

A portrait of a woman with short, light brown hair and blue eyes, looking off to the side. She is wearing a light-colored, textured sweater. The background is a soft, out-of-focus grey.

SUCCESSIONS AND TAXATION

**BY ACTING AS LIQUIDATOR AND FILING
A DECEASED PERSON'S INCOME TAX
RETURN, YOU MAKE IT EASIER TO SETTLE
THEIR SUCCESSION. YOU ARE ALSO
HELPING THE PERSON'S HEIRS RECEIVE
ANY TAX CREDITS AND BENEFITS
TO WHICH THEY MAY BE ENTITLED.**

This publication is provided for information purposes only. It does not constitute a legal interpretation of the *Excise Tax Act*, the *Act Respecting the Québec Sales Tax* or any other legislation.

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1 INTRODUCTION

If you are responsible for settling the succession of someone close to you following their death, this document provides the basic information you need to carry out your obligations with us as liquidator of the succession.

To help you carry out your role as liquidator and meet your tax obligations with us, you can use the **questionnaire for succession liquidators** at revenuquebec.ca/liquidator. Once you have completed the questionnaire, you will be given the recommended steps for settling a succession based on the deceased's civil status, the property involved, whether there are testamentary provisions, etc.

IMPORTANT

The persons who are entitled to inherit (called "successors") can accept or renounce the succession. They generally have six months to decide but the deadline can be extended in certain situations. If they decide to accept the succession, they become the heirs. However, if they decide to renounce the succession, they must do so by notarial act or by a judicial declaration before a court.

If we receive all the documents proving that the succession is unclaimed (that is, proving that all known successors have renounced it), we will act as the liquidator. For more information, see *Unclaimed Property* (IN-647-V).



2 INFORM US OF THE DATE OF DEATH

You must inform us of the date of death **as soon as possible if** the person received social benefits (for example, the solidarity tax credit) or if they received support payments through us, so that we can:

- stop or adjust the payments to avoid overpayments that must be repaid; and
- ensure that the deceased's spouse (if applicable) will continue to receive any advance payments to which the deceased was entitled.

You must also inform us of the date of death **if** the deceased paid support payments through us.

NOTE

If the deceased did not receive any social benefits, you do not need to inform us of the date of death.



3 SEND US INFORMATION ABOUT THE PERSON WHO WILL BE ACTING AS THE LIQUIDATOR OF THE SUCCESSION

You must inform us that you are the liquidator of the succession so that we can share information about the deceased's tax file with you and send you correspondence regarding the deceased.

To inform us, you need to send us certain documents **as soon as possible after the death**.

3.1 Required documents

Which documents you need to send us depends on the characteristics of the succession, including the number of heirs.

3.1.1 Sole heir

A liquidator that is the sole heir must accept the role of liquidator (called "the office of liquidator") if they are of full age and able to administer their property.

Use the table below to determine which documents you need to send us.

Required documents depending on whether the deceased left testamentary provisions

Deceased left testamentary provisions	Deceased did not leave testamentary provisions
- Form LM-14-V, <i>Information About a Representative</i>.¹ - A copy of the will search certificates from the Chambre des notaires du Québec and the Barreau du Québec. - Proof of death if the person died outside Québec. - Copies of the following, as applicable: - a notarial will; - a holograph will or a will made in the presence of witnesses, along with a copy of the judgment probating the will or of the minutes of the probate; - a notarial codicil (a document that changes certain points of an existing will), a holograph codicil or a codicil made in the presence of witnesses, along with a copy of the judgment probating the will or of the minutes of the probate; - a marriage or civil union contract. - Form MR-69-V, <i>Authorization to Communicate Information or Power of Attorney</i>.²	- Form LM-14-V, <i>Information About a Representative</i>.³ - A copy of the will search certificates from the Chambre des notaires du Québec and the Barreau du Québec. - Proof of death if the person died outside Québec. - A copy of a document confirming that the succession's sole heir is acting as the representative to settle the succession with us. IMPORTANT The document must show that the heir was duly sworn by an attorney, a notary or a commissioner for oaths. It can be a document requested by the deceased's financial institution, insurer or any other entity from which the representative is claiming succession property. - Form MR-69-V, <i>Authorization to Communicate Information or Power of Attorney</i>.⁴

1. If you are the representative (tutor or mandatary) of a minor or person unable to administer their property who is the sole heir of a succession, you must name a liquidator other than yourself, unless a will states otherwise. To name a liquidator, send us form LM-14.1-V instead of form LM-14-V.
2. You must send us this form if you are the liquidator of the succession and want to give someone (an accountant or member of the deceased's family) an authorization or a power of attorney to act on your behalf.
3. If you are the representative (tutor or mandatary) of a minor or person unable to administer their property who is the sole heir of a succession, you must name a liquidator other than yourself. To name a liquidator, send us form LM-14.1-V instead of form LM-14-V.
4. See note 2.

3.1.2 Multiple heirs

If there are multiple heirs, use the table below to determine which documents you need to send us.

Required documents depending on whether the deceased left testamentary provisions

Deceased left testamentary provisions	Deceased did not leave testamentary provisions
Form LM-14-V, <i>Information About a Representative</i>.¹ NOTE If, for any reason, the liquidator designated in the will cannot assume the role and no replacement liquidator is designated in the will (or the replacement liquidator cannot assume the role either), you must send us: • form LM-14.1-V instead of form LM-14-V; • a copy of a document proving that the designated liquidator has refused to act as liquidator, has resigned from their duties or cannot act as liquidator, and, if applicable, naming their replacement. • A copy of the will search certificates from the Chambre des notaires du Québec and the Barreau du Québec. • Proof of death if the person died outside Québec. • Copies of the following, as applicable: – a notarial will; – a holograph will or a will made in the presence of witnesses, along with a copy of the judgment probating the will or of the minutes of the probate; – a notarial codicil (a document that changes certain points of an existing will), a holograph codicil or a codicil made in the presence of witnesses, along with a copy of the judgment probating the will or of the minutes of the probate; – a marriage or civil union contract. • Form MR-69-V, <i>Authorization to Communicate Information or Power of Attorney</i>.²	• Form LM-14.1-V, <i>Designation of a Liquidator by the Heirs</i>.³ • A copy of the will search certificates from the Chambre des notaires du Québec and the Barreau du Québec. • Proof of death if the person died outside Québec. • Form MR-69-V, <i>Authorization to Communicate Information or Power of Attorney</i>.⁴

IMPORTANT

Designating someone to act on your behalf does not release you from your obligations as liquidator of the succession. You must ensure that the person carries out their role appropriately.

1. If you are the representative (tutor or mandatary) of a minor or person unable to administer their property **and** you and the minor or person are the only heirs of a succession, you must name a liquidator other than yourself, unless a will states otherwise. To name a liquidator, send us form LM-14.1-V instead of form LM-14-V.
2. You must send us this form if you want to give someone (an accountant or member of the deceased's family) an authorization or a power of attorney to act on your behalf, or if multiple liquidators were designated in a will to settle the succession and they do not want to or cannot act jointly (you must designate one person to represent the deceased in dealings with us). If the designated liquidators cannot act jointly, enclose a sheet with the name and signature of all the liquidators of the succession. Each signature must be dated and include the mention "succession liquidator." You do not need to send us this form if the deceased specified in their will that any of the designated liquidators could act alone.
3. If you are the representative (tutor or mandatary) of a minor or person unable to administer their property **and** you and the minor or person are the only heirs of a succession, you must name a liquidator other than yourself. To name a liquidator, send us form LM-14.1-V instead of form LM-14-V.
4. You must send us this form if you are the liquidator of the succession and want to give someone (an accountant or member of the deceased's family) an authorization or a power of attorney to act on your behalf.

3.2 Where to mail the documents

Once you have gathered all the required documents, you must **mail** them to either of the following addresses:

Montréal area

Revenu Québec
C. P. 3000, succursale Place-Desjardins
Montréal (Québec) H5B 1A4

Québec City area

Revenu Québec
3800, rue de Marly
Québec (Québec) G1X 4A5

IMPORTANT

It can take up to 60 days for the information concerning the liquidator to be registered in our systems. Once the information is registered, we will send you written confirmation.



4 FILE THE DECEASED'S INCOME TAX RETURN(S) AND THE SUCCESSION'S RETURN (IF APPLICABLE)

You must file the deceased's income tax return(s) and the succession's return, if applicable. See the table below for a summary of the various returns.

Income tax returns

Type of income tax return	Form	Period covered by the return	Deadline for filing the return and paying the balance due based on the month of death
Income tax return for the year before the year of death ¹	Income tax return (TP-1-V)	From January 1 to December 31 of the year in question	January to April: 6 months after the date of death May to December: no extension of the regular filing deadline
Principal income tax return ²	Income tax return (TP-1-V)	From January 1 to the date of death	January to October: April 30 November and December: 6 months after the date of death
Income tax return for the trust ³	<i>Trust Income Tax Return</i> (TP-646-V)	From the date of death to a date that is no more than 12 months after the death (you can choose the date) ⁴	90 days after the period covered by the return

IMPORTANT

You must pay any balance due and any other amounts owed by the deceased by the deadlines provided by law. If you do not meet the deadlines, we will charge interest on any amounts due. Moreover, for any returns that you file after the deadlines provided by law, we may impose a penalty on the balance due as well as an additional penalty for late filing.

1. You also have to file any income tax returns that the deceased should have but did not file for taxation years before the year of death. If you do not know whether the deceased filed income tax returns for the years before the year of death, you can contact us to find out.
2. In addition to filing the deceased's principal income tax return, you can choose to file up to three other returns, called separate income tax returns. Each separate return is intended for a particular category of income. Choosing to split income up this way reduces or cancels any income tax payable for the deceased. For more information, see to the *Guide to Filing the Income Tax Return of a Deceased Person* (IN-117-V).
3. Certain types of income earned after the death must be reported in the *Trust Income Tax Return* (TP-646-V) instead of in the deceased's principal income tax return. For information on the types of income, see the *Guide to Filing the Trust Income Tax Return* (TP-646.G-V).
4. If you have to file a *Trust Income Tax Return* (TP-646-V) for a taxation year after the period covered by the first return, the taxation year must end on the same date as the end of the period covered by the first return.

Obligation to file a *Trust Income Tax Return*

If you have to file a *Trust Income Tax Return* (TP-646-V), you must first obtain a trust identification number.

You can apply for an identification number by:

- using the online service in My Account for individuals, My Account for businesses or My Account for professional representatives;
- completing form LM-58.1.2-V, *Application for a Trust Identification Number*.

You may be liable to a penalty if you file the return before obtaining a trust identification number.

Self-employment

If the deceased or their spouse carried on a business in the year of death or the year before, the above filing deadlines may be different. To find out the deadlines that may apply to the deceased's situation, use our **questionnaire for succession liquidators**.



5 APPLY FOR A CERTIFICATE AUTHORIZING THE DISTRIBUTION OF SUCCESSION PROPERTY

You must draw up an inventory of the property owned by the deceased at the time of death, as well as any existing debts at that time and those arising from the death itself.

When you are ready to distribute the deceased's property (for example, real estate, a bank account or investments) or income earned by the succession after the death (for example, investment or rental income), you must complete a *Notice Before Distribution of the Property of a Succession* (MR-14.A-V) to get a certificate authorizing the distribution.

If you are the sole liquidator

If you are the only designated liquidator of the succession, instead of completing form MR-14.A-V you can get a certificate authorizing the distribution of property using the online service in My Account for individuals. Whether you use the form or the online service, you can track your application at any time in My Account for individuals.

Distribution types

When settling the succession, you may have to carry out the following:

- distribution of the deceased's property;
- distribution of the succession's post-death income; or
- distribution of the deceased's property and the succession's post-death income.

While you may make more than one distribution, in all cases, you **must** get a certificate authorizing the distribution of property before each distribution.

If, after analyzing your request for a certificate, we conclude that the deceased's file is incomplete, we may issue you a certificate authorizing you to distribute some of the deceased's property or the succession's post-death income. Once the file is in order and a full audit of the file has been completed, we will issue another certificate authorizing you to distribute the remaining property or income, if applicable.

NOTE

You can pay urgent expenses before sending us form MR-14.A-V, provided they do not exceed \$12,000 and are related to the death (for example, funeral costs) or the succession's property (for example, the cost of electricity or heat, insurance premiums or urgent repairs). However, you must complete form MR-14.A-V **even if** the value of the succession is less than \$12,000.



Distribution conditions

Before you distribute succession property, you must ensure that:

- **all** income tax returns (the deceased's and, if applicable, the trust's returns) have been filed;
- **all** notices of assessment have been issued; and
- **all** balances have been paid.

IMPORTANT

If you distribute the deceased's property or post-death income earned by the succession **before getting an authorization certificate**, you will be **personally liable** for paying us any amounts owed, up to the value of the distributed property or income.

In general, you are liable for four years as of the date of distribution.

Therefore, we will **not issue any certificates** if you have **already distributed** all the property or post-death income.

Application for a GST/HST Clearance Certificate (form FP-352-V)

If the deceased was registered for the GST/HST, you **must** complete form FP-352-V, *Application for a GST/HST Clearance Certificate*, to obtain a certificate certifying that any GST/HST has been paid. If you do not obtain this certificate, you will be personally liable for paying any GST/HST owed, up to the value of the distributed property or income.



TO CONTACT US

ONLINE

revenuquebec.ca



BY TELEPHONE

Individuals and individuals in business

Monday to Friday: 8:30 a.m. to 4:30 p.m.

Québec City

418 659-6299

Montréal

514 864-6299

Elsewhere

1 800 267-6299 (toll-free)

Businesses, employers and agents for consumption taxes

Monday, Tuesday, Thursday and Friday: 8:30 a.m. to 4:30 p.m.

Wednesday: 10:00 a.m. to 4:30 p.m.

Québec City

418 659-4692

Montréal

514 873-4692

Elsewhere

1 800 567-4692 (toll-free)

Complaints – Bureau de la protection des droits de la clientèle

Monday to Friday: 8:30 a.m. to noon and 1:00 p.m. to 4:30 p.m.

Québec City

418 652-6159

Elsewhere

1 800 827-6159 (toll-free)

Individuals with a hearing impairment

Montréal

514 873-4455

Elsewhere

1 800 361-3795 (toll-free)

BY MAIL

Individuals and individuals in business

Montréal, Laval, Laurentides, Lanaudière and Montérégie

Direction principale des relations
avec la clientèle des particuliers

Revenu Québec

C. P. 3000, succursale Place-Desjardins

Montréal (Québec) H5B 1A4

Québec City and other regions

Direction principale des relations
avec la clientèle des particuliers

Revenu Québec

3800, rue de Marly

Québec (Québec) G1X 4A5

Businesses, employers and agents for consumption taxes

Montréal, Laval, Laurentides, Lanaudière, Montérégie, Estrie and Outaouais

Direction principale des relations
avec la clientèle des entreprises

Revenu Québec

C. P. 3000, succursale Place-Desjardins

Montréal (Québec) H5B 1A4

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Québec (Québec) G1X 4A5

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