

Intestate Succession Asset Distribution

A person who dies without a Will is considered to have died "intestate." Dying intestate means that provincial laws dictate how your assets will be distributed. Each province has intestacy rules that define your estate's beneficiaries and how much each is to receive. Typically the spouse will receive a preferential share of the estate, and then the balance is shared among the spouse and children. Here is a quick summary:

Province	Survived by Spouse Only	Survived by Child / Children Only	Survived by spouse but no children	Survived by spouse and one child	Survived by spouse and children
AB	All to spouse	All to children	All to spouse	1 st \$40,000 to spouse; rest split equally	1 st \$40,000 to spouse; 1/3 rest to spouse; 2/3 rest to children
BC	All to spouse	All to children	All to spouse	1 st \$65,000 to spouse; rest split equally	1 st \$65,000 to spouse; 1/3 rest to spouse; 2/3 rest to children
MB	All to spouse	All to children	All to spouse	Either all to spouse or greater of \$50,000 or half of estate to spouse plus 1/2 of rest to spouse and 1/2 of rest to children	
NB	All to spouse	All to children	All to spouse	Marital property to spouse; rest split equally	Marital property to spouse; 1/3 rest to spouse; 2/3 rest to children
NFL	All to spouse	All to children	All to spouse	Split equally	1/3 to spouse; 2/3 to children
NS	All to spouse	All to children	All to spouse	1 st \$50,000 to spouse; rest split equally	1 st \$50,000 to spouse; 1/3 rest to spouse; 2/3 rest to children
ON	All to spouse	All to children	All to spouse	1 st \$200,000 to spouse; rest split equally	1 st \$200,000 to spouse; 1/3 rest to spouse; 2/3 rest to children
PEI	All to spouse	All to children	All to spouse	Split equally	1/3 rest to spouse; 2/3 rest to children
QC	All to spouse	All to children	2/3 to spouse; 1/3 to the privileged ascendants ⁴ or privileged collaterals ⁵	1/3 to spouse; 2/3 to child	1/3 to spouse; 2/3 to children
SK	All to spouse	All to children	All to spouse	1 st \$100,000 to spouse; rest split equally	1 st \$100,000 to spouse; 1/3 rest to spouse; 2/3 rest to children
NWT	All to spouse	All to children	All to spouse	1 st \$50,000 to spouse; rest split equally	1 st \$50,000 to spouse; 1/3 rest to spouse; 2/3 rest to children
YK	All to spouse	All to children	All to spouse	1 st \$75,000 to spouse; rest split equally	1 st \$75,000 to spouse; 1/3 rest to spouse; 2/3 rest to children

1. Above information based on 2010 CCH Financial Canadian Estate Planning Guide.
2. Note that the definition of "spouse" is not consistent across the provinces.
3. If no spouse or children at all, closest next of kin will inherit, usually in this order – parents, then siblings, then nephews and nieces, then next of kin. If no next of kin, government will get the assets.
4. Privileged ascendants are the deceased's mother and father.
5. Privileged collaterals are the deceased's brothers and sisters and their descendants in the first degree.

The information in this bulletin is for the internal use only of advisors within TD Wealth Management. This bulletin was prepared by the Wealth Planning Support team. Please contact us at 1-866-866-5166 or via e-mail tdawps@td.com if you have any questions.