date and dated, it will be very useful to the people who will have to settle your succession. Such an inventory, could also be useful to the person having to administrate your property, should you become incapacitated.

You can also leave information (in a sealed envelope) about your electronic identifiers and passwords to help the liquidator in charge of your succession.

The Chambre des notaires du Québec makes forms available to help you draw up your inventory. They are available on the website of the Chambre des notaires, at **cnq.org**, under the section **The Chambre and your protection** by clicking on The Chambre's Services then Patrimony: your 360 Guide.

You should consult a financial advisor or a tax professional if

- you own property of a certain value
- you have a second home or a business or hold shares in a company
- some of the people you want to leave your property to have special needs
- you believe the transfer of certain property will have some tax implications—such as income tax payable further to the transfer of a registered retirement savings plan (RRSP).

You can draw up your will with the help or advice of a legal adviser. It is advisable to do so, especially if you think the settlement of your succession will be complicated because of, for example, by reason of

- the significant value of the property bequeathed
- your desire to protect young children or a person who has a disability limiting their ability to manage their property

- a family dispute
- the international character of the succession, or
- any other reason

Furthermore, if you have reason to believe that your will could be contested, we suggest you consult a notary and to have your will notarized.

You can include your last wishes in your will. In other words, you can specify

- how your body is to be disposed of after your death (whether you want to be buried or cremated)
- your funeral arrangements

However, since your will is usually read after your funeral, you should also record your last wishes in a document that your loved ones can read immediately after your death. You can discuss this with them to inform them of your intentions and that you have made prior arrangements. Please note that you can make funeral arrangements or purchase sepultures during your lifetime.

A will is an official document that enables you to choose your legatees by particular title and heirs and the way in which your property will be partitioned among them when you die. If you do not have a will, or other testamentary provisions, your property will be partitioned among your legal heirs, usually your spouse, the person with whom you are married or in a civil union (but not a de facto spouse), your children and your close relatives. In the absence of a will, your legal heirs and the partitioning of your property will be determined in accordance with the *Civil Code of Québec*.

You can also indicate in your will the name(s) of the liquidator(s) of your succession and the mode of replacement if the liquidator is unable to assume the office. In addition, you can provide for remuneration of the liquidator as well as reimbursement of reasonable expenses incurred for fulfilling the office of liquidator.

In preparing for death, you can designate a person to be the tutor to your child if the child is under 18 years of age. For more information, see Tutor to a minor in this section.

TYPES OF WILLS

Writing a will is not an obligation, but it is preferable to do so in order to express your last wishes and to plan the settlement of your succession. You have the choice of making your will in one of the following three forms: a notarized will, a holograph will, that is, a will entirely **written by hand and signed by you**, or a will before witnesses. Be aware that audio or video recordings of wills have no legal value.

Each type of will has its own requirements and procedures. As a testator, you must comply with the validity requirements of the chosen type, otherwise your will may be declared invalid. However, a will that does not meet the requirements of one type may be recognized as another type. Example: A will which is intended to be witnessed, but which is not signed by two witnesses, can still be recognized as a holographic will if it is entirely written and signed by you.

A will allows you to appoint one or more liquidators who will be responsible for settling your succession, to give them greater powers than those otherwise provided for by law, to appoint a guardian for your minor children and to provide for certain protective clauses for your heirs (e.g., exemption from seizure of property received).

You can amend your will, or replace it entirely, as often as you want, so that it reflects your last wishes. For example, you may wish to amend your will following a separation or a divorce. Only your most recent will be implemented after it has been deemed valid. You can also add or make changes to clauses in your will in a separate document of a testamentary nature. For such an amendment, called a "codicil", to be considered valid, it must respect the same conditions as the will. For example, a holographic codicil that modifies or supplements the execution of a notarial will.

In all cases, such an amendment made to the will must be done with care so as not to create problems of interpretation by revoking parts of the previous will. It is generally preferable to redo the will rather than amend it.

After your death, if your will and codicil, if any, were not made before a notary, they must be probated. This formality must be completed by a notary or by the court. The succession will then be responsible for the cost. For the procedure, see Probate of a will in the **Steps Before Settling the Succession** section of this guide.

NOTARIAL WILL

A notarial will is drawn up by a notary and is made in the presence of a witness often provided by the notary. A second witness is required in some cases (for example, if the testator is blind).

Your will must indicate the date and place where it was made. Once the will has been prepared, it is read to you by the notary, so that you are sure it reflects your wishes. If you wish, it may be read in the presence of the witness. Once the will has been read, you must nevertheless declare in the presence of the witness that the will reflects your last wishes. It must be signed by you, the notary and the witness, in each other's presence.

By making a notarized will, you benefit from the advice of a legal professional. The latter can help you avoid mistakes that could create difficulties for your heirs. They can also advise you on how to optimize your succession (especially with regards to taxes) and adequately protect your heirs.

It is also difficult to challenge a notarial will because the notary

- ensures your identity, capacity and free and informed consent
- makes sure the will is valid and meets the conditions imposed by law

In addition, the notary will keep the original of the will, so there is no risk that you will lose it and your heirs will be sure of finding it when you die. The notary is obliged to enter a reference to each notarial will received in the Register of testamentary dispositions of the Chambre des notaires du Québec.

Lastly, when you die, a notarial will takes effect immediately and does not have to be probated, thereby saving your heirs costs, procedures and delays.

There is no legal obligation to read a notarial will to the heirs after the testator's death. However, doing so has many advantages because the notary can answer the heirs' questions and explain the liquidator's duties. This is why many wills contain a clause for reading the will.

WILL MADE IN THE PRESENCE OF WITNESSES

A will made in the presence of witnesses is a document that you can draw up yourself. You can write it by hand or use a typewriter or computer. The witness

cannot, however, be one of your legatees, since that person must be disinterested in the benefits that the will may bring. If the will is prepared by someone else, or using a computer, you and your witnesses must sign or initial each page of the act that is not signed.

In all cases, you must declare, in the presence of two capable witnesses aged 18 or over, that the document is your will, and you must then sign it. You may also ask another person to sign it for you, in your presence and following your instructions. After you have signed the will, the witnesses must also sign and initial each page of the will in your presence. You are not required to disclose the content of your will to witnesses. It is important to note that a bequest made to the witness, even in excess, has no effect, but leaves the other provisions of the will in place. Thus, your witnesses should have no interest in your will.

A will prepared and drafted by a lawyer is deemed to be a will made in the presence of witnesses. Therefore, even if the lawyer has entered it in the Registre des dispositions testamentaires et des mandats de protection of the Barreau du Québec, it has to be probated after your death.

HOLOGRAPH WILL

A holograph will is the simplest form of will. It costs nothing and may contain only a few lines. A holograph will is only valid if you write it by hand and sign it yourself. You cannot use a typewriter, computer or a form. In addition, no witnesses are required for this type of will.

It is preferable to date a holograph will. That way, if you have made several wills, it will be easier to determine which is the most recent.

Note

As a precaution, it is best to make sure that someone you trust knows the place where you keep your holograph will or your will signed in the presence of witnesses. You can also entrust your will to a notary or lawyer, who will register it in the Register of testamentary dispositions of the Chambre des notaires or in the Registers of wills and mandates of the Barreau du Québec, respectively. The registration is done at your expense and will enable your next of kin to be informed of the existence of this will following your death as part of a will search.

Subsequently, they must have your holograph will or will signed before witnesses verified by a notary or by the court.

It is best to destroy your revoked wills.

For more information on wills or to obtain a sample of a will before witnesses, consult the brochure **My Will** (in French only).

"SURVIVING SPOUSE" CLAUSE IN A MARRIAGE OR CIVIL UNION CONTRACT

Some marriage or civil union contracts contain provisions in the event of death, which are known as "*gifts mortis causa*". A clause can provide for the transfer of specific property or all of the property of a person to the person's spouse upon death. For example, a "surviving spouse" clause, as it is commonly called, stipulates that the surviving spouse inherits the entirety of the property of the spouse that has died. This clause has the same legal value as a notarized will.

In the case of a marriage contract signed after July 1, 1970, or a civil union contract, consultation of the Register of Personal and Movable Real Rights (RDPRM) in the name of the spouses will make it possible to find the reference to the marriage contract or the gifts between spouses, if applicable.

For more information, contact a notary, a lawyer or the Ministère de la Justice.

Website
justice.gouv.qc.ca (Contact us section)
rdprm.gouv.qc.ca (Contact us section)

Telephone
Québec region: 418-643-5140
Elsewhere in Québec: 1-866-536-5140

Deposit account held with a spouse or former spouse

If you have a demand deposit account (for example, a chequing or savings account) with a spouse or ex-spouse, you can declare in writing to your financial institution the share of the balance that would accrue to each of you if the other dies. If you do not make such a declaration, this share is automatically set at 50% for both of you. After the death of one of the joint account holders, the financial institution must give the surviving joint holder and the liquidator of the deceased joint holder's estate their respective shares upon request. The surviving spouse or former spouse will thus have access to the funds.

Tutor to a minor

If you are the parent of a child under 18 years of age, you are automatically the child's legal tutor. As a preventive measure, you may designate a person who will become the tutor to your minor child in the following situations:

- You and the child's other parent die at the same time.
- The other parent is unable to assume the child's tutorship upon your death.
- The other parent is already deceased when you die.

Designating a tutor can be done three ways: by naming the person in your will, by naming the person in your protection mandate or by filling out the Declaration of Dative Tutorship form, available at **Tutorship to the property of a minor: Curateur public tools and forms**.

The parents of a child under 18 years of age may designate an extended family member to whom may be delegated or with whom may be shared the offices of legal tutor and person having parental authority where it is impossible for one or both of the parents to fully assume those offices. Such a person is called a suppletive tutor.

As a rule, a tutor to a minor is responsible for assuming parental authority for the child, that is, ensuring the child's protection, seeing to the child's education and well-being, administering the child's patrimony and exercising the child's civil rights until the child turns 18.

For more information, contact the Curateur public du Québec.

Mail or in person
500, rue Sherbrooke Ouest, bureau 1832
Montréal (Québec) H3A 0J2

Website
Québec.ca
(Curateur public contact details section)

Telephone
Montréal region: 514-873-4074
Elsewhere in Québec (toll free):
1-844-LECURATEUR (532-8728)

FIRST STEPS WHEN SOMEONE DIES

Declaration of death

Every death that occurs in Québec must be declared to the Directeur de l'état civil. The Directeur de l'état civil draws up an act of death and enters the death in the Québec register of civil status.

The Directeur de l'état civil draws up the act of death using

- the *Attestation of Death* form, which is normally completed by the physician or nurse who attests the death
- the *Declaration of Death* form, which is completed by the declarant of the death (for example, the spouse or a close relative of the deceased) and the funeral services business, if there is one. To make a declaration, a French-language form or an English-language form can be used.

The funeral services business can then transmit to the Directeur de l'état civil through an online service

- the forms *Declaration of Death and Application for the Simplified Forwarding of Information Relative to the Death*;
- applications for a death certificate or a copy of an act of death on behalf of the deceased's family as well as track the application on the family's behalf.

Simplified forwarding of information relative to the death

When helping you complete the *Declaration of Death* form, the representative of the funeral services business will recommend that you fill out the form entitled *Application for the Simplified Forwarding of Information Relative to the Death*.

This form allows the Directeur de l'état civil to notify several government departments and bodies of a person's death in one step. That way, you will not have to provide those departments and bodies with a death certificate as proof of death.

The Directeur de l'état civil automatically notifies the following government departments and bodies of deaths that occur in Québec:

- Régie de l'assurance maladie du Québec;
- Retraite Québec (with respect to the Québec Pension Plan and the Family Allowance);
- Ministère de l'Emploi et de la Solidarité sociale (with respect to the Social Assistance Program and Social Solidarity Program);

- Revenu Québec (with respect to the benefits given under the Taxation Act);
- Canada Revenue Agency;
- Service Canada (with respect to updating the Social Insurance Register [social insurance number]).

In addition to the above-mentioned departments, the following departments and bodies can also be notified of deaths if an *Application for the Simplified Forwarding of Information Relative to the Death* form is completed:

- Retraite Québec (with respect to public sector pension plans: RREGOP, RRPE or other);
- Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST);
- Sûreté du Québec – Bureau du contrôleur des armes à feu et des explosifs;
- Curateur public du Québec;
- Ministère de la Santé et des Services sociaux – Direction des affaires autochtones;
- Ministère de la Sécurité publique – Service d'immatriculation des armes à feu du Québec (SIAF);
- Ministère de l'Emploi et de la Solidarité sociale (with respect to the Québec Parental Insurance Plan);
- Régie du bâtiment du Québec;
- Indigenous Services Canada;
- Société de l'assurance automobile du Québec.

Health insurance card and prescription drug insurance plan

You can give the deceased's health insurance card to the representative of the funeral services business. Don't forget to write down the card number, though, as you may need it for other steps. The funeral services business will send it to the Régie de l'assurance maladie du Québec (RAMQ) for you. The RAMQ will cancel the registration of the deceased person in the health insurance plan and, if applicable, in the public prescription drug insurance plan. The RAMQ will also be notified by the Directeur de l'état civil if you have completed the Application for the Simplified Forwarding of Information Relative to the Death form.

If you had prescription drug insurance coverage under the deceased's private plan, you may no longer be covered. Due to the change of circumstances, you may be eligible for the Public Prescription Drug Insurance Plan. To check whether you need to be covered by a private plan or the public plan, as well as the steps you need to take, answer the questionnaire on the home page of the RAMQ website (**ramq.gouv.qc.ca**), in the section **What do you want to do? Register with the Public Prescription Drug Insurance Plan or deregister**.

Note

If the deceased's health insurance card was not given to the funeral services business, it must be returned to the RAMQ within three months after the death, at the following address:

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

For more information, contact the RAMQ.

Website
ramq.gouv.qc.ca (Contact us section)

Telephone
Québec region: 418-646-4636
Montréal region: 514-864-3411
Elsewhere in Québec: 1-800-561-9749

Unused medications

It is important to properly dispose of unused or expired medicines. If the deceased had any medications, take them to a pharmacy. The pharmacist will take them back and dispose of them properly.

For more information, contact the Ordre des pharmaciens du Québec.

Website
www.opq.org (Contact us section)

Telephone
514 284-9588
1-800-363-0324 (toll-free)

Mail:
266, rue Notre-Dame Ouest, bureau 301
Montréal (QC) H2Y 1T6

Leave related to a death

When an employee dies, you may have to notify the employer. This formality will also make it possible to establish an initial communication with the people who will be responsible for the arrangements relating to the employee's life insurance or benefits provided in the event of death.

As an employee, you may be entitled to leave due to a death. You must notify your employer of your absence as soon as possible.

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

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

Under the same circumstances, if you are employed in the clothing industry, you may be absent from work for

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

LEAVE RELATED TO SPECIAL CIRCUMSTANCES

If you are an employee, you may be absent from work, without pay, for a period of not more than 104 weeks

- if your minor child (under 18) dies, regardless of the circumstances of the death;
- if your minor child has disappeared or if your spouse, one of your parents or child aged 18 or over commits suicide;
- if your spouse or child aged 18 or over dies during or as a direct result of a criminal offence.

For information on the compensation that may be payable to you, see the headings Compensation in the event of death due to a criminal offence and Compensation in the event of death due to an act of good citizenship on pages 32 and 33.

If your employment conditions 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 to your situation.

For more information, contact the Commission des normes, de l'équité, de la santé et de la sécurité du travail.

Website
cnesst.gouv.qc.ca (Contact us section)

Telephone
Anywhere in Québec: 1-844-838-0808

Official proof of death

Following the registration of a death in the register of civil status of Québec, a death certificate or a copy of an act of death may be requested once the death has been entered in the Québec register of civil status. The certificate and the copy of the act are drawn up in accordance with the information contained in the original act held in the register, in accordance with the spelling used in it, and not in accordance with the information provided in the application form for the certificate or copy of the act. In addition, they are written in the language in which the event was recorded. Since June 1, 2022, all civil status acts are drawn up in French in the civil status register in accordance with the *Act respecting French, the official and common language of Québec*. Only civil status documents issued by the Directeur de l'état civil are legally recognized as proof of death and allow the liquidator of the succession, among others, to complete various formalities related to settling the succession.

Only individuals who are named in the act of death or who justify their interest may request a death certificate or a copy of the act of death. They are, for example,

- the liquidator of the succession
- the parents of the deceased
- the children of the deceased
- the brothers and sisters of the deceased
- the deceased's spouse to whom they were united by marriage or civil union
- the declarant of the death
- the funeral services business or its authorized representative

DEATH CERTIFICATE

A death certificate is a document issued by the Directeur de l'état civil which contains the main information appearing on the act of death, namely, the deceased's name, date of birth, date and place of death, as well as the registration number and date of issue of the death certificate.

COPY OF AN ACT OF DEATH

The copy of an act of death is a document issued by the Directeur de l'état civil which fully reproduces all the information contained in the act from which the copy is generated. It also mentions the registration number of the act as well as the date on which the copy of the act was issued. Information may be missing if the event occurred before 1994.

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

There are a number of ways to apply for a death certificate or copy of an act of death. If the representative of the funeral services business completes the Declaration of Death form and sends it to the Directeur de l'état civil using the online service reserved for funeral services businesses, the representative can also use the service to request a death certificate or a copy of the act of death on your behalf.

ONLINE

You can apply for a death certificate or copy of an act of death online using the DE*Clic*! service on the Directeur de l'état civil website at **etatcivil.gouv.qc.ca**. You must have a clicSÉQUR government issued user ID to use this online service.

BY MAIL

Complete the *Application for a Certificate or Copy of an Act – Death* form, available in dynamic PDF format on the Directeur de l'état civil website. You can also obtain a paper form at a Services Québec office.

IN PERSON

AT A SERVICE COUNTER

You can complete and submit your application for a death certificate or copy of an act of death form in person along with your payment at a Services Québec office.

DE*Clic!* COMPTOIR

The DE*Clic!* Comptoir service is available at Services Québec offices that provide Directeur de l'état civil services. If you need assistance, you can ask an attendant to help you complete the *Application for a Certificate or Copy of an Act – Death* form online.

Remember to take valid photo ID with you, as well as proof of your home address. To find the address of a Service Québec office that offers the services of the Directeur de l'état civil closest to you, go to Québec.ca, in the Contact us section, or call Services Québec, at **1-877-644-4545**. You can also visit the Directeur de l'état civil website, at **etatcivil.gouv.qc.ca**.

PROCESSING TIME

In order for civil status documents to be issued, the death must first have been entered in the Québec register of civil status. Once the application for documents has been submitted, you can expect to receive the documents in about **10 business days** if you request normal processing or **3 business days** if you request accelerated processing, in which case, you will have to pay an additional fee.

Processing times may be longer in certain cases; for example, if your application is incomplete or the death occurred recently and has not yet been entered in the Québec register of civil status, in which case, you should add the time needed to enter the death in the register. If the information entered in the Attestation of Death and Declaration of Death forms is complete and exact, add 30-40 business days to the processing time.

To check the processing status of an application submitted online using the DEClic! service, you need to provide the application number of your *Application for a Certificate or Copy of an Act*.

Access to funds in a deposit account held with a spouse or former spouse

If the deceased held a demand deposit account (for example, a chequing or savings account) with a spouse or former spouse, the spouse or former spouse may contact the financial institution to access his or her share of the account balance for cash. By default, this share is 50%, unless a written declaration made to the financial institution, during the lifetime of both co-holders, provides for a different division of funds.

Prearranged funeral services and prepurchased sepulture contracts

An important step following the death of a loved one consists in organizing the funeral. First, though, you must check to see whether the person made funeral arrangements while they were alive. An indication of the existence of such arrangements will be entered in the Registre des contrats d'arrangements préalables de services funéraires. For more information, see The register of prearranged funeral services contracts on page 2.

Furthermore, funeral services sellers must make available to the public an up-to-date list of the price of each item of goods and each service that the seller offers. Contracts entered into after death must include all of the information provided for by the *Act respecting arrangements for funeral services and sepultures*. For details on this type of contract, visit the Office de la protection du consommateur website (**opc.gouv.qc.ca**).

Payment of funeral expenses

The funeral services business will give you a receipt for the funeral expenses paid. Keep the receipt as proof of payment. If the deceased made sufficient contributions to the Québec Pension Plan, you may be entitled to a reimbursement of funeral expenses, subject to the terms and conditions of the plan administered by Retraite Québec. To find out how to contact Retraite Québec, see the **Financial Assistance Granted to Survivors** section on page 25.

DEATH BENEFIT

The death benefit granted under the Québec Pension Plan is a lump-sum payment for a maximum of **$2,500**. Within 60 days of the date of death, it is paid as a priority to the person who paid the funeral expenses upon presentation of an application and proof of payment of the valid funeral expenses. After the 60-day period, it may be paid to the person who first requests it, whether it be a funeral payer, an heir, the liquidator of the succession or, failing that, another person. The application must be filed no later than five years after the date of death. As the death benefit is taxable, an income tax slip will be issued in the name of the person claiming it or the name of the succession.

ADMISSIBLE FUNERAL EXPENSES

The person who paid the funeral expenses may be reimbursed, by way of the death benefit, for expenses relating to the care of the body and the funeral, up to a maximum of **$2,500**, upon presentation of supporting documents.

The following is a non-exhaustive list of accepted expenses:

- Transport, storage and conservation of the body
- Embalming of the body
- Coffin, urn, funeral jewellery, reliquaries, tree of life
- Exhibit at the funeral home
- Funeral service, burial, incineration, aquamation
- The services of the funeral director, including the publication of death notices
- Cemetery lot, niche and funeral fire (in proportion to the expenses incurred for the deceased; for example, Retraite Québec could recognize **$2,000** in funeral expenses for an **$8,000** lot paid for 4 people)
- Funeral monument (or inscription) (in proportion to the expenses incurred for the deceased; for example, Retraite Québec could recognize **$2,000** in funeral expenses for an **$8,000** monument paid for 4 people)
- Thank you cards, funeral bookmarks
- Taxes related to eligible expenses

The following expenses are not reimbursed:

- purchase of flowers
- costs related to the reception following the funeral (room rental, catering, etc.)

PREARRANGED FUNERAL SERVICES

Expenses related to a funeral arrangement contract previously paid by the deceased **are not eligible** and cannot be reimbursed with the death benefit. In this case, Retraite Québec will pay a Québec Pension Plan death benefit to the heirs if they so request (see Benefits paid under Québec Pension Plans on page 26 of this guide). On the other hand, if a relative had paid the costs associated with a prior funeral arrangement contract for the deceased, these costs may be eligible.

Eligible expenses not provided for in the contract may be incurred after death. In this case, the person who paid the **additional fees** may request reimbursement up to the amount of the fee or up to a maximum of **$2,500**.

Example

John entered into a prearranged funeral services contract. At his death, his daughter Mary pays **$1,500** in funeral expenses not covered by the contract (funeral celebrant's services, thank-you cards, etc.). Retraite Québec gives priority to Mary for the payment of **$1,500**. After **60 days** following the date of death, the death benefit can be paid to the deceased's heirs if they have accepted the succession. Retraite Québec will make out a cheque for **$1,000** to the succession.

SPECIAL BENEFIT FOR FUNERAL EXPENSES

If you paid the funeral expenses for a deceased person who did not have the resources to pay those expenses, you may be entitled to a non-taxable special benefit for funeral expenses of up to **$2,500** paid by the Ministère de l'Emploi et de la Solidarité sociale. The deceased does not have to have been receiving benefits under the Social Assistance Program or Social Solidarity Program or to have been participating in the Aim for Employment Program.

You must first find out, within **60 days** following the death, if you are eligible for the death benefit paid by Retraite Québec under the Québec Pension Plan. If you are not eligible, or if the amount payable is less than **$2,500**, you can apply to the Ministère de l'Emploi et de la Solidarité sociale for the special benefit for funeral expenses.

The application must be filed within **90 days** following the date on which funeral services were provided or within **90 days** following the date of receipt of a notice from Retraite Québec indicating its refusal to pay the death benefit. An application submitted after the deadline will be refused unless the applicant demonstrates that they were unable to act earlier.

You must attach the following documents to the application form:

- proof of death (Attestation of Death or Declaration of Death);
- a document indicating the balance of the deceased's bank account(s) on the date of death;
- proof of all the property owned by the deceased person, and the person's debts, on the date of death;
- the receipt for funeral expenses you paid;
- the notice from Retraite Québec informing you of its decision;
- the funeral services contract, pre-arranged funeral services contract or prepurchased sepulture contract, if applicable;
- the life insurance policy or policies, if applicable;
- the response of any other organizations or persons likely to pay any amount (recourse);
- proof of the benefits payable on death, if applicable.

Note

The documents to be provided may be different when the application concerns a couple in which one of the spouses has died.

To complete the required form, go to a Services Québec office. To find the office nearest you, click on Contact us on the **Québec.ca** home page.

For more information, contact **Services Québec** by telephone:

Québec region: 418-644-4545
Montréal region: 514-644-4545
Elsewhere in Québec: 1-877-644-4545
Teletypewriter (TTY): 1-800-361-9596
Monday to Friday, 8:00 a.m. to 6:00 p.m.

See also the Death section under Family and support for individuals at **Québec.ca**.

Special situations related to death

DEATH THAT OCCURED OUTSIDE QUÉBEC, TRANSPORT AND REPATRIATION OF A BODY

A funeral services business must be contacted to transport the body of a deceased person within Québec.

A coroner's authorization is required to transport out of Québec the body of a person who died in Québec. A coroner's authorization is also required to transport the body of a person who died abroad back to Québec if the death occurred as a result of negligence or in obscure or violent circumstances, if the identity of the deceased person is unknown or if the probable causes of death could not be established. You must contact a funeral services business, which will take care of obtaining the necessary authorization

for you. If the body is in another country, you can also contact the Government of Canada office nearest to where the death occurred.

Some insurance companies offer a repatriation service, that is, bringing the body home from abroad, as well as an assistance hotline service. For any information about repatriation, contact the deceased's insurance company.

If a loved one dies outside Québec, you must report the death to the **Régie de l'assurance maladie du Québec** as soon as possible.

Québec region: 418-646-4636
Montréal region: 514-864-3411
Elsewhere in Québec: 1-800-561-9749

If a loved one who was receiving benefits, annuities or a pension from Retraite Québec dies outside Québec, you must also call **Retraite Québec** to notify it of the date of death and provide proof of death.

Telephone
Québec region: 418-643-5185
Montréal region: 514-873-2433
Elsewhere in Québec: 1-800-463-5185

INSERTION OF AN ACT OF DEATH MADE OUTSIDE QUÉBEC IN THE QUÉBEC REGISTER OF CIVIL STATUS

If a loved one who was a resident of Québec dies outside Québec, you can apply to have the act of death made outside Québec entered in the Québec register of civil status. This formality may facilitate the settlement of the succession, in particular when there is a marriage or civil union certificate in the civil register that concerns the deceased and that is not dissolved. No fee is required for this insertion.

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, along with the original copy of the act, certificate or equivalent certified true document attesting to the death issued by the officer of civil status of the country or province where the death occurred.

If the documents provided are in a language other than French, you must include an original French translation done or certified true by a member of the Ordre des traducteurs, terminologues et interprètes agréés du Québec.

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

Website
etatcivil.gouv.qc.ca
(Contact us section)

Telephone
Québec region: 418-644-4545
Montréal region: 514-644-4545
Elsewhere in Québec: 1-877-644-4545
Teletypewriter (TTY): 1-800-361-9596

Mail
2535, boulevard Laurier
Québec (Québec) G1V 5C6

2050, rue De Bleury
Montréal (Québec) H3A 2J5

DEATH REQUIRING CORONER'S INTERVENTION

Coroners have jurisdiction in respect of any death that has occurred in Québec. A coroner must be notified of a death that meets any of the following criteria:

- A person has died as a result of negligence or in obscure or violent circumstances (accident, suicide, murder);
- The identity of the deceased cannot be established;
- The cause of death is unknown;
- The death occurred in an establishment such as a rehabilitation centre, a penitentiary or a daycare centre.

A coroner who is notified of such a death may conduct an investigation, a private process whereby the coroner seeks to determine the identity of the deceased person, the date and place of death, the probable causes of death and the circumstances of death. During the investigation, the coroner is temporarily responsible for the body of the deceased and orders any scientific expertise deemed necessary (autopsy, toxicological analyses, etc.). In some cases, the chief coroner may order that a public inquest be held. The coroner then collects the evidence in public hearings. Following the inquest, the coroner submits a report containing the findings. If deemed warranted, the coroner may make recommendations to avoid similar deaths in the future. The coroner's report is public and may be consulted by anyone on request.

UNCLAIMED BODIES

As a rule, where a death is reported to a coroner and the body is not claimed, the coroner remains responsible for the body until it is returned to the deceased's family.

If no one comes forward, the police are called upon to help locate the deceased's family. If no loved ones can be located, the body is considered "unclaimed." The body is buried somewhere and the Bureau du coroner keeps a record in case someone eventually claims the body.

A list of people who have died and whose bodies have not been claimed is available on the Bureau du coroner website, in the **Corps non réclamés** section, under the heading Connaissez-vous ces personnes?

For more information, contact the Bureau du coroner.

Mail or in person
Édifice Le Delta 2, bureau 390
2875, boulevard Laurier
Québec (Québec) G1V 5B1

Website
coroner.gouv.qc.ca (in French only)
(Nous joindre section)

Telephone
Anywhere in Québec: 1-888-CORONER
(1-888-267-6637)

Note

The Ministère de la Santé et des Services Sociaux is also required to keep a register of unclaimed bodies.

For more information on an unclaimed body under the responsibility of the Ministère de la Santé et des Services sociaux, send an email to **funeraire@msss.gouv.qc.ca** or leave a telephone message at 418-781-7620.

MISSING PERSON

Under the *Civil Code of Québec*, a person is deemed an absentee if, while still being domiciled in Québec, the person has ceased to appear at the domicile, has not been heard from and is not known to be still alive. The person is presumed to be alive for seven years following their disappearance unless proof of death is made before then.

In the person's absence, you may request that the court open a tutorship to the absentee in order to administer the absentee's property and exercise the absentee's rights.

The Superior Court can pronounce a declaratory judgment of death **seven years** after the person's disappearance. The judgment may be pronounced before that time where the person's death is held to be certain although it is impossible to draw up an attestation of death. The declaratory judgment of death is sent to the Directeur de l'état civil so that it can draw up the act of death and insert it 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 individual's succession.

The Directeur de l'état civil can also draw up the act of death of an absentee where a court has found a person guilty of acts having caused the absentee's death or the disappearance of the absentee's body.

STEPS BEFORE SETTLING THE SUCCESSION

Will search

The first step in settling a succession is to find out whether the deceased left a will. If a will exists, the liquidator must make sure that it is the most recent one written by or for the person.

If a holograph will or a will made in the presence of witnesses (even if the will was drawn up by a lawyer) is found, the document will have to be probated by a notary or the court. See **Probate of a will** in this section.

If the deceased was bound by a marriage or civil union contract, certain clauses could have the same effect as a will. In this regard, refer to the **"Surviving spouse" clause in a marriage or civil union contract** section on page 8 of this guide.

In all cases, even if a will has been found, a request for a will search must be submitted. A will search identifies the most recent will registered in the Registers of wills and mandate of the Barreau du Québec and the Register of testamentary dispositions and register of protection mandates of the Chambre des notaires du Québec. You will receive the two will search certificates required for liquidating the succession.

REQUEST FOR A WILL SEARCH AT THE BARREAU DU QUÉBEC

You must submit your request for a will search to the Barreau du Québec in one of the following ways:

Online

- Use the online search service available at **barreau.qc.ca**, which you can access by clicking on Wills and mandates in the menu on the left-hand side of the home page and then on Search for a will or mandate.
- Scan the original of the document entitled *Copy of an Act of Death* or *Death Certificate* issued by the Directeur de l'état civil (PDF, JPEG or GIF file only).
- Send the online search request form, along with the PDF, JPEG or GIF file and payment by credit card (Visa or MasterCard).

Note

Use of the online service speeds up the processing of applications.

Mail

- Complete the search request form entitled This Search Request is to be Used by the Public, available at **barreau.qc.ca** or at most funeral service businesses.

- Enclose the original of the document entitled *Copy of an Act of Death* or *Death Certificate* issued by the Directeur de l'état civil and the required payment, which can be made by certified cheque, money order or credit card (Visa or MasterCard).
- Mail the form and document to the service responsible for the registers of wills and mandates of the Barreau du Québec (if you also submit a photocopy of the document issued by the Directeur de l'état civil, the original will be returned to you).

The search certificate will be mailed to you within **21 days** following the receipt of your request. If the contact information of the lawyer who holds the most recent will entered in the registers of wills and mandates appears on the search certificate received, you can contact the lawyer to consult or obtain the will.

Note

If the will search concerns a person who died outside Québec, you must enclose with the request the original of the document entitled *Copy of an Act of Death* (semi-authentic act) or *Death Certificate* (semi-authentic act) issued by the Directeur de l'état civil or the original of an equivalent certified true copy document attesting the death issued by a competent authority of the country in which the death occurred.

If the document is in a language other than French or English, you must provide a translation that is either approved by the consulate or embassy of the country in which the death occurred or done by a translator certified in Québec.

REQUEST FOR A WILL SEARCH AT THE CHAMBRE DES NOTAIRES

To request a will search from the Chambre des notaires, you can contact a notary, who will take care of requesting the search, or you can make the request yourself by consulting the Chambre des notaires website.

Online

- Access the online Search for a will service at **www.cnq.org**.
- Scan the original document issued by the Directeur de l'état civil entitled *Copy of an Act of Death or Death Certificate*.
- Submit the Online search request form along with the scanned version of the document issued by the Directeur de l'état civil and make a payment by Visa or MasterCard.

Mail

- Complete and print the form *Request for a Search of Will for public* available at **www.cnq.org**; you can also obtain the paper form from most funeral service companies.
- Attach to the form the original and a photocopy of the proof of death issued by the Registrar of Civil Status entitled *Copy of an Act of Death or Death Certificate* (the original will be returned to you) and the required payment.
- Mail the form and document to the Registers of Testamentary Dispositions and Mandates of the Chambre des notaires.

Note

For online searches, the search request must be eligible. The Registrar reserves the right to refuse a request received online and to require that the search request be received with the original proof of death by mail.

If the will search concerns a person who died outside Québec, you must enclose with the request the original as well as a photocopy of the document entitled *Copy of an Act of Death* (semi-authentic act) or *Death Certificate* (semi-authentic act) issued by the Directeur de l'état civil or the original of an equivalent certified true copy document attesting the death issued by a competent authority of the province or country in which the death occurred. If the document is in a language other than French or English, you must provide a translation that is either approved by the consulate or embassy of the country in which the death occurred or done by a translator certified in Québec.

The search certificate will be mailed to you as soon as possible. This may vary depending on the complexity of the application, but is usually less than **21 days**. The details of the notary holding the last will entered in the registers will appear on the certificate received. You can then contact the notary to consult the will or obtain a certified true copy. It should be noted that only certain persons may request such a consultation or copy on the part of the notary and must prove to the notary that they have the required capacity or interest to make such a request.

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

BARREAU DU QUÉBEC
Registres des testaments et mandats
Maison du Barreau
445, boulevard Saint-Laurent
Montréal (Québec) H2Y 3T8

Website
barreau.qc.ca (Contact us section)
A chat service is available on the site

Telephone
Montréal region: 514-954-3411
Elsewhere in Québec: 1-844-954-3411

CHAMBRE DES NOTAIRES
Mail
Registres des dispositions testamentaires et des mandats
Chambre des notaires
2045, rue Stanley, Bureau 101
Montréal (Québec) H3A 2V4

Website
cnq.org (Contact us section)

Telephone
Montréal region: 514-879-2906
Elsewhere in Québec: 1-800-340-4496

Probate of a will

If the deceased left a notarial will, it is not necessary to have it probated. However, if the deceased left a holograph will or a will made in the presence of witnesses (even if the latter was drawn up by a lawyer), the will must be probated by a notary or the court. You can ask a notary or lawyer to take the necessary steps on your behalf, or you can take them yourself.

The brochure Application for the Probate of a Will, published by the Ministère de la Justice, provides useful information and a template for preparing an application. You can download it free of charge at **justice.gouv.qc.ca**. You'll find it under the heading Your money and property in the section **Documentation Center**.

For more information, contact a notary, a lawyer or the Ministère de la Justice. The contact information for the Ministère is provided on page 8 of this guide.

Succession in the absence of a testamentary transaction

If the deceased did not make a will or was married or in a civil union and did not have a marriage or civil union contract or had a marriage or civil union contract with no "surviving spouse" clause, the succession will be liquidated in accordance with the *Civil Code of Québec*.

In the case of a succession in the absence of a testamentary transaction, a notary may draft a Declaration of heredity, which is used to determine or confirm the identity of the heirs. These are generally the surviving spouse, with whom the deceased was still married or civilly united or from whom the deceased was separated without being divorced or without the civil union having been dissolved, **and** persons related to the deceased, according to the rules of the *Civil Code of Québec*.

The following persons are not recognized as successors by law, unless they are named in the will: de facto spouses, regardless of the number of years of the de facto union, brothers-in-law, sisters-in-law, sons-in-law and daughters-in-law.

If there are no heirs, the government receives the deceased's property and Revenu Québec administers the succession.

Appointment of the liquidator

The name of the liquidator is generally mentioned in a person's will. The designation of the liquidator is the first piece of information published in the Register of Personal and Movable Real Rights (RDPRM), thereby making the name of the liquidator of the succession officially known.

If you are the liquidator of a succession, your role consists in administering the succession according to law and the wishes stipulated in the deceased's will. To find out the functions of a liquidator, see the **Liquidation of the Succession** section on page 35 of this guide.

If the deceased did not appoint a liquidator, the succession is settled by the person's heirs. They can share the duties among themselves or agree on and designate a liquidator. If the heirs cannot agree, the court may designate a liquidator.

A person designated as liquidator

- is not obliged to accept the task of liquidating the succession, unless the person is the sole heir;
- may terminate their term of office (resignation);
- must notify the heirs and, as the case may be, the other liquidators, in writing if they decide to resign;
- is liable for any prejudice caused to the heirs as a result of negligence or malice in fulfilling the legal obligations incumbent upon a liquidator.

Where several persons jointly exercise the office of liquidator, they must act in concert, unless exempted by the will or, in the absence of a will, by the heirs. If one of the liquidators is unable to act, the others may act alone for conservatory acts and those that must be dealt with expeditiously.

For more information, contact a notary, a lawyer or the Ministère de la Justice.

FINANCIAL ASSISTANCE GRANTED TO SURVIVORS

Life insurance

The proceeds of a life insurance policy for which a beneficiary is expressly designated do not form part of the succession. You can therefore contact the insurance company to obtain payment for the deceased's life insurance.

You can also contact the deceased's employer to see if it provided life insurance coverage and a death benefit is payable.

SEARCH FOR A LIFE INSURANCE POLICY

Subject to certain conditions, you can ask the OmbudService for Life & Health Insurance (OLHI) to search for a lost life insurance policy if you have reason to believe that such a policy exists.

Go through the deceased's papers first. Review banking records for any evidence of premium payments. You can also contact the deceased's insurance agent or employer. The OLHI website tells you how to look for evidence that an insurance policy exists.

For more information, contact OmbudService for Life & Health Insurance.

Website
olhi.ca (Contact Us section, About Us section)

Telephone
In Québec (toll free): 1-866-582-2088
In Canada (toll free): 1-888-295-8112
Bell Relay Service (hearing impaired): 1-800-855-0511

Survivors' benefits granted by Retraite Québec

The Québec Pension Plan, public-sector pension plans and supplemental pension plans provide for the payment of pensions and benefits to the spouse, children and heirs of a deceased person, and even to the person who paid the funeral expenses.

To ensure that you apply for the pensions and benefits for which you are eligible, Retraite Québec developed a tool to help you create a personalized list of pensions and benefits to which you could be entitled based on your situation. You can find the tool in the **Death** section (pensions and benefits for spouses, children and heirs) of the Retraite Québec website.

BENEFITS PAID UNDER QUÉBEC PENSION PLANS

The Québec Pension Plan is a public insurance plan that provides workers and their loved ones with basic financial protection in the event of retirement, disability or death.

If you are a loved one of a deceased person who contributed sufficiently to the Québec Pension Plan, you may be entitled to survivors' benefits:

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

If the death occurred in Québec, there is no need to provide proof of death. The Directeur de l'état civil automatically notifies Retraite Québec of deaths entered in the register of civil status.

DEATH BENEFIT

The death benefit granted under the Québec Pension Plan is a lump-sum payment of a maximum amount of **$2,500**. Within **60 days of the date of death**, it is paid as a priority to the person who paid the funeral expenses on presentation of an application and proof of payment of the valid funeral expenses. After the 60-day period, it may be paid to the person who first requests it, whether it be a funeral payer, an heir, the liquidator of the succession or, failing that, another person. On the **61st days** following the date of death, the death benefit can be paid to the deceased's heirs. The application must be filed no later than five years after the date of death. Since the death benefit is taxable, a statement will be issued in the name of the succession.

For more information, see the heading Death benefit in the **First Steps When Someone Dies** section on page 15.

SURVIVING SPOUSE'S PENSION

If you are the surviving spouse of a person who has contributed sufficiently to the Québec Pension Plan, you may be eligible for the surviving spouse's pension.

You will be recognized as the surviving spouse if the deceased contributor was

- married to or in a civil union with you;
- your de facto spouse, with no lawful union (special rules apply if you were legally separated).

If you were the de facto spouse of a person who has died, you may qualify as a surviving spouse if you lived with the deceased person for

- at least **three years** preceding the death;
- at least **one year** if a child was born or is to be born of your union or if you adopted a child together.

Note that a de facto spouse is not entitled to a surviving spouse's pension if the deceased was married to or in a civil union with another person.

The surviving spouse's pension is payable as of the month following the death and is taxable. There is no time limit for a person to file an application, but if the person is late in doing so, the retroactive payment will generally be limited to **12 months**. The pension is indexed annually.

The amount of the surviving spouse's pension varies according to the following factors:

- The contributions that the deceased spouse made to the Québec Pension Plan;
- The deceased's retirement pension supplement, if the deceased was receiving one;
- your age;

- whether you support dependant children (under 18 years of age) of the deceased person;
- whether you are recognized as disabled by Retraite Québec;
- whether you are already receiving a retirement pension or a disability pension under the Québec Pension Plan or the Canada Pension Plan.

Combined pension

In addition to the surviving spouse's pension, some people receive a retirement pension or a disability pension under the Québec Pension Plan. In such cases, Retraite Québec pays both pensions in a single monthly payment. This is known as a combined pension. That amount is not necessarily equal to the sum of both pensions, because it is subject to a maximum amount determined by the Québec Pension Plan. As a result, the amount of the surviving spouse's pension could be reduced or payment of the pension might stop.

Maximum retirement pension under the Québec Pension Plan

When you turn **65**, you might stop receiving the surviving spouse's pension if you are receiving the maximum retirement pension payable under the Québec Pension Plan for that year.

ORPHAN'S PENSION

Upon request, an orphan's pension is payable for any child under 18 years of age if the deceased was eligible under the plan. As a rule, the pension is payable to the person who provides for the child.

A "deceased person's child" means

- the deceased's biological or adopted child;
- a child who had been living with the deceased for at least one year, if the deceased served as parent to the child (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 month of death. The pension is taxable and must be reported in the child's income. Retroactive payment is generally limited to 12 months. The pension is indexed annually.

APPLYING FOR BENEFITS UNDER THE QUÉBEC PENSION PLAN

There are three ways to apply for survivors' benefits.

Website

Use the online service available on the Retraite Québec website at **retraitequebec.gouv.qc.ca**. Click on the **Online services and tools** section, then Québec Pension Plan and Application for Survivors' Benefits. You can use this service to apply for the death benefit, a surviving spouse's pension or an orphan's pension.

Download the *Application for Survivors' Benefits Under the Québec Pension Plan* of the Retraite Québec website by clicking on Death then In the event of death: online services and forms. Complete the form and file it online, along with clear and legible copies of any required documents.

retraitequebec.gouv.qc.ca
(How to reach us section)

Mail
Download the *Application for Survivors' Benefits Under the Québec Pension Plan* form of the Retraite Québec website by clicking on Death then In the event of death: online services and forms. After duly completing and signing it, send it by mail. Do not forget to attach the requested documents to your mailing. It should be noted that this option may cause some delays related to the postal route.

Retraite Québec
C.P. 5200
Québec (Québec) G1K 7S9

For more information, **call** Retraite Québec.

Montréal region: 514-873-2433
Québec region: 418-643-5185
Elsewhere in Québec: 1-800-463-5185

BENEFITS PAID UNDER PENSION PLANS

LOCKED-IN RETIREMENT ACCOUNTS OR LIFE INCOME FUNDS

When the holder of a locked-in retirement account (LIRA) or a life-income fund (LIF) dies, the balance of the LIRA or LIF is no longer locked in. It is paid as a priority to the person recognized as the holder's spouse. If the spouse renounces it or the holder did not have a spouse, the balance will normally be paid to the holder's heirs.

If the amounts invested in the LIRA or LIF are from the breakdown of a union, those amounts will be paid to the new spouse only if provided for in the contract signed with the financial institution.

The amounts withdrawn are taxable, unless they can be transferred on a tax-free basis. For all information on the applicable tax rules for LIRAs and LIFs, call the Canada Revenue Agency at 1-800-959-7383.

For any information on the holder's LIRA or LIF, contact the financial institution where it is administered.

For more information, see the **Death** section of the Retraite Québec website at **retraitequebec.gouv.qc.ca** or contact Retraite Québec:

Email
rcr@retraitequebec.gouv.qc.ca

Telephone
Québec region: 418-643-8282
Elsewhere in Québec: 1-877-660-8282

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 dependant children. For more information, contact by telephone the Bureau des ententes de sécurité sociale at Retraite Québec.

Telephone
Montréal region: 514-866-7332, extension 7801
Elsewhere in Québec: 1-800-565-7878, extension 7801

SUPPLEMENTAL PENSION PLANS (*PENSION FUNDS*)

Many employees are members of a supplemental pension plan, commonly called a "pension fund". If a member dies, the supplemental pension plan may pay

a death benefit. As a priority, the benefit is paid to the person recognized as the deceased member's spouse. If the spouse renounces the death benefit or the member did not have a spouse, the death benefit is normally paid to the member's designated beneficiary or heirs.

To find out the amount and form of the death benefit (payment in cash or as an annuity), contact the pension plan administrator. The administrator's contact information can be found on the statements received by the member or by using the online service Pension plans supervised by Retraite Québec.

For more information, see the **Death** section of the Retraite Québec website at **retraitequebec.gouv.qc.ca** or contact Retraite Québec.

Email
rcr@retraitequebec.gouv.qc.ca

Telephone
Québec region: 418-643-8282
Elsewhere in Québec: 1-877-660-8282

PUBLIC-SECTOR PENSION PLANS ADMINISTERED BY RETRAITE QUÉBEC

Retraite Québec administers most of the pension plans for public and parapublic sector employees (employees of the Gouvernement du Québec and public bodies).

Following the death of a retired or active member of a public-sector pension plan, the plan provides for the payment of a benefit, which is paid by default to the surviving spouse unless the spouse has waived the benefit. If the deceased did not have a recognized spouse, benefits could be paid to the heirs.

Depending on the plan, the deceased's surviving spouse, dependant children or heirs could receive a surviving pension, reimbursement of the contributions paid into the plan or a lump-sum payment of the value of the deferred pension.

The benefits payable to the recognized spouse vary depending on the pension plan and the benefits accrued by the member at the time of death.

In addition, subject to certain conditions, public and parapublic sector employees are generally eligible for a basic life insurance plan. Following the death of an eligible employee, Retraite Québec pays a life insurance benefit to the person's heirs.

Applying for benefits under a public-sector pension plan

There are three ways to apply for survivors' benefits.

Website
Use the online service available on the Retraite Québec website at **retraitequebec.gouv.qc.ca** by clicking on **Online services and tools**. You can use this service to apply for pensions and benefits under the Québec Pension Plan as well survivors' benefits under public-sector pension plans.

You can find the form *Application for Survivors' Benefits Under a Public-Sector Pension Plan* online by clicking on Online services and Tools. Complete the form and file it online, along with clear and legible copies of any required documents.

retraitequebec.gouv.qc.ca
(How to reach us section)

Mail

Download the *Application for Survivors' Benefits Under a Public-Sector Pension Plan* by clicking on the Death tab, then In the event of death: online services and forms. After duly completing and signing it, send it by mailtraffic.

Do not forget to attach the requested documents to your mailing. It should be noted that this option may cause some delays related to postal traffic.

For more information, **call** Retraite Québec.

Québec region: 418-643-4881
Elsewhere in Québec: 1-800-463-5533

Other types of compensation in the event of death

COMPENSATION IN THE EVENT OF DEATH DUE TO A TRAFFIC ACCIDENT

If a person dies as a result of a traffic accident, the deceased's spouse and dependants may be entitled to compensation. The insurance plan covers any resident of Québec who dies in a road accident, whether the accident takes place in Québec or outside Québec, if they are a

- driver;
- cyclist;
- passenger;
- motorcyclist, or
- pedestrian.

If the deceased did not have a spouse, the death benefit that would have been payable to the spouse is paid to the dependants. This is in addition to the death benefit for dependants. If the deceased did not have either a spouse or dependants and was under 18 years of age, the deceased's parents are entitled to receive the death benefit. If the deceased did not have a spouse or dependants and was 18 years of age or over, the amount is paid to the succession.

A lump-sum amount for funeral expenses is automatically paid to the succession of a person who dies as a result of a traffic accident.

You have **three years** from the date of death to file a claim for compensation.

You can use the online services of the Société de l'assurance automobile du Québec (SAAQ) to apply for a death benefit. If you prefer to file your claim using the paper form, you must first call the Société to open a file and receive a claim number.

You can mail the claim form to the Société even if you have not yet obtained certain forms or documents. You can submit the missing forms or documents later.

The addresses of the SAAQ's service outlets and agents are available on the SAAQ's website.

For more information, contact the SAAQ.

Website
saaq.gouv.qc.ca (To reach us section - Claim for compensation following an accident)

Telephone (Monday to Friday from 8:30 a.m. to 4:30 p.m.)
In Québec: 1-888-810-2525
In Canada and the United States: 1-800-463-6898
Elsewhere in the world (collect): 418-646-9884
Bell Relay service: 711

COMPENSATION IN THE EVENT OF DEATH DUE TO AN EMPLOYMENT INJURY

If a loved one dies as a result of an employment injury, you may be entitled to compensation paid by the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST).

Depending on the circumstances, the compensation is payable in the form of a monthly pension or a lump-sum indemnity. The CNESST also reimburses to the payer, upon presentation of vouchers, the funeral expenses (up to a set maximum amount) and the cost of transporting the worker's body. The spouse of the deceased worker is entitled to a lump-sum indemnity to help cover the unforeseen expenses incurred as a result of death. If the deceased worker had no spouse at the time of death, the indemnity is divided equally between the worker's other dependants.

The following persons are considered dependants for the purposes of the indemnities paid by the CNESST in the event of a worker's death:

- a spouse;
- a minor child;
- a child over 18 but under 25 who is attending an educational institution on a full-time basis;
- a child over 18 but under 25 who is an invalid;
- any other person for whom at least 10% of the needs were provided for by the worker at the time of death.

In the event that the deceased worker had no dependants, compensation may be paid to one of the parents or, if both parents are deceased, the indemnity is paid to the worker's succession.

To be entitled to worker's death benefits, the beneficiary must complete the Worker's Claim:

- within 6 months of the death; or
- within 6 months of the date on which the beneficiary becomes aware that the death is possibly work-related.

However, a beneficiary who has never filed a claim related to the death of a worker loses their right to compensation after **seven years** following the death of the worker. After this period, the claim will be inadmissible.

Online

- Use the Réclamation du travailleur online service (in French only).
- Mail or fax the required documents to the CNESST office for your region.

Mail

- Complete the paper form.
- Mail the duly completed and signed form, along with the required documents, to the CNESST office for your region.

The addresses of the CNESST's offices can be found on its website.

For more information, contact the CNESST

Website
cnesst.gouv.qc.ca (Contact us section)

Telephone
Anywhere in Québec: 1-844-838-0808

COMPENSATION IN THE EVENT OF DEATH DUE TO A CRIMINAL OFFENCE

If you are a relative of a person who died as a result of a criminal offence or as a result of a civic intervention to prevent the commission of a criminal offence, you may be able to receive financial assistance from the Direction de l'Indemnisation des victimes d'actes criminels (Direction générale de l'IVAC).

The *Act to assist persons who are victims of criminal offences and to facilitate their recovery* considers the following persons to be relatives who can apply for a qualification:

- The parent(s) of a deceased child victim
- The spouse of a deceased victim
- The dependants of a deceased victim
- The brothers and sisters of the deceased victim
- The grandparents or grandchildren of the deceased victim
- The spouse's children of the deceased victim
- The spouse of the deceased victim's parent
- The children of the spouse of the deceased victim's parent
- The persons who demonstrate a close relation with the deceased victim

Depending on your circumstances, you may receive a lump sum, financial assistance to offset a loss of income or to compensate for certain disabilities, or psychotherapeutic or psychosocial rehabilitation services.

In addition, funeral expenses, costs of transporting the body as well as cleaning costs in a private residence where the criminal offence was committed can be reimbursed to the person who paid them.

DEADLINE FOR FILING AN APPLICATION FOR QUALIFICATION

For a criminal offence suffered after October 13, 2021, you have **three years** from the date of the victim's death to apply for a qualification. For criminal acts suffered before that date, the time limit is one to two years, depending on the date of the criminal offence.

However, a request for qualification may be made at any time in the case of a death resulting from a criminal offence involving childhood violence, sexual violence or domestic violence.

A request for qualification may be considered even if, on reasonable grounds, it is filed late.

COMPENSATION IN THE EVENT OF DEATH DUE TO AN ACT OF GOOD CITIZENSHIP

If you are the minor child, spouse or dependant of a person who died as a result of an act of good citizenship (rescuer), you may be eligible for receive financial assistance from the Direction de l'IVAC.

The *Act to promote good citizenship* considers a rescuer to be a person who, in Québec, benevolently comes to the assistance of a person whose life or physical integrity is in danger.

Depending on your situation, you may receive a lump sum or psychotherapeutic or psychosocial rehabilitation services.

In addition, funeral expenses and the cost of transporting the body may be reimbursed to the person who paid them.

DEADLINE FOR FILING AN APPLICATION FOR QUALIFICATION

You have **three years** from the date of the rescuer's death to file an application for a qualification related to an act of good citizenship committed after October 13, 2021. For acts of good citizenship committed before that date, the period is one to two years, depending on the date of the act of good citizenship.

A request for qualification may be considered even if, on reasonable grounds, it is filed late.

PROCEDURE FOR FILING AN APPLICATION FOR QUALIFICATION

Application for qualification forms are available on the Direction générale de l'IVAC website at **ivac.qc.ca**.

For help completing the application for qualification forms, contact directly the Victims of Crime Centre (CAVAC) in your area.

The application for qualification must be completed and submitted to the Direction générale de l'IVAC:

Through the electronic document delivery service www.ivac.qc.ca

By fax
Toll free in Canada only: 1-888-927-0003
Montréal region: 514-906-3029

Mail or in person:
Direction générale de l'indemnisation des victimes d'actes criminels
1199, rue De Bleury
C. P. 6056, succursale Centre-ville
Montréal (Québec) H3C 4E1

For information on the processing of applications for benefits, contact the Direction générale de l'IVAC by telephone at 1-800-561-4822.

Note

If you need assistance before you apply for a qualification to overcome the psychological and social consequences of the criminal offence you have suffered, you can contact the Crime Victims Assistance Centre (CAVAC) in your area. You will receive help whether you are a victim of a criminal offence, a close relative of a victim or a witness. Services are free and confidential.

COMPENSATION IN THE EVENT OF DEATH DUE TO A HUNTING OR TRAPPING ACCIDENT

If a family member dies while legally hunting or trapping, you may be entitled to receive compensation if the deceased was the holder of a hunter's or trapper's certificate.

You must submit your application, along with the death certificate issued by the Directeur de l'état civil, to the Ministère des Forêts, de la Faune et des Parcs within **90 days** following the hunting or trapping accident. The death certificate issued by the Directeur de l'état civil must be attached to the application.

See also the heading Holder of a hunter's certificate in the **Steps Based on the Person's Situation Prior to Death** section of this guide.

For more information, contact the Ministère des Forêts, de la Faune et des Parcs.

Website
mffp.gouv.qc.ca (Contact us section)

Telephone
Anywhere in Québec: 1-877-346-6763

LIQUIDATION OF A SUCCESSION

Liquidator

The liquidator of a succession is the person responsible for settling the succession (estate). The liquidator must thus put all the affairs of the deceased in order, close accounts, make the tax returns, recover the sums owed to the deceased, make an inventory of all property and debts, distribute the property of the succession to the heirs, etc.

OBLIGATIONS AND RESPONSIBILITIES

The liquidator's duties include

- locating the most recent will made by the deceased;
- making an inventory of the deceased's property and debts, unless the heirs decide otherwise by unanimous agreement;
- ensuring the following information is published in the Register of Personal and Movable Real Rights (RDPRM):
  - designation of the liquidator or, if applicable, the liquidator's replacement (this first entry in the RDPRM makes the identity of the liquidator public),
  - closure of the inventory (confirms that the inventory of the succession is complete and notifies interested persons of the place where the inventory may be consulted),
  - closure of the liquidator's account (confirms the end of the liquidation and notifies interested persons of the place where the liquidator's account may be consulted),
- publishing a notice of closure of inventory in a newspaper distributed in the locality of the deceased's last known address and informing the heirs;
- recovering any money that was owed to the deceased;
- determine who is entitled to inherit under the will or the law and notify them so that they can exercise their right to accept or renounce the estate within the prescribed time limit;
- publishing the notice of closure of inventory and notifying the heirs of such, unless this obligation has been waived;
- administering the property in the succession and selling certain properties according to the powers conferred by law or the will;
- filing the required tax returns;
- paying any creditors, federal and provincial income tax payable as well as legatees by particular title;
- reporting to the heirs once a year and then once the succession has been settled;
- obtaining a certificate authorizing distribution of the property from Revenu Québec and a clearance certificate from the Canada Revenue Agency;
- distributing the property to the heirs.

Note

For more information about the rights that must be registered in the RDPRM, visit the Vous êtes liquidateur d'une succession? page of the **Inscription d'un droit** section of the RDPRM website (in French only) at **rdprm.gouv.qc.ca**.

The liquidator retains his powers for the time necessary for the performance of his duties. There is no specific time limit for completing the mandate. However, some steps must be completed within a certain time frame. Heirs have **six months** from the time their right is acquired to renounce a succession by notarial act. This period is extended by as many days as necessary so that they have **60 days** from the closure of the inventory. If they do not sign a document stating that they renounce the succession, the heirs are deemed to have accepted the succession and will be responsible for paying the deceased's debts. It is therefore useful to make an inventory without delay in order to allow the heirs to make their decision and limit their liability with respect to the debts of the deceased to the value of the property they collect.

Note that all costs incurred in liquidating the succession are borne by the succession.

For more information, contact the Register of Personal and Movable Real Rights.

By Internet
rdprm.gouv.qc.ca (Nous joindre section)

Telephone
Québec region: 418-646-4949
Montréal region: 514-864-4949
Elsewhere in Québec: 1-800-263-4949

REMUNERATION AND REIMBURSEMENT OF EXPENSES

A liquidator who is not one of the deceased's heirs is entitled to receive remuneration, that is, an amount of money to compensate for the work involved in liquidating the succession. If remuneration is not provided for in the will, it is up to the heirs to set the amount.

If the liquidator is one of the heirs, they cannot ask to be paid unless provision for remuneration is made in the will or the heirs agree to offer remuneration. In the event of disagreement between the parties concerned, the court could set a remuneration.

In all cases, the *Civil Code of Québec* stipulates that the liquidator is entitled to the reimbursement of the expenses incurred in fulfilling the office of liquidator.

Main steps in liquidating a succession

1. Obtain the official documents (death certificate or copy of the act of death issued by the Directeur de l'état civil, marriage or civil union contract).
2. Search for the most recent will (obtain search certificates from the Chambre des notaires du Québec and the Barreau du Québec) and have the will probated if it was not drawn up made before a notary.
3. Identify the successors and contact them during the settling of the succession.
4. Request registration of the notice of designation of the liquidator or the notice of replacement of the liquidator in the Register of Personal and Movable Real Rights (RDPRM).

5. Inform the Québec and federal governments, financial institutions and service providers of the person's death (credit cards, debit cards, etc.).
6. Make an inventory of the succession's property and debts, register the notice of closure of inventory in the RDPRM and publish it in a newspaper distributed in the locality of the deceased's last known address.
7. Open a bank account in the name of the succession and repatriate in particular all the sums which were in the name of the deceased (close the bank accounts of the deceased).
8. Settle the rights of the legal spouse (family patrimony, matrimonial regime, compensatory allowance, support payments, etc.).
9. Recover any amounts owed to the deceased (wages, benefits, pensions) and to the succession (ex., insurance policies without a designated beneficiary), pay the debts of the deceased and the succession (income tax, rent, rights of the spouse in the family patrimony, property taxes, credit cards, etc.).
10. File the deceased's income tax returns with Revenu Québec and the Canada Revenue Agency and obtain authorization to distribute the property (Gouvernement du Québec) and a clearance certificate (Government of Canada).
11. Distribute the legacies by particular title, property and money to the heirs in accordance with the will or, if there is no will, in accordance with the law.
12. Notify the Curateur public du Québec if a person under 18 years of age is the beneficiary of an inheritance worth more than **$40,000**. For more information, visit the Curateur public du Québec website at **www.curateur.gouv.qc.ca/cura/en/mineur/index.html** .
13. Submit the final account of the succession and register the notice of closure of the liquidator's account in the RDPRM.

At the end of this guide, you will also find a checklist of procedures to follow in the event of a death and a list of definitions that will help you in your tasks.

Note

The liquidator can keep a written record of all activities, communications and transactions carried out at each step of the succession settlement process, such as file numbers, names of people contacted and their contact information.

Acceptance or refusal of a succession

If the deceased has named you as an heir, you have the right to accept or refuse the succession. It is wise to wait until the liquidator has published the notice of closure of inventory in the Register of Personal and Movable Real Rights (RDPRM) and newspaper distributed in the locality of the deceased's last known address before making your decision. This makes it possible to

- know whether the deceased's debts exceed the value of the property bequeathed;
- learn whether any unknown property or creditors exist.

As a successor, you have six months from the opening of the succession (usually the date of death) to accept or refuse it. However, this period may be extended by as many days as necessary to give you **60 days** from publication of the

notice of closure of inventory to make your decision. If you know your status as a successor and if you do not renounce the succession within the deliberation period, you will be presumed to have accepted it, unless the period is extended by the court. In other words, exceeding the prescribed time limits for renouncing the succession also results in acceptance of the succession.

Even if you have not yet formally accepted the succession, certain actions taken may result in such acceptance, including the following:

- using property in the succession as if it were your personal property (confusion of property);
- exempting the liquidator from taking an inventory;
- liquidating the succession without complying with the prescriptions of the *Civil Code of Québec*.

In all three cases, you will be required to pay the succession's debts out of your personal patrimony, even if they exceed the value of the property received as an inheritance, and you will no longer have the option of renouncing the succession at a later date.

On the other hand, certain actions may be taken with the agreement of all the successors without automatically leading to the formal acceptance of the succession, including the following actions:

- distributing the deceased's clothing, personal papers, medals, diplomas and family mementos;
- selling perishable items, giving them to charity or dividing them among the successors;
- selling property that is expensive to keep or liable to depreciate quickly.

You must inform the liquidator of your decision to accept or refuse the succession. Generally speaking, you cannot subsequently change your mind. If you refuse the succession, you must express your renunciation by notarial act en minute or by a judicial declaration before a judge. Your refusal must be entered in the Register of Personal and Movable Real Rights (RDPRM). In principle, you cannot renounce the succession if you have performed any act entailing acceptance.

A successor who, in bad faith, has misappropriated or concealed property of the succession or has failed to notify the liquidator of the existence of certain property is deemed to have renounced the succession notwithstanding any prior acceptance.

Note that if the deceased person has simply bequeathed certain assets to you as a specific bequest, you may or may not accept each of the bequests. You are then not considered an heir, but will nevertheless be seized, as an heir, of the bequeathed property. You will not be liable for the deceased's obligations in respect of these assets, unless the other assets of the estate are not sufficient to pay the debts or the will expressly provides for this. In such a case, you will only be liable for the value of the property you receive.

For more information, contact a notary, a lawyer or the Ministère de la Justice.

STEPS BASED ON THE PERSON'S SITUATION PRIOR TO DEATH

Access to medical records: cause of death

The following people are entitled to obtain information related to the cause of death:

- The deceased's spouse
- The deceased's parents and children

ASCERTAINING THE EXISTENCE OF A DISEASE

The blood relatives of a deceased person are entitled to obtain information contained in that person's medical record if the information is necessary to ascertain the existence of a genetic or family disease.

INFORMATION REQUIRED TO EXERCISE CERTAIN RIGHTS

The heirs, legatees by particular title and legal representatives of a deceased person are entitled to obtain information contained in that person's medical record to the extent that such communication is necessary to exercise their rights in this regard.

Individuals entitled to receive benefits under the deceased's life insurance policy or pension plan are also entitled to have access to that information.

All access to information requests must be made in writing to the person in charge of access to information and privacy of the health and social services institution concerned. You can find the list of institutions and their managers at **cai.gouv.qc.ca**, in the Liens Rapides menu (in French).

For further information, please consult the **Medical Records** section under Questions fréquentes in the Liens Rapides menu (in French) at **cai.gouv.qc.ca**.

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

QUÉBEC
Mail
Bureau 2.36
525, boulevard René-Lévesque Est,
Québec (Québec) G1R 5S9

MONTRÉAL
Mail or in person
Bureau 900
2045, rue Stanley
Montréal (Québec) H3A 2V4

Website
cai.gouv.qc.ca (Nous joindre section)

Telephone
Québec region: 418-528-7741
Montréal region: 514-873-4196
Elsewhere in Québec: 1-888-528-7741

Children

FAMILY ALLOWANCE

DEATH OF A CHILD

The death of a child has an effect on the Family Allowance and, if applicable, on the supplements. The recipient of the Family Allowance must notify the Centre des relations avec la clientèle of Retraite Québec as soon as possible of the date of the child's death so that their file can be updated.

DEATH OF A RECIPIENT OF THE FAMILY ALLOWANCE

Retraite Québec is automatically notified of the death by the Directeur de l'état civil.

If the deceased person was receiving Family Allowance payments and its supplements (supplement for the purchase of school supplies, supplement for handicapped children or supplement for handicapped children requiring exceptional care), those payments will stop.

If responsibility for the child was shared with another person, the latter must contact the Centre des relations avec la clientèle of Retraite Québec as soon as possible in order to receive the amounts to which they are entitled.

If a person is newly designated to take care of the child, that person must reapply for Family Allowance.

DEATH OF A SPOUSE

Retraite Québec is also automatically notified of the death of a spouse by the Directeur de l'état civil.

The recipient of Family Allowance must still notify the Centre des relations avec la clientèle of Retraite Québec as soon as possible of the spouse's death. The amount granted under this financial assistance must then be recalculated, as it takes into account family income, the type of family and the number of dependant children.

For more information, see the **Children** section at **retraitequebec.gouv.qc.ca**. For information about the orphan's pension, see the **Financial Assistance Granted to Survivors** section on page 25 of this guide.

If the parent of a deceased child was receiving support payments in respect of that child, see Person receiving support payments on page 43.

QUÉBEC PARENTAL INSURANCE PLAN (QPIP)

In the event of death of a child or a parent (if at least one of the parents is eligible for QPIP benefits in respect of that child), you must notify the Québec Parental Insurance Plan's (QPIP) Centre de service à la clientèle of the date of death as soon as possible. The staff will tell you what you have to do.

DEATH OF A CHILD

A child's death affects payment of QPIP benefits. Thus, the parent ceases to be eligible for paternity, parental, adoption or foster-care benefits and support benefits related to an adoption at the end of the second week following the week of death. When the death of one or more children occurs in the context of multiple births or adoptions in the same event, special rules apply.

The mother of a deceased child continues to be eligible for maternity benefits, as they are granted by reason of pregnancy or childbirth.

DEATH OF A PERSON WHOSE APPLICATION FOR BENEFITS IS BEING PROCESSED

If one of the parents dies, it may be possible to transfer certain benefits to the surviving parent. If you are the surviving parent and want to know if benefits can be transferred to you, contact the Centre de services à la clientèle.

Furthermore, the provisions in respect of death also apply when the death of the father occurs **300 days** or less before the birth of the child.

If a deceased person had filed a claim for benefits under the QPIP prior to death, the liquidator of the succession may request payment of the benefits up to the date of death. The liquidator must provide proof of office.

For more information, contact the QPIP's Centre de service à la clientèle.

Telephone
North America (toll free):
1-888-610-7727
Elsewhere (charges apply):
1-418-643-7246

Website
rqap.gouv.qc.ca (Contact us section)

Students

If the deceased was a beneficiary of the Loans and Bursaries Program or the Loans Program for Part-Time Studies, regardless of whether the student had started repaying their student debt, the liquidator of the succession must

- call Student Financial Assistance to inform them of the student's death;
- leave telephone details in order to be contacted;
- send the death certificate in respect of the deceased person to Student Financial Assistance.

THIRD PARTY (STUDENT'S PARENTS, SPOUSE OR SPONSOR)

Upon the death of a third party, the student must

- send the death certificate in respect of the deceased person to Student Financial Assistance;
- call one of the telephone numbers below to find out what other documents are required.

For more information, contact Student Financial Assistance.

Mail
Student Financial Assistance
Ministère de l'Enseignement supérieur
1035, rue De La Chevrotière
Québec (Québec) G1R 5A5

Telephone
Québec region: 418-643-3750
Montréal region: 514-864-3557
Elsewhere in Québec: 1-877-643-3750

See also the **Student Financial Assistance** section under Education at **Québec.ca**.

Tenants and landlords

As liquidator of the succession, you must inform the landlord (who may also be the owner) of the tenant's death.

DEATH OF A TENANT WHO WAS LIVING ALONE

The liquidator of the succession or, if there is no liquidator, an heir may resiliate the lease by giving the landlord two months' notice in writing within six months after the death. The resiliation takes effect when the two-month period expires. The rent must be paid until the resiliation takes effect, unless the dwelling is re-leased during that same period.

DEATH OF A TENANT WHO WAS LIVING WITH ANOTHER PERSON WHO DID NOT SIGN THE LEASE

The person who cohabited with the deceased tenant is entitled to remain on the premises. That person becomes the tenant of the dwelling if they continue to live there and give notice to that effect to the landlord, in writing, within two months after the death to confirm taking over the lease in their name. The person must continue to pay the rent during that time.

If the person who was living with the deceased tenant continues to occupy the dwelling but does not avail themself of the right to become the new tenant within two months after the death, the liquidator of the succession or, if there is no liquidator, an heir may, in the month that follows the expiry of the two-month period, resiliate the lease by giving the landlord one month's notice to that effect, in writing. At the end of that period, the person must vacate the dwelling.

If part of the rent included services of a personal nature that were being provided to the deceased tenant, for example, expenses related to nursing services, the liquidator of the succession, the heir or the person living with the tenant at the time of the tenant's death is only required to pay that part of the rent that relates to the services provided to the tenant before their death.

DEATH OF A TENANT WHO WAS RESIDING IN A SENIORS' RESIDENCE OR CHSLD

Generally speaking, the aforementioned rules apply to private seniors' residences, but not to residential and long-term care centres (CHSLDs), which have their own rules.

The *Notice of Lessee's Death* form (TAL-804A-E) is available at **tal.gouv.qc.ca**, in the Find all models and notices section, under **Forms and Notices.**

In all cases, it is recommended that notice be given to the landlord in one of the following ways:

- by registered mail;
- through a bailiff;
- in person (obtain an acknowledgement of receipt);
- by any other means that allows a valid proof of receipt to be obtained.

DEATH OF A LANDLORD

If a landlord dies, the lease remains valid under the same conditions.

For more information, contact the Tribunal administratif du logement.

Website
tal.gouv.qc.ca (Contact us section)

Telephone
Montréal region: 514-873-2245
Elsewhere in Québec: 1-800-683-2245

Mandatary, tutor or curator to an incapacitated person

As liquidator of the succession, you must notify the Curateur public du Québec of the death of

- a mandatary of an incapacitated person;
- a tutor or curator;
- a person under protective supervision or a homologated protection mandate.

If a mandatary, tutor or curator to an incapacitated person dies, a replacement must be appointed. In the case of a mandatary, it is essential to verify whether a substitute was designated in the protection mandate. In the case of a tutor or curator, you must contact the Curateur public to find out what other steps the tutorship council must take to appoint a replacement.

The Curateur public du Québec must be informed of any change so that it can update the public registers it maintains: the register of tutorships and curatorships to persons of full age, the register of homologated protection mandates and the register of tutorships to minors. It is the liquidator's responsibility to protect the incapacitated person's interests until a new mandatary is appointed.

For more information, contact the Curateur public du Québec. If you wish to go to one of its offices, you can find the contact information on the website indicated below.

Mail or in person
500, rue Sherbrooke Ouest, bureau 1832
Montréal (Québec) H3A 0J2

Website
Curateur public contact details
Québec.ca/curateur-public-contact-us

Telephone
Montréal region: 514-873-4074
Elsewhere in Québec (toll free):
1-844-LECURATEUR (532-8728)

Person receiving support payments

If the deceased was paying you spousal or child support, your first step is to contact the officer in charge of your support file at Revenu Québec to find out what happens when a debtor dies.

Under the support-payment collection program, Revenu Québec continues to collect any arrears accrued as at the date of death. Moreover, death does not terminate a person's obligation of support towards family members in need.

Consequently, if a debtor of support (person who pays support) dies, the creditor of support (person who receives support) may, within **six months** after the death, claim a financial contribution from the succession. By law, the creditor may claim a financial contribution even if the right to support was not exercised prior to the death. The financial obligation may thus be paid out of the succession funds over a certain 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 lawyer or notary.

For more information about the support-payment collection program, contact the Direction du centre des relations avec la clientèle des pensions alimentaires at Revenu Québec.

Website
revenuquebec.ca (Contact Us section)

Telephone
Anywhere in Québec: 1-800-488-2323

If you need to mail documents, send them to one of the following addresses:

Payments by cheque
QUÉBEC
Fonds des pensions alimentaires
Revenu Québec
C. P. 25400, succursale Terminus
Québec (Québec) G1A 0A8

MONTRÉAL
Fonds des pensions alimentaires
Revenu Québec
C. P. 8000, succursale Place-Desjardins
Montréal (Québec) H5B 0A7

Other documents
Revenu Québec
C. P. 25600, succursale Terminus
Québec (Québec) G1A 0B4

Revenu Québec
C. P. 6000, succursale Place-Desjardins
Montréal (Québec) H5B 0B4

Person who is married or in a civil union or a de facto union

FAMILY PATRIMONY

If you are married or in a civil union and reside in Québec, you are deemed a legal spouse and, almost without exception, are subject to the provisions of the *Civil Code of Québec* regarding family patrimony. If you are the legal spouse of a person who has died, you should be aware that the provisions of the *Civil Code of Québec* regarding family patrimony take precedence over any testamentary clauses but do not invalidate them.

As the death terminates the marriage or civil union, before settling a succession, the liquidator must first proceed to settling the succession. Once the family patrimony has been liquidated, the liquidator must then divide the other properties of the deceased according to the rules of the matrimonial or civil union regime that bound the spouses. It is only after these actions have been taken that the rest of the succession can be settled, whether it is legal or testamentary.

These divisions must be made according to precise and complex rules. It is therefore strongly recommended to consult a notary or lawyer.

In principle, you should receive or have to pay to the succession half of the partitionable value of the family patrimony, but not the property itself. You may not waive your rights regarding the family patrimony before the death of your spouse, and the provisions of a will cannot circumvent the rules regarding family patrimony.

However, you may renounce it by notarial deed, in whole or in part, from moment of death of your spouse. The waiver must be registered in the Register of Personal and Movable Real Rights within one year from the day the right to share is acquired, failing which you will be deemed to have accepted.

It should be noted that you may also have to pay into the succession, as the rights of spouses in the family estate are transferable to their heirs.

COMPENSATORY ALLOWANCE

In the event of your spouse's death, you may be able to claim a compensatory allowance if you can provide proof that, during your marriage or civil union, your personal contribution, in property or services, was so significant that it contributed to the enrichment of your spouse's patrimony. This is the case, for example, if you made a regular contribution to a business without receiving a salary. This benefit is payable in cash, by installment or by the allocation of rights in certain property.

You must submit your request to the liquidator within **12 months** following the death of your spouse. In addition, you must agree on the amount of the benefit with the heirs and legatees by particular title. Failing an agreement, the amount will be determined by the court. Where applicable, the court may fix the terms and conditions of payment and order that the compensatory allowance be paid all at once, by instalments or by the awarding of rights in certain property.

MATRIMONIAL REGIME OR CIVIL UNION REGIME

If you are the liquidator of the succession of a person who was married or in a civil union, you must first settle the partition of the family patrimony and then the liquidation of the matrimonial or civil union regime before you liquidate the succession.

To determine the matrimonial regime or civil union regime to which the couple is subject, consult the marriage or civil union contract. Under the current rules, if there is no marriage or civil union contract, the partnership of acquests regime applies. However, in the case of persons who married without a marriage contract before July 1, 1970, the regime of community of property applies unless the spouses entered into a marriage contract after that date.

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

COPY OF THE MARRIAGE OR CIVIL UNION CONTRACT

If you cannot find the deceased's marriage or civil union contract, you can ask the notary before whom the contract was signed (or the notary's successor) to provide you with a copy.

In particular, you can consult the Register of Personal and Movable Real Rights (RDPRM) to see if a marriage contract has been registered there and to find the reference. Note, however, that not all the oldest marriage contracts can be found there.

The **Find a notary** section of the Chambre des notaires du Québec website may be useful in order to obtain the contact information of the notary who received the contract or who holds it. If you are unable to reach the notary who holds the original of the contract, the Chambre des notaires du Québec can help you with your search.

For more information, contact the Chambre des notaires. The contact information is provided on page 23 of this guide. Those of the RDPRM can be found on page 36.

RECOGNITION OF DE FACTO SPOUSES

The following persons are not recognized as successors by law, unless they are named in the will: de facto spouses, regardless of the number of years of the de facto union, brothers-in-law, sisters-in-law, sons-in-law and daughters-in-law.

Even if the *Civil Code of Québec* does not recognize a surviving de facto spouse as a legal heir, some government programs enable de facto spouses to receive death benefits. To find out the criteria for recognition of a de facto spouse, you need to check with each of the government departments and bodies concerned. As a rule, de facto 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 is to be born of their union or if a child was adopted.

Person placed under tutorship or a protective regime

You must contact the Curateur public du Québec to inform them of the death of a person placed under tutorship or a protective regime and to inquire about the formalities to be completed in such a situation. The contact information for the Curateur public is provided on page 43 of this guide.

Owner of a non-restricted firearm

The liquidator of a deceased person possessing a non-restricted firearm becomes responsible for transferring ownership of the property in the name of the deceased or ensuring that the application for registration is made by the new owner.

To fulfill their obligations, they should consult the website or contact the Service d'immatriculation des armes à feu (SIAF) at the address below:

Website
siaf.gouv.qc.ca.

Telephone
Québec region: 418-780-2121
Montréal region: 438-843-9997
Elsewhere in Québec: 1-888-335-9997
Teletypewriter (TTY): 1-800-361-9596

Mail
Service d'immatriculation des armes
à feu du Québec
2535, boulevard Laurier
Québec (Québec) G1V 5C6

Holder of a hunter's certificate

If the deceased held a hunter's certificate or a trapper's certificate or certificate of achievement, you must return the certificate by mail to the Ministère des Forêts, de la Faune et des Parcs, along with the death certificate issued by the Directeur de l'état civil and a letter mentioning the name of the deceased certificate holder.

If the person died as a result of a hunting accident, you may be entitled to receive compensation. **Financial Assistance Granted to Survivors** section of this guide.

For more information, contact the Ministère des Forêts, de la Faune et des Parcs.

Website
mffp.gouv.qc.ca (Contact us section)

Telephone
Anywhere in Québec: 1-877-346-6763

Mail
Direction du développement
socio économique, de l'éducation
et des permis
Ministère des Forêts,
de la Faune et des Parcs
Édifice Bois-Fontaine, bureau RC 110
Québec (Québec) G1S 4X4

Holder of a licence from the Régie du bâtiment

The Régie du bâtiment du Québec (RBQ) must be informed of the death of a licence holder or the guarantor of a licence holder.

If the *Application for the Simplified Forwarding of Information Relative to the Death* form was filled out and the box "Régie du bâtiment du Québec" was checked, the Directeur de l'état civil will automatically notify the RBQ of the death.

Otherwise, the RBQ must be notified in writing within **30 days** after the death. Such notification must be given by the liquidator of the succession, the heir, the legatee by particular title or the legal representative of the deceased person, in the case of death of a licence holder, or by the licence holder, in the case of death of the guarantor.

CONSEQUENCES FOR THE LICENCE

DEATH OF A LICENCE HOLDER

On the death of a licence holder, the liquidator of the succession or the heir, legatee by particular title or legal representative of the deceased may continue the latter's activities for up to **120 days** from the date of death.

At the end of that time period, the licence ceases to have effect.

DEATH OF A GUARANTOR

If a guarantor dies and there is not another guarantor responsible for managing activities in the same area, the partnership or legal person must, as soon as possible, submit an application to the Régie du bâtiment du Québec to modify the licence to name a new guarantor, failing which the licence or a subclass of the licence, as the case may be, ceases to have effect **120 days** after the date of death.

For more information, contact the RBQ .

Website
rbq.gouv.qc.ca (Contact Us section)

Telephone
Montréal region: 514-873-0976
Elsewhere in Québec: 1-800-361-0761

Holder of a driver's licence or disabled parking permit

DRIVER'S LICENCE

If, following the death of a family member, you completed the *Application for the Simplified Forwarding of Information Relative to the Death* form provided by the funeral services business, the Directeur de l'état civil will automatically send the information to the Société de l'assurance automobile du Québec (SAAQ).

If you are the liquidator of the succession, contact the Société to find out what other formalities need to be completed, among other things to obtain a reimbursement of the cost of the deceased's driver's licence or storage of the person's vehicle.

The succession may be eligible for a reimbursement of the driver's licence fees for the full months remaining between the date of death and the expiry date of the licence. The reimbursement is issued by cheque made out to the succession, and will be mailed to you.

DISABLED PARKING PERMIT

If the deceased had a disabled parking permit, you must return the permit and the accompanying certificate to the Société de l'assurance automobile du Québec, by mail, along with a note indicating that the permit holder is deceased and a proof of death.

Note

If a letter indicating that the deceased's file has been closed was sent to the deceased's address, only the disabled parking permit needs to be returned to the Société.

Mail the permit and certificate to the following address:

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

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

Website
saaq.gouv.qc.ca (To reach us section)

Telephone
1-800-361-7620
Teletypewriter (TTY): 1-800-565-7763

GOVERNMENT DEPARTMENTS AND BODIES TO BE INFORMED OF THE DATE OF DEATH

Commission des normes, de l'équité, de la santé et de la sécurité du travail

COMPENSATION FOR EMPLOYMENT INJURIES AND COMPENSATION FURTHER TO A CRIMINAL OFFENCE OR AN ACT OF GOOD CITIZENSHIP (IVAC)

If the *Application for the Simplified Forwarding of Information Relative to the Death* form was completed upon the person's death, the Directeur de l'état civil will send the pertinent information to the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST) so that it can update the deceased's file. However, you still have to contact the CNESST to find out what other formalities, if any, need to be completed in order to receive death indemnities.

If the form was not completed following the death of a person receiving benefits from the CNESST, you must notify the CNESST of the death. Benefits may have been paid to the person further to an industrial accident, an employment injury, an act of good citizenship or a criminal offence.

For more information, contact the Commission des normes, de l'équité, de la santé et de la sécurité du travail (contact information provided on page 31 of this guide).

Épargne Placements Québec

TRANSFER OF SAVINGS AND RETIREMENT PRODUCTS OFFERED BY ÉPARGNE PLACEMENTS QUÉBEC

If the deceased held savings and retirement products offered by Épargne Placements Québec, the liquidator of the succession must communicate their instructions concerning the investments held and send certain documents to Épargne Placements Québec. To find out how to proceed, go to the Épargne Placements Québec website, click on How to Proceed, then Succession, or contact Épargne Placements Québec.

Website
epq.gouv.qc.ca (How to reach us section)

Telephone
Canada and the United States:
1-800-463-5229
Monday to Friday, 8:00 a.m. to 8:00 p.m.

Mail
800, place d'Youville, 20th floor
Québec (Québec) G1R 5W3

Ministère de l'Emploi et de la Solidarité sociale

SOCIAL ASSISTANCE PROGRAM, SOCIAL SOLIDARITY PROGRAM, BASIC INCOME PROGRAM AND AIM FOR EMPLOYMENT PROGRAM

The Directeur de l'état civil notifies the Ministère de l'Emploi et de la Solidarité sociale when a death occurs in Québec and is recorded in the Québec register of civil status to simplify the processing of the file by the claimant or participant concerned.

However, if the deceased was receiving financial assistance, the liquidator of the succession must provide information on the date of death to the Services Québec office or to the Centrede communication avec la clientèle. Depending on the case, payment of financial assistance benefits will either cease or continue to be paid.

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 benefits were paid by cheque and if the cheque for the month following the death was received, the liquidator of the succession must return it to the appropriate Services Québec office. If the recipient was part of a family within the meaning of the regulation, the benefits will continue to be paid to the family for the **three months** following the date of death. If applicable, the Ministère will calculate the new amount of benefits payable.

To find the nearest office, see the Contact us section at **Québec.ca** or call one of the following numbers:

Québec region: 418-644-4545
Montréal region: 514-644-4545
Elsewhere in Québec: 1-877-644-4545
Teletypewriter (TTY): 1-800-361-9596
Monday to Friday, 8:00 a.m. to 6:00 p.m.

QUÉBEC PARENTAL INSURANCE PLAN

In the event of death of a child or a parent (if at least one of the parents is eligible for benefits under the Québec Parental Insurance Plan in respect of that child), you must notify the QPIP's Centre de service à la clientèle of the date of death as soon as possible. The staff will tell you what you have to do.

See Children in the **Steps Based on the Person's Situation Prior to Death** section on page 40 of this guide.

For more information, contact the QPIP's Centre de service à la clientèle.

Telephone
North America (toll free):
1-888-610-7727
Elsewhere (charges apply):
1-418-643-7246
Monday to Friday, 8:00 a.m. to 6:00 p.m.

Website
rqap.gouv.qc.ca (Contact us section)

Retraite Québec

FAMILY ALLOWANCE, PENSION FROM A FOREIGN COUNTRY, QUÉBEC PENSION PLAN AND PUBLIC-SECTOR PENSION PLANS

The Directeur de l'état civil automatically notifies Retraite Québec of deaths that occur in Québec and are entered in the Québec register of civil status.

However, you must notify Retraite Québec as soon as possible of the date of death of a person who was receiving benefits so that the file can be updated to to avoid overpayments.

Note

The deceased's spouse or heirs may be entitled to survivors' benefits. For more information, see the **Financial Assistance Granted to Survivors** section on page 25 of this guide.

Website
retraitequebec.gouv.qc.ca
(How to reach us section)

Telephone
Montréal region: 514-873-2433
Québec region: 418-643-5185
Elsewhere in Québec: 1-800-463-5185

Revenu Québec

SHELTER ALLOWANCE

You must notify Revenu Québec as soon as possible of the date of death of a person who is a recipient of the Shelter Allowance program. If the deceased was living with a spouse, the shelter allowance will continue to be paid to the surviving spouse until **September 30** of the current year.

If the deceased was living alone, the shelter allowance will cease to be paid the month following the death.

TAX CREDIT FOR CHILDCARE EXPENSES

You must advise Revenu Québec as soon as possible of the death of a person who was receiving advance payments of the tax credit for childcare expenses or of the death of the person's child. That way, you will avoid having to reimburse payments made after the death.

TAX CREDIT FOR HOME-SUPPORT SERVICES FOR SENIORS

On the death of a senior, Revenu Québec ceases to make advance payments of the tax credit for home-support services for seniors, in the case of a person who was living alone, or continues to make the payments but adjusts the amount of the tax credit, in the case of a person who was living in a conjugal relationship with a person eligible for the tax credit.

As liquidator of the succession, you must inform Revenu Québec as soon as possible of the date of death of the recipient or the recipient's spouse so as to avoid having to reimburse overpayments.

SOLIDARITY TAX CREDIT

If you are the liquidator of the succession of a person who received the solidarity tax credit, you must notify Revenu Québec as soon as possible of the date of death to avoid overpayments and the need to refund them afterwards.

However, if the person had a spouse prior to their death and received the couple's tax credit, the spouse will not have to apply to continue to receive payments of the specified amounts for the current payment period from the month following the month of death. The surviving spouse will receive the remaining payments when information on the is transmitted (by the surviving spouse or otherwise), provided the eligibility requirements are met. For more information, contact Revenu Québec.

SUPPORT PAYMENTS

Under the support-payment collection program, Revenu Québec continues to collect any arrears accrued as at the date of death.

For more information, see Person receiving support payments in the **Steps Related to the Person's Situation Prior to Death** section on page 43 of this guide.

WORK PREMIUM AND ADAPTED 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 person's date of death as soon as possible.

If you are receiving one of these premiums and your spouse dies, you must notify Revenu Québec of the death, as the amount of the premium will be adjusted on the basis of your new family situation.

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

Website
revenuquebec.ca (Contact Us section)

Telephone
Québec region: 418-266-1016
Montréal region: 514-940-1481
Elsewhere in Québec: 1-855-291-6467
Teletypewriter (TTY): 1-800-361-3795

Mail
MONTRÉAL, LAVAL, LAURENTIDES, LANAUDIÈRE AND MONTÉRÉGIE REGIONS
Direction principale des relations avec la clientèle des particuliers
Revenu Québec
C. P. 3000, succursale Place-Desjardins
Montréal (Québec) H5B 1A4

QUÉBEC AND OTHER REGIONS
Direction principale des relations avec la clientèle des particuliers
Revenu Québec
3800, rue de Marly
Québec (Québec) G1X 4A5

END OF LIQUIDATION OF A SUCCESSION AND DISCHARGE OF THE LIQUIDATOR

Income tax returns and tax certificates authorizing distribution of property of the succession

INCOME TAX RETURNS OF A DECEASED PERSON

If you are the liquidator of a succession, you are responsible for filing the deceased's income tax return for the taxation year in which the death occurred (called *principal return*). You must clearly indicate that the return is being filed for a deceased person. Special rules set the deadlines for filing income tax returns further to a death. It is up to you to check the filing deadline with Revenu Québec based on the date of death.

In the principal return, you must report all income earned by the person up to the date of death, regardless of whether the amounts were received during the person's lifetime. Income includes interest, rents, royalties, annuities, wages and salaries that, as a rule, accrued daily in equal amounts during the period in which they were payable. You may have to include income resulting from deemed dispositions at the time of death.

In addition to filing the principal return for the year of death, you may be able to file up to *three other separate income tax returns*. The income of the deceased is thus split and, as a result, the income tax payable on the deceased person's behalf can be lowered or reduced to zero.

A separate return can be filed to report

- the value of rights and property of the person at the time of death (that is, income that the person was entitled to receive but had not yet received at the time of death);
- income from a testamentary trust that is a succession subject to graduated taxation;
- income from a partnership or sole proprietorship.

INCOME TAX RETURN OF THE SUCCESSION

As a liquidator, you must also file the succession's income tax return, using the *Trust Income Tax Return* (TP-646) form, to report income earned by the succession after death.

However, you are not required to file a trust income tax return if:

- the death benefit paid by Retraite Québec under the Québec Pension Plan (or that paid under the Canada Pension Plan) is the only income of the succession that would be indicated. In this case, this benefit must be included in the income tax return of the beneficiary(s) of the succession according to their share in the succession;
- the succession did not generate any income (interest, rental income, etc.) before the property was distributed among the heirs.

Note

Revenu Québec combines the information relating to death under Your Situation in the **Citizens** section of its website (**revenuquebec.ca**). However, for the steps to take to meet your tax obligations, depending on the particulars of the succession you have to settle, see the *Questionnaire for Succession Liquidators*. You can access this online tool directly by entering **revenuquebec.ca/liquidator** in your search engine.

You can also find these publications on the Revenu Québec website:

- *Successions and Taxation* (IN-313);
- *Guide to Filing the Income Tax Return of a Deceased Person* (IN-117);
- *Guide to Filing the Trust Income Return* (TP-646.G).

For more information about income tax returns, contact Revenu Québec.

Mail
MONTRÉAL, LAVAL, LAURENTIDES, LANAUDIÈRE AND MONTÉRÉGIE REGIONS
Direction principale des relations avec la clientèle des particuliers
Revenu Québec
C. P. 3000, succursale Place-Desjardins
Montréal (Québec) H5B 1A4

QUÉBEC AND OTHER REGIONS
Direction principale des relations avec la clientèle des particuliers
Revenu Québec
3800, rue de Marly
Québec (Québec) G1X 4A5

Website
revenuquebec.ca (Contact Us section)

Telephone
Québec region: 418-659-6299
Montréal region: 514-864-6299
Elsewhere in Québec: 1-800-267-6299
Teletypewriter (TTY): 1-800-361-3795

CERTIFICATE AUTHORIZING THE DISTRIBUTION OF PROPERTY

If you are the liquidator of the succession and you wish to distribute, as the case may be, the property that the deceased had at the time of death or the income earned by the succession after the death, you must inform Revenu Québec of your intention to do so and obtain the certificate authorizing you to make this distribution. You must file a duly completed *Notice Before Distribution of the Property of a Succession* (form MR-14.A-V) with Revenu Québec, along with the documents listed below.

This certificate will be issued to you once you have met all of your tax obligations to Revenu Québec in respect of this succession, including the following:

- have filed to Revenu Québec any income tax return of the deceased for the year of death, using the *Income Tax Return* (TP-1) form;
- have filed to Revenu Québec the *Trust Income Tax Return* (TP-646) for any taxation year beginning after the death and ending on the date the succession was liquidated.

If you distribute the deceased's property or the succession's income without a certificate from Revenu Québec authorizing distribution, you will be held personally liable for payment of the amounts owed, up to the amount of the distributed property or income.

Before you send the *Notice Before Distribution of the Property of a Succession* (MR 14.A-V) form to Revenu Québec, you can pay up to **$12,000** in urgent expenses. These expenses may be directly related to the death (e.g., funeral expenses) or to the succession's property (e.g., electricity, heating, insurance or urgent repairs).

To avoid processing delays of your file by Revenu Québec for the purpose of obtaining the certificate authorizing you to make the requested distribution using Form MR-14.A-V, you must attach to this form a copy of the following documents (if you have not already submitted them to Revenu Québec):

- the two will search certificates (one issued by the Chambre des notaires du Québec and the other issued by the Barreau du Québec)
- proof (in full and signed) of the last will and testament, in the form of one of the following, as the case may be:
  - the notarial will
  - the holograph will or the will made in the presence of witnesses, accompanied by the judgment probating the will or the minutes of the notary
  - a notarized codicil (modification to the last will), or a holograph codicil or codicil made in the presence of witnesses, accompanied by the judgment probating the codicil or the probate minutes of the notary,
  - a marriage or civil union contract

In addition, you must also attach to form MR-14.A-V, a copy of any other document designating you as liquidato r, such as the *Designation of a Liquidator by the Heirs* form (LM-14.1-V), if

- no document containing a testamentary provision was found;
- no liquidator is named in such a document;
- the appointed liquidator cannot fulfill this function, for example because the liquidator is deceased or unfit (in this case, attach the document explaining why a new liquidator should be appointed).

In addition, if the sole heir is acting as sole liquidator because they must agree to act as such under article 784 of the *Civil Code of Québec*, attach a copy of the document attesting that they are the sole heir of the succession. Make sure that this document includes proof of the swearing in of this sole heir in the presence of a lawyer, notary or commissioner of oaths (for example, you could provide a copy of such a document that has been requested by the deceased's financial institution, insurer or any other entity from which the liquidator must claim property forming part of this succession).

CLEARANCE CERTIFICATE FROM THE CANADA REVENUE AGENCY

You must also obtain a clearance certificate from the Canada Revenue Agency before distributing the property of the succession. To find out how, go to the see the Government of Canada website at **Canada.ca**, search for section **What to do when someone has died**, and click on Clearance certificate.

Final account of the succession and notice of closure of the liquidator's account in the Register of Personal and Movable Real Rights (RDPRM)

The liquidation of the succession is complete when one of the following conditions is met:

- The known creditors and legatees by particular title have been paid or payment of their claims and legacies is otherwise settled or assumed by heirs or legatees by particular title.
- The assets are exhausted (which means that there is no more inheritance to partition).

The final account is the last step in the liquidation of the succession. This stage coincides with the completion of the liquidation of the succession and initiates the last operations to be performed by the liquidator as administrator of the succession's assets.

After acceptance of the final account, the liquidator is discharged of their administration and delivers the property to the heirs. However, before delivering the property, the liquidator must obtain a certificate authorizing the distribution of property from Revenu Québec and a clearance certificate from the Canada Revenue Agency. For more information, see **Income tax returns and certificates authorizing distribution of property of the succession** on page 54 of this guide.

The closure of the account shall be published in the Register of Personal and Movable Real Rights by means of the registration of a notice identifying the deceased and indicating the place where the account may be consulted.

Distribution of succession property and transfer of ownership

IMPORTANT NOTE: Before transferring property to the heirs, you must ensure that the preliminary steps for liquidation provided for by law have been taken. Otherwise, the heirs could become liable for the deceased's debts for an amount greater than what they collect as an inheritance. This is particularly the case for heirs who appropriate the properties of the succession before the inventory is completed.

TRANSFER OF THE RIGHT OF OWNERSHIP ON AN IMMOVABLE

If the deceased owned an immovable (building, house, land, etc.), you must ask a notary to draft a declaration of transmission for real estate property attesting to the transfer of the titles of ownership to the heirs. The declaration will be entered in the Québec land register. The notary will verify the ownership of the immovable(s) and the related expenses. The land register contains a record of all transactions regarding immovables located in Québec, commonly called "the chain of titles". It can be consulted online for a fee.

Before consulting a notary, make sure you have the necessary documents in hand (the death certificate or copy of the act of death, copy of the person's marriage or civil union contract, the person's will, titles of ownership and municipal assessment for the immovable concerned).

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

Before selling a property directly by the succession, the liquidator must also contact a notary in order to have a property transfer declaration prepared in favour of the succession.

For more information, contact the Centre de relation avec la clientèle de l'information foncière.

Website
registrefoncier.gouv.qc.ca
(Nous joindre section)

Email
services.specialises@mern.gouv.qc.ca

Telephone
Québec region: 418-643-3582
Elsewhere in Québec: 1-866-226-0977

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 is one of your duties. To transfer ownership to an heir or a buyer other than an heir, you must go to a Société de l'assurance automobile service outlet with the new owner to whose name the vehicle registration is to be transferred. You must provide the following documents:

- A piece of ID, such as your driver's licence;
- The registration certificate or registration number (licence plate number) for the deceased's vehicle;
- The *Declaration by the Liquidator of the Succession*, duly completed.

The new owner must provide the following documents:

- their driver's licence;
- If the new owner does not have a file with the Société, the original of their birth certificate issued by the Directeur de l'état civil, showing the names of the new owner's parents, as well as another piece of ID (for example, health insurance card or passport).

Note

If you are unable to go to a Société service outlet in person, you can send a representative, in which case your representative must provide the *Declaration by the Liquidator of the Succession* and *Power of Attorney* forms, duly completed and signed by you beforehand. The heir or new buyer can conduct the transaction alone, provided they have your express authorization as well as those two forms in hand. The two forms are available on the Société's website at **saaq.gouv.qc.ca**, by clicking on Online services and Forms under the **Other services** section.

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

Website
saaq.gouv.qc.ca (To reach us section)

Telephone
1-800-361-7620
Teletypewriter (TTY): 1-800-565-7763

Unclaimed property and successions

Each year, thousands of people either forget or fail to claim their property. Revenu Québec is the agency responsible for recovering and administering such property.

Unclaimed property includes, among other things, financial assets and property of successions. Generally speaking, a succession becomes unclaimed if all successors have renounced it, no successors are known or no one claims the succession within **six months** following the person's death. In accordance with the *Civil Code of Québec*, Revenu Québec is responsible for administering and liquidating unclaimed successions.

Notices are published in daily newspapers to inform the public about the existence of unclaimed property and successions. You can also consult the Register of Unclaimed Property, available at **revenuquebec.ca**.

The successor who has renounced the succession retains, within 10 years from the day on which that right began, the right to accept the succession which has not been accepted by someone else. The successor then takes the succession in the state in which it is then and subject to the rights acquired by third parties on the property of the succession.

CHECKLIST: WHAT TO DO WHEN SOMEONE DIES

This checklist is provided for information purposes only. It is up to you to take all the necessary steps following a death.

When a loved one dies, there are a number of steps that must be taken. This checklist covers most of them. For more information, refer to the guide. Note that the order in which the steps are taken may vary depending on your personal situation and whether you are a surviving spouse, the liquidator of the succession or an heir.

FUNERAL SERVICES AND THE PURCHASE OF SEPULTURES

- ☐ Choose a funeral services business and make funeral arrangements (check with loved ones to see whether the deceased entered into a prearranged funeral services contract or a prepurchased sepulture contract and request a consultation of the Registre des contrats d'arrangements préalables de services funéraires.
- ☐ Pay the funeral expenses and keep the receipts. If applicable, apply for the death benefit granted under the Québec Pension Plan. Also look into the special benefit for funeral expenses.

LEAVE OF ABSENCE FOLLOWING A DEATH

- ☐ Notify your employer of your absence.

PROOF OF DEATH

- ☐ Sign the *Declaration of Death* form and complete the *Application for the Simplified Forwarding of Information Relative to the Death* form in the presence of the funeral services business representative. The form allows you to notify a number of government departments and bodies of the person's death in a single step, through the Directeur de l'état civil. It also saves you from having to provide the government departments and bodies indicated on the form with a proof of death.
- ☐ Complete the *Application for a Certificate* or *Copy of an Act of Death* form and send it to the Directeur de l'état civil. The representative of the funeral services business can file the application online on your behalf or provide you with a paper copy of the form. The death certificate and copy of the act of death are required for liquidation of the succession.
- ☐ If the death occurred outside Québec, request that the act of death made outside Québec be inserted in the Québec register of civil status. If the death certificate to be inserted is in a language other than French, attach the original of an authenticated French translation performed or certified by a member of the Ordre des traducteurs, terminologues et interprètes agréés du Québec.
- ☐ In specific cases, obtain a declaratory judgment of death from a court.

HEALTH INSURANCE CARD

- ☐ Give the deceased's health insurance card to the funeral services business after writing down the card number. If the person died outside Québec, call the Régie de l'assurance maladie du Québec as soon as possible to notify it of the death.
- ☐ If you are the deceased's surviving spouse, check to see whether you have to register with the Public Prescription Drug Insurance Plan.
- ☐ If the deceased had any medications, take them to a pharmacy. The pharmacist will take them back and dispose of them properly.

WILL

- ☐ Look for the most recent will in the deceased's personal effects or safety deposit box.
- ☐ Submit requests for a will search to the Chambre des notaires du Québec and the Barreau du Québec in order to obtain the two search certificates required for liquidation of the succession. This step is required for all successions.
- ☐ If applicable, locate the deceased's marriage or civil union contract and check to see whether the contract contains a "gift *mortis causa*" clause (e.g., "surviving spouse" clause).
- ☐ If the will was not notarized, have a notary or a court probate the will (see **Probate of a will** on page 23 of this guide). In the absence of a will, ask a notary to prepare a declaration of heredity, if necessary.

LIQUIDATION OF THE SUCCESSION

- ☐ Request the registration of the liquator's appointment and, if necessary, the replacement of the liquidator in the Register of Personal and Movable Real Rights (RDPRM). The required forms can be found in the **Vous êtes liquidateur d'une succession?** section of the RDPRM website (in French only) at **rdprm.gouv.qc.ca**.
- ☐ Gather all important documents, such as titles of ownership for movable and immovable property, bank statements, savings certificates and other financial documents.
- ☐ Verify whether the deceased had life insurance and notify the insurance companies of the death.
- ☐ Close the deceased's bank accounts, cancel the deceased's credit cards, check to see whether any bills were paid by preauthorized withdrawal and terminate those withdrawals.
- ☐ Identify the legatees by particular title and the heirs and contact them.
- ☐ Notify Revenu Québec of the death and send it the required documents.
- ☐ Notify the deceased's employer, if applicable.
- ☐ Notify Service Canada of the death, if applicable (Old Age Security pension, Canada child benefit, social insurance card, passport, firearms licence, etc.).

- ☐ Gather all of the documents needed to draw up the inventory of property (statements of earnings/pay slips, documents relating to pensions, invoices, accounts payable, titles of ownership for immovables or businesses, documents relating to mortgage loans, IOUs, documents relating to savings accounts, investment certificates, documents relating to a safety deposit box, etc.).

- ☐ Collect any sums of money owed to the deceased.

- ☐ Determine the deceased's obligations, such as accounts payable. Certain debts, such as legal fees, income taxes and municipal taxes, must be paid first.

- ☐ If the deceased had a legal spouse, settle matters of family patrimony and matrimonial regime or civil union regime. In certain cases, the succession must also be used to pay a compensatory benefit to the surviving spouse or support. Due to the survival of the obligation of support, spouses and civil-union partners, former spouses or civil-union partners who were already in receipt of support, as well as the parents and children of the deceased, could claim support from the succession.

- ☐ In the case of renunciation of the family patrimony, complete the *Réquisition d'inscription de nature matrimoniale* form so that the renunciation is registered in the Register of Personal and Movable Real Rights (RDPRM).

- ☐ Draw up an inventory of the property and debts of the deceased person. When the inventory is complete, register a notice of closure of inventory in the RDPRM using the *Réquisition générale d'une inscription* form in order to notify any interested persons of the place where the inventory can be consulted. Have the notice published in a newspaper distributed in the locality of the last known address of the deceased.

- ☐ Open a bank account for the purposes of the succession so that you can cash cheques issued in the succession's name. The death certificate of the person and the two testamentary search certificates must be submitted in order for the account to be opened.

- ☐ If the deceased was a tenant, notify the landlord (resiliation or modification of the lease).

- ☐ Forward the mail of the deceased person to the address of the liquidator (Canada Post).

- ☐ File personal income tax returns (TP-1 for Revenu Québec) and (T-1 for the Canada Revenue Agency) specifying in each that it is the return of a deceased person (check the deadlines to be met depending on the date of death and pay the tax balances, if applicable); file trust tax returns (TP-646-V for Revenu Québec and T-3 for the Canada Revenue Agency), if applicable.

- ☐ Complete the *Notice Before Distribution of the Property of a Succession* form (MR-14.A-V, Revenu Québec) and the *Asking for a Clearance Certificate* form (TX19, Canada Revenue Agency) to obtain the certificates authorizing distribution of the property.

- ☐ Check the Register of Unclaimed Property maintained by Revenu Québec, available on its website (**revenuquebec.ca**).

- ☐ Have a notary transfer ownership of immovables, who will draft the declaration of transmission for real estate property attesting to the transfer of the titles of ownership to the heirs and make sure the necessary information is entered in the Québec land register.

- ☐ Pay creditors and hand over legacies by particular title.

- ☐ Distribute the property and money to the legatees by particular title and heirs once they have accepted the succession and the preliminary steps have been carried out.

- ☐ Notify the Curateur public du Québec if a person under 18 years of age receives an inheritance worth more than **$40,000**. Use the *Declaration of Remittance of Property in Favour of a Minor Child* form.

- ☐ Close the bank account opened for the purposes of the succession.

- ☐ Produce a balance sheet (final account). A notice of **closure of the liquidator's account** must be entered in the RDPRM using the *Réquisition générale d'une inscription* form.

SUCCESSORS

- ☐ Accept or refuse the succession within six months of the date of entitlement (usually the date of death). Upon request, this period may be extended by up to **60 days** from publication of the notice of closure of inventory in the Register of Personal and Movable Real Rights (RDPRM).

- ☐ In the event of a refusal, sign an act before a notary and have the renunciation of the succession or bequeath entered in the RDPRM using the *Réquisition générale d'une inscription* form.

Need help?

SERVICES QUÉBEC

Services Québec information officers can provide you with information about all Gouvernement du Québec programs and services.

Québec region: 418-644-4545
Montréal region: 514-644-4545
Elsewhere in Québec: 1-877-644-4545
Teletypewriter (TTY): 1-800-361-9596
Monday to Friday, 8:00 a.m. to 6:00 p.m.

INFO-SOCIAL 811

You can reach Info-Social **811**. If you are in need of assistance or,—for example, a support group—following the death of a loved one, this service can direct you to a resource in your area.

BEREAVEMENT HELPLINE

The bereavement helpline is for anyone mourning the loss of a loved one. The service is offered 7 days a week, from 10 a.m. to 10 p.m. Call **1-888-533-3845**.

Service for people with a hearing or speech impairment

The following numbers are reserved for persons with a hearing or speech impairment who use a teletypewriter (TTY)

Services Québec
Anywhere in Québec: 1-800-361-9596

Directeur de l'état civil
Anywhere in Québec: 1-800-361-9596

Office des personnes handicapées du Québec
Anywhere in Québec: 1-800-567-1477

Revenu Québec
Montréal region: 514-873-4455
Elsewhere in Québec: 1-800-361-3795

Société de l'assurance automobile du Québec
Montréal region: 514-954-7763
Elsewhere in Québec: 1-800-565-7763

Road accident victims
Bell Relay services: 711

Québec.ca

For more information about Gouvernement du Québec programs and services, visit **Québec.ca/services-quebec**. You can search for a government program or service in the online directory using the search engine provided.

Canada.ca

For more information on programs and services offered by the Government of Canada, call Service Canada at **1-800-622-6232** or visit **Canada.ca**. You can find death-related information in the **What to Do Following a Death** section.

Glossary of terms

The general definitions below are intended to familiarize you with some of the terms used in this guide. It is important to check with the responsible government department or body to find out how the term or expression is defined for the purposes of their respective programs.

Acquittance
A written statement in which a creditor declares that a debt has been paid in full. Also called a "discharge."

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

Bequeath
To give by will.

Bureau du coroner (Coroner's office)
Body responsible for investigating the causes and circumstances of obscure, violent or negligent deaths.

Civil union contract
A notarized contract by which the civil union spouses or future civil union spouses choose their civil union regime.

Codicil
A legal act that modifies or cancels a will. To be valid, a codicil must comply with the same conditions as the will.

Columbarium
A building with recessed spaces used to place funerary urns.

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

Copy of an act
A copy of an act of civil status (birth, marriage, civil union or death) is a document issued by the Directeur de l'état civil that is an integral reproduction of the information contained in the act of civil status from which the copy is made. It also mentions the registration number of the act as well as the date on which the copy of the act was issued. Information may be missing if any of the events took place before 1994.

Creditor
A person to whom a sum of money is owed.

Creditor of support
A person to whom support is owed.

Curator
A person who is appointed by the court to administer the property of and/or take care of an individual under curatorship. The curator may be either a natural person who knows the individual or the Curateur public.

Curatorship
Protective supervision for a person of full age who suffers from a total and permanent incapacity and who needs to be represented with respect to the exercise of their civil rights. A curator is appointed by the court to protect the person and administer the person's property.

Damage
The harm caused to a person.

Dative tutorship
Tutorship to a minor, exercised by a court-appointed tutor where the parents are no longer able to look after the child. Parents can appoint a dative tutor in their wills, by means of a protection mandate, or through a written statement filed with the Curateur public. As a last resort, the Curateur public can serve as the dative tutor for a minor's property.

Death certificate
A death certificate issued by the Directeur de l'état civil contains the main information appearing on the act of death (deceased's name and sex, date of birth and date and place of death) as well as the registration number of the death certificate and date of it was issued.

Debtor
A person who owes a sum of money.

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 a public or private viewing prior to cremation or burial.

Family patrimony
Certain property provided for by law, generally acquired by spouses during their marriage or civil union for the usual needs of the family.

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

Holograph will
A will written and signed by the testator by hand and without the use of technical means.

Indemnity (Compensation)
A sum of money serving as compensation for damage or harm sustained.

Inheritance
All of the property and assets from a succession.

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

Legal tutorship
Tutorship to a minor exercised by the parents from the birth of the child until the child reaches age 18.

Legatee by particular title
A person who receives a specific legacy (movable or immovable property, or money) under a will.

Liquidation of a succession
An operation that consists mainly in identifying and communicating with the successors, determining the content of the succession, recovering money owed to the succession, paying the succession's debts, paying legacies by particular title, submitting a report and distributing the property.

Liquidator of a succession
The person designated to liquidate a person's succession.

Marriage contract
A notarized contract by which the spouses or future spouses choose their matrimonial regime.

Mausoleum
Funerary building enclosing caskets that are not interred. Note that certain mausoleums have a space for placing funerary urns.

Minor
A person under 18 years of age.

Obligation of support
An obligation imposed by law to provide a child, parent or spouse with the financial support necessary to ensure their subsistence (food, housing, healthcare and clothing).

Pension
Regular 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.

Sepulture
The act of placing a dead person in the ground, or the place where the body or ashes of a dead person are buried or inurned.

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

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

Suppletive tutorship
The parents of a child under 18 years of age, or one of them, may designate an extended family member to whom may be delegated or with whom may be shared the offices of legal tutor and person having parental authority where it is impossible for one or both of the parents to fully assume those offices.

Survivor
A person who outlives another person.

Testator
A person who makes a will or has one made.

Trust
A legal regime under which property constitutes a separate patrimony held and administrated by one person (the trustee) on behalf of another (the beneficiary).

Tutorship to the property of a minor
A protective measure aimed at ensuring the administration of the assets and the exercise of the civil rights of a minor. There are three types of tutorship to a minor: legal tutorship, suppletive tutorship and dative tutorship.

Tutorship
Protective supervision for a person of full age who needs to be represented with respect to the exercise of their civil rights. A tutor is appointed by the court to protect the person and/or administer the person's property.

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

Notes

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