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**LAW CENTRE**  
Lawyers & Notaries Public

**Specializing in**  
**Real Estate Law**  
**Business Law**  
**Wills & Estates**

At Beacon Law, you receive:  
plain language  
up-front approach  
work quoted by the job,  
not the hour  
prompt service  
friendliness  
value for money

Offices located in:  
Sidney  
Brentwood Bay  
Royal Oak

*"A wise man adapts himself  
to the circumstances, as  
water shapes itself to the  
vessel that contains it"*

– Chinese Proverb

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# RAISING THE BAR

*Raising the Bar is a newsletter for clients and friends of Beacon Law Centre intended to maintain a valued business relationship with you at any stage—even after our legal services for you are completed. With Raising the Bar, we hope to keep up the best aspects of our service: meaningful information, trusted advice and outstanding service. In turn, you can pass on our name (and maybe even this newsletter) to someone else who might need our services.*

## Wills Laws Overhauled: Changes May Affect You

This past March, British Columbia implemented major changes to its wills and estates laws. The new Wills Estates and Succession Act ("WESA") consolidates four older acts, and modernizes the law regarding Wills and the administration of estates for BC residents. These changes may seem, on first blush, to be of little interest. But they are substantial, and we are sending this newsletter to our clients to let you know that we are concerned that some of you may need to update your Wills.



### *Specific Cash Gifts Made in Wills of Spouses (Married and Common Law)*

To clarify what we mean by "specific cash gifts", here are two common examples found in mirror wills of spouses:

- *"If I am the last to die of my spouse Bob and me, I give \$5000 to my friend Sue".*
- *"If my spouse Bob survives me, I give \$5000 to my friend Sue".*

If you and your spouse die within five days of each other, the new law deems that each of you will be presumed to have survived the other. This means that if you and your spouse have Wills that include a specific cash gift to be paid when one of you dies, you will need to change your Will. The failure to make this update could result in the gift having to be given twice, or in the gift not being able to be given at all.

### *Five Day Survival Rule Triggers 50/50 Split of Joint Accounts or Real Estate Held in Joint Tenancy*

If you hold accounts or real estate with another person as joint tenants, and you die within five days of each other, the new law divides the joint assets equally between each of your two estates. This change in

the law is significant. Formerly, if the times of death were known, the entire joint asset would pass to the last-in-time to die of the two owners, called 'the surviving joint owner', and then on to that owner's estate. If it was not known who died first (for example in the situation of a plane crash), then the younger of the two joint owners was presumed to have died last, and the joint asset would

pass to the younger joint owner's estate. This is no longer the case. In these sorts of circumstances the new law provides that joint accounts and real estate held in joint tenancies will be split equally between the two estates. The biggest impact of this change in the law is for spouses who hold accounts or real estate jointly so that these assets will pass outside of the estate on the death of the first of them to die, and thereby avoid a legal battle with a disgruntled child or step-child. If this is the nature of your estate plan, you must be aware of the potential impact of the five day survival rule, albeit that the risk of the two of you dying within 5 days of each other is small.

### *If You Have Married Since March 31, 2014*

Marriage no longer operates to revoke your last Will. Accordingly, if you have married since March 31, 2014 you may need to update your Will to remove a previous spouse and provide for the new spouse.

### *Opportunity to Avoid Payment of Probate Fees on BC Private Company Shareholdings*

For some time, certain other Canadian jurisdictions have allowed will-makers to maintain more than one Will at a time in order to avoid the payment of probate tax on certain assets that can be transferred at the time of death without a Grant of Probate. One Will is used for assets that are subject to probate, and another for assets that may not be subject to probate



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(such as private company shares). WESA makes it possible to make use of this valuable estate planning technique. Those of you who have financially substantial holdings of private shares in one or more BC companies may wish to explore this opportunity.

### *Steps to Take if You Are Uncertain About Your Will*

The information above is generalized to help you understand and identify whether a visit to our offices is prudent. The changes resulting from WESA provide an opportunity for improved estate planning. If you have not reviewed your Will within the last 4 or 5 years, or feel concerned that the changes to our laws may have

impacted your Will, it is a good time to take advantage of our free estate planning consultation. Contact our receptionist for an appointment and remember to attend with your existing estate planning documents and a newly completed Estate Planning Navigator™ form as these will be required for your appointment. You will not be charged unless changes are actually required and you elect to engage us to make those changes. The March changes to our laws do not affect Powers of Attorney, Health Care Advance Directives, or Representation Agreements for Health and Personal Care. If you wish to have these reviewed during a free consultation respecting your Will, you should bring along copies of these documents.

## *Welcome!*

Beacon Law Centre is pleased to announce the acquisition of the law practice of Jill K Turner, effective March 20, 2014. We welcome all of Jill's clients and look forward to serving them at one of our three locations.

## *Community Involvement*

### *Want to Help and Also Have a Great Night Out?*

We are sponsoring the Rotary Club of Sidney by the Sea's 4th **James Bond Gala Fundraiser**. We hope you'll do that too! Upcoming at the Mary Winspear Centre on **Saturday, June 7th at 7 pm**, this event offers the chance to help raise funds for the new ORCCA Dental Clinic in Sidney that will provide dental care for youth of lower income families. Here's what you can expect when you buy a ticket:



Dance to 3 Amazing Live Jazz Groups – The Perishing Revisited, The Blue Note All-Stars and Steps Ahead

Free Fun-Money Casino – come dressed to kill and use your fun money winnings to bid on great prizes

Appetizers, Tapas and Desserts Buffet

Watch for James Bond himself to make an appearance (but don't touch the car if he does!)

Cash beer, wine and a martini bar

Raffles for pairs of WestJet vouchers for anywhere WestJet flies

Live and Silent Auctions with exciting items for frugal to extravagant spenders

Tickets (\$75) are available at Beacon Law and many other places around the Peninsula.

## *THREE LOCATIONS*

### **SIDNEY**

104-9717 Third St.  
Sidney BC V8L 3A3

### **ROYAL OAK**

140-4392 West Saanich Rd.  
Victoria BC V8Z 3E9

### **BRENTWOOD BAY**

5-7115 West Saanich Rd.  
Brentwood Bay BC V8M 1P7

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Beacon Law Centre (BLC) is a leading south-island boutique law firm. BLC concentrates on real estate, business law, wills and estates. We provide service from offices in Royal Oak, Sidney, and Brentwood Bay. Raising the Bar is one way we keep in touch with clients and friends. We also respect your confidentiality. If you want us to add or remove your name and address from the Raising the Bar mailing list or would like send us a comment or suggestion, send an e-mail to [newsletter@beaconlaw.ca](mailto:newsletter@beaconlaw.ca). Please share the newsletter with others.

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