

March 9, 2020

Filing a Day School Claim as an Estate

The estate of a Day School Survivor who passed away on or after July 31, 2007 can make a claim on behalf of the deceased. If the deceased had no will or executor, then a representative will need to be appointed. This process will depend on whether the deceased ordinarily lived on reserve or not.

If the individual has a will, it probably appoints an estate administrator or trustee. If the individual does not have a will, an administrator will have to be appointed. Even if the individual has a will, the administrator may need to be confirmed.

Lived on reserve:

To start this process, you will need a copy of the death certificate. Funeral homes can provide death certificates.

INAC appoints administrators for the estates of those who lived on reserve.

INAC Public Enquiries Contact Centre:
Email: aadnc.infopubs.aandc@canada.ca
Phone (toll-free): 1-800-567-9604

Lived off reserve:

The process off reserve is governed by Ontario and called “probate”.

Probate is a procedure to ask the Ontario Superior Court of Justice to:

- give a person the authority to act as the trustee or administrator of an estate; or
- confirm the authority of a person named as the estate trustee in the deceased’s will
- formally approve that the deceased’s will is their valid last will.

If you think an administrator has already been appointed but you aren’t sure, you can contact the estates department of the Ontario Superior Court of Justice. Contact the courthouse closest to where the deceased lived. In the London area:

London Courthouse
80 Dundas St., London, ON
519-660-3000

Filling out the claim form:

In addition to other sections of the form, be sure to complete Part 7 – Applying as a Representative of a Claimant.

You must include documentation showing that you are the administrator of the estate. If the individual had a will, include a copy of the will and the death certificate.

Claim form:

<https://indiandayschools.com/en/wp-content/uploads/indian-day-schools-claim-form-en.pdf>

Legal advice:

It's best to speak with a lawyer for legal advice about probate. A lawyer can help you determine if a court application is necessary and help you fill out the forms. Unfortunately, most legal aid clinics will not help with wills or estates.

Need help finding a lawyer? You can call the Law Society's Referral Service for free at 1-855-947-5255 or online at <https://lsrs.lso.ca/lsrs/welcome>.

Gowling provides legal advice for free to Day School Survivors. While you can call the Gowling help line (1-844-539-3815) for assistance with your application, the help line **will not** assist with wills or estates.

Chippewas of the Thames staff are also not equipped to give legal advice or help fill out paperwork related to probate.

- Prepared by Policy Analyst – Chippewas of the Thames First Nation