



Seeking the Services of a Notary to Prepare a Will Ensures Your Wishes are Made Clear

Make a Will Week is October 3 – 9, 2021

FOR IMMEDIATE RELEASE

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Vancouver, B.C. – BC Notaries wholeheartedly support the Province of B.C.’s declaration of October 3 – 9, 2021 as “Make a Will Week”, which encourages the many British Columbians who don’t have a current Will to prepare one, and families to discuss the topic and future planning. A well-considered legal Will provides peace of mind for the individual preparing it, as well as for their family and friends left to execute their wishes.

Despite this, ongoing surveys conducted for BC Notaries Association since 2014 show only about half of British Columbian adults have a legal Will. In 2014, a Mustel Group omnibus telephone poll of 502 adults in B.C. reported that 55% of British Columbian adults have a current and legal Will. Six years later, in 2020, an online Ipsos survey of 801 B.C. residents showed 50% of adults have an up-to-date legal Will.

“Anyone who has real estate or children should have a Will,” said David Watts, a Notary in Vancouver. “Not having a Will could leave children vulnerable to outside decision-makers and family conflict if something happens to the parents.”

It appears that homeowners and parents of dependent children are starting to act on that message. Data collected by Ipsos for BC Notaries last year shows an increase in homeowners having a current Will, 64% versus 57% in 2018, and 49% of parents of children 18 or younger have a Will, up from 34% in 2018. Still, less than half of families with dependent children have a Will in place. If the Public Guardian and Trustee is brought in to administer the estate, the Province may then decide on the future of dependent children and assets.

“We know people care deeply about the wellbeing of their family, and so we urge British Columbians to get a Will drawn up by a trusted professional,” said Kristy Martin, a Notary in Langford (Greater Victoria). “Don’t wait until a crisis hits because it can be too late.”

When interviewing a client who wants an up-to-date Will prepared, Notaries will often ask their clients to bring in old Wills or any notes they have prepared, and then help them to draft a new proper Will as opposed to editing a Do-It-Yourself Will that increases risk for everyone. When a client brings in an old DIY Will or a DIY Will they were considering using, it is not uncommon for a Notary to identify key issues with these, such as forgetting to name a spouse as an executor or primary beneficiary or neglecting to name a beneficiary or beneficiaries for the rest and residue of the estate. These key components of a Will, if overlooked, may have detrimental effects on the ability of an executor to carry out the Will maker’s wishes accurately and completely. Having a professionally drafted Will also has the additional benefit of giving third parties, such as banks, other financial institutions, and even the courts, greater confidence that the Will maker was properly evaluated at the time of the Will drafting for competency and capacity. This confidence will often make it easier for executors when working with these third parties to execute the Will maker’s wishes.

“Unclear instructions in a Will can bring into question the person’s intentions and wishes, and this ambiguity can result in conflict, with people challenging the Will in court and greatly extends the probate period,” said Daniel Boisvert, a Notary in Delta and President of BC Notaries Association. “By meeting with a Notary or other legal professional, we can guide you not just through the steps, but ask questions you might not have thought about and ensure your directions are clear to your executor.”

The start of the COVID-19 pandemic last year served as a vivid reminder for a lot of people who had put off making a Will. At that time, Notaries received a significant increase in calls about preparing Wills. Data from the 2020 Ipsos survey also found that 27% of people who didn’t have a Will were more likely to have a Will prepared in the next year due to the COVID-19 pandemic. That figure increased for parents of children 18 or younger, going up to 37%, and to 38% for people aged 55 or older.

Additionally, many parents are helping their adult children purchase their first home, with some appearing on the title of the property. In this situation, it’s a good idea for both parties to have a Will, so that wishes around home ownership are made clear. BC Notaries often inform homebuyers about the benefits of having a Will while they are doing the conveyancing for a home purchase.

“When you purchase real estate or another substantial asset it’s a good time to begin planning to do a Will by considering who you would want to inherit your home and any other assets, as well as provide care to any dependent children,” said Tarja McLean, a Notary in Kelowna. “The next step is to visit a local Notary, who can use this information to assist you in preparing a Will. It takes less time than most people think, and they are usually relieved to have that plan in place.”

About BC Notaries:

BC Notaries are a select group of legal professionals commissioned by the Supreme Court of British Columbia. Since 1926, these highly educated legal professionals have provided non-contentious legal services, including real estate conveyancing and all the important personal planning tools available to the people of our province: Wills, Powers of Attorney, Representation Agreements and Advance Directives. Throughout history, Notaries have been recognized as individuals of impeccable integrity practicing in a Tradition of Trust. A Notary’s word, signature, and red Notary Seal are time-honoured testaments to the character and skill of these caring professionals.

The BC Notaries Association promotes and supports British Columbia Notaries Public in all communities of the Province and advances the standing of its members and awareness of their services to the public. For more information, or to find a Notary by location, name or language please visit bcnotaryassociation.ca.

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Editors: Local Notaries are available in many areas of B.C. to discuss Will planning.

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