
EXECUTIVE SUMMARY

The Court of Queen’s Bench Surrogate Practice Act (“The Surrogate Practice Act”) governs the administration of estates in Manitoba. The Act provides for a simplified process under Section 47 whereby estates falling under the monetary jurisdiction can be administered in a less onerous and more cost efficient way. This simplified process, known as the summary administration of small estates, applies to estates valued at \$10,000 or less (including real and personal property.)

The Manitoba Law Reform Commission (“the Commission”) has chosen to study the administration of small estates as part of its Access to Courts and Court Processes initiative, which identifies specific legislative amendments that can be made to improve access to court processes and promote the efficient administration of justice in Manitoba. This Final Report considers possible amendments to improve the legislation and procedure related to the summary administration of small estates under The Surrogate Practice Act.

The Commission recommends that the monetary jurisdiction for the summary administration of small estates should be increased. Rather than making any sweeping changes to the process, the Commission concludes that procedure is simply in need of updating to reflect the rising value of estates in the province since the Act was last amended. The Commission also makes recommendations to the disclosure of assets requirement under the summary administration process, which, if implemented, would help to clarify and improve the process. Finally, the Commission proposes a residency requirement for administrators under the summary administration rule.

In making its recommendations, the Commission seeks to strike a balance between the goals of accessibility, efficiency and affordability on the one hand, and ensuring the legal protection of estates from mismanagement and fraud, on the other.