Estate Planning for HPFA

Wills, Powers of Attorney, and Planning for the Unexpected

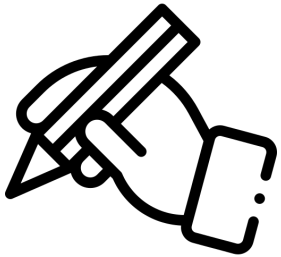
PRESENTED TO
HAMILTON PROFESSIONAL
FIREFIGHTERS ASSOCIATION

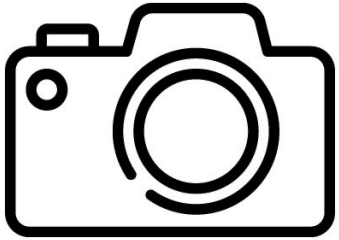
Arslan Zaidi
Zaidi Legal Professional Corporation
On behalf of Upper Canada Wills and Estates

01

Introduction:

Arslan Zaidi – UCWE Preferred Partner





FIREFIGHTERS 288 IAFF LOCAL HAMILTON

02

Two Questions That Drive All Estate Planning

1 Who makes decisions for me if I cannot?

2 What happens to my assets when I die?

> *"Estate planning is not about documents — it is about making things easier for the people you care about."*

WITHOUT A PLAN, THE LAW DECIDES FOR YOU.

The Three Essential Documents

Last Will & Testament

- Choose your executor (estate trustee)
- Decide who inherits your assets
- Create trusts for beneficiaries
- Make charitable gifts

POA for Property

- Pay bills & manage bank accounts
- Manage investments
- Sell property if necessary

POA for Personal Care

- Medical treatment decisions
- Long-term care choices
- Housing arrangements
- End-of-life decisions

> *Not having POA can be a very expensive mistake!!!*

Together, these three documents give you control over what happens — both during your lifetime and after.

The Three Scenarios

First to Die

- Who gets your assets (beneficiaries)
- Who manages your estate
- Who takes care of minor children
- How money is managed for children

Beneficiaries Die First

- What if a spouse dies before you?
- What if common disaster happens?
- Who receives their share instead?

No Survivors Left Behind

- What if all beneficiaries are gone?
- Does the estate go to extended family?
- Does it go to charity?
- Who administers the estate if your executor can’t act?

60% Canadian’s don’t have Wills!

Why So Many Canadians Delay — And Why That's Risky

TWO CATEGORIES

- Those who have **never** created a will.
- Those with **outdated** wills from years ago.

COMMON REASONS

- Life gets busy and the task keeps being postponed.
- It feels uncomfortable to think about death or incapacity.
- Assumption that assets will automatically pass to family.

THE REALITY

The law does not work the way most people expect when documents are missing or outdated. **Assumptions can lead to unintended consequences** for the people you love most.

Dying Without a Will

The Succession Law Reform Act decides for you

THE CONSEQUENCES

- **Delays** in appointing an estate trustee to manage assets.
- **Court-appointed** administrator may not be your choice.
- **Family disputes** over administration and division.
- **Rigid distribution**: No gifts to friends, charities, or specific grandchildren.

TYPICAL OUTCOME (MARRIED WITH CHILDREN)

Spouse
Receives the
Preferential Share
(first $350,000 of the estate)

→

Remaining Estate
Split between
Spouse & Children

Spouse gets everything if estate is worth less than $350,000. Children get nothing.

Incapacity Without a POA — A Hidden Crisis

Many focus on death planning but overlook incapacity — often the more immediate risk.

Property (Financial)

Guardianship of Property

- Family must apply for through courts.
- Process involves legal fees, delays, and loss of privacy.
- **Crucial:** Even a spouse does *not* automatically have authority to manage finances.

Personal Care

- Doctors consult family members for decisions.
- Decisions become complicated if family members disagree.
- No single person has clear legal authority over housing or care.

"Imagine a stroke or dementia diagnosis — without a POA, your family faces a **legal maze** at the worst possible time."

Powers of Attorney — Important Practical Realities

Bank Scrutiny

Financial institutions often question older POAs, require identification, or ask for legal confirmation before acceptance.

Elder Abuse Concerns

With rising awareness of financial abuse, banks are increasingly cautious and may refuse to act on vague documents.

Clarity & Specificity

Modern POAs need explicit language regarding gifting powers, real estate transactions, and banking authority.

Choosing the Attorney

It is critical to choose someone trustworthy, organized, and capable. "Family" doesn't always mean "Capable."

KEY TAKEAWAY

A Power of Attorney drafted 10+ years ago may not function as smoothly as a modern, well-drafted document when you need it most.

When Should You Review or Update Your Documents?

2–4 YEARS RECOMMENDED REVIEW CYCLE

OR IMMEDIATELY AFTER MAJOR LIFE EVENTS:

- Marriage or Divorce
- Death/Incapacity of Executor
- Birth of New Grandchildren
- Significant Change in Assets
- Moving Provinces

"Outdated documents can cause delays, disputes, and outcomes that no longer reflect your wishes."

Choosing the Right People for Your Plan

Executor (Estate Trustee)

- Are they **responsible** and **organized**?
- Do they live nearby or in the same province?
- Are they willing and able to take on the role?

Attorneys for POA

- Can they handle **financial** and **personal care** decisions?
- Will they respect your wishes and act in your best interests?
- Are they someone you trust completely?

COMMUNICATING WITH YOUR FAMILY

One of the best ways to avoid disputes is to ensure your family understands your wishes — even before you are gone. Open conversations reduce conflict and provide clarity.

The P Word.

P R O B A T E - Everyone fears the P word.

1. Mainly come's from American Propaganda

2. Estate Planning in the US is a lot more lucrative, marketing rules a lot different, a lot more expensive.

3. Probate isn't really a bad thing.

It is the court process that confirms the will is valid, and the executor has authority. It is there to protect your estate.

Tax: $0 on the first $50,000.
1.5% on everything above.

This is a fee for the court's oversight and protection.

Our Process:

Virtual Model – Entirely from the comfort of your own home

1. Streamlined Intake Forms
2. ID Verification
3. Free Consultation (Answer questions and review instructions)
4. Capacity/Duress Assessment
5. Retainer Agreement and Payment
6. Drafting Begins – 2-3 week drafting period
7. Draft Review
8. Draft Approval
9. Virtual Signing and Witnessing

> **COMMUNICATING WITH YOUR FAMILY**
>
> One of the best ways to avoid disputes is to ensure your family understands your wishes — even before you are gone. Open conversations reduce conflict and provide clarity.

OPTION FOR WITNESSING

1. Have your own witness attend your home during your appointment ***most common***
   - Can not be your spouse
   - Can not be a named beneficiary in the will
2. We may have a neutral witness available on request

> *Your drafting lawyer will be one of your witnesses.*
> *Additional witness may be subject to additional fees.*

Option two ensures privacy.

Virtual Signing and Witnessing:

Covid19 – Succession Law Reform Act and Substitute Decisions Act were amended

1. ID Verification
2. Confirm signing is being done without duress or external pressure
3. Documents are being signed in counterparts – so there are two copies
4. Hold up documents to the camera to confirm identical
5. Label documents Exhibit A and Exhibit B
6. Each page is initialed on the bottom right corner
7. Signature page is signed by you
8. Once we've witnessed you sign, we sign our counterpart
9. Safekeeping and storage fees if kept with us, arrange to mail your copy to us
10. Alternatively, our copy is mailed to you, to be kept with your copy
11. Reporting letter is sent; file closed

VS

TOYOTA TUNDRA VS. FORD MAVERICK

How much does Estate Planning Cost?

Typical costs in 2026

Individual Package

$800-$1200

- Last Will and Testament
- Power of Attorney for Property
- Power of Attorney for Personal Care

Couples Package

$1400-$5000+

- Mirror Wills
- POAs for Property (Both)
- POAs for Personal Care (Both)

The cheapest option out there is the do it ourself option.

To learn more or schedule a consultation, please speak with us after the presentation.

Special Offer for Members

HAMILTON PROFESSIONAL FIREFIGHTERS ASSOCIATION

Individual Package

$450+tax

- Last Will and Testament
- Power of Attorney for Property
- Power of Attorney for Personal Care

Couples Package

$695+tax

- Mirror Wills
- POAs for Property (Both)
- POAs for Personal Care (Both)

*In the event that separate or supplementary estate documentation is required by you, an additional fee may be negotiated directly with the Lawyer who will be preparing the estate documentation. Likewise, please note that law firms differ in the amount of office expenses they bill as disbursements for a file which are not included in the legal fees shown.

To learn more or schedule a consultation, please speak with us after the presentation.

Questions & Discussion

Thank you for your time.

Arslan@ZaidiLegal.com
Admin@uppercanadawills.ca

Arslan Zaidi
Zaidi Legal Professional Corporation
On behalf of Upper Canada Wills and Estates