

Estate & Trust Litigation

When dealing with estate and trust issues, simple matters can quickly become complicated and difficult to resolve, requiring skilled advocacy.

Our lawyers will collaborate with you to understand your unique situation and advocate for your interests. We have the skills to manage a range of traditional estate and trust disputes, including complex, high value, and those in emerging areas, including elder abuse and predatory marriages.

We work with colleagues in our insolvency, Indigenous, banking and commercial groups. We draw on traditional commercial litigation skills, including oppression claims and appointment of receivers dealing with estate private company disputes.

We offer a range of services on matters including:

- rectification and interpretation
- elder abuse
- predatory marriages
- constitutional challenges to the definition of “death”
- Indigenous Trusts
- determining who has power of attorney rights
- understanding issues around beneficiary rights
- administering estates
- mediations, arbitrations and judicial dispute resolutions
- contested passing of accounts
- removing or substituting trustees
- determining trustee or beneficiary status and rights

We represent:

- beneficiaries
- individuals as trustee
- trust companies as trustee
- substitute deciders
- charities and foundations
- bonding or surety companies
- financial institutions

Our lawyers are skilled in moving contentious estate matters through the courts in a cost-efficient, proportional and efficient manner. We are proud of the novel procedural and substantive orders we have obtained in this

regard – summary judgements, injunctions, bankruptcy and receivership, Letters Rogatory, Devolution Orders avoiding probate and tax, Rectifications Orders and orders varying trusts.

We also act as mediators and arbitrators.

Experience

- Obtained court approval of a Management Plan in a guardianship of property application, acting for CIBC Trust Corporation as proposed co-guardian (Abrams v. Abrams et al [August 5, 2011] Court File No. 03-003/08 (O.S.C.J.), per Penny, J.)
- Successful constitutional challenge on behalf of Québec common-law spouse for right to support in case known as Lola v. Eric. (Droit de la famille – 102866, 2010 QCCA 1978; on appeal to Supreme Court of Canada)
- Represented trustees in a case on the law applicable to entitlement to accounting of Québec trusts administered in Alberta of property application (Abrams v. Abrams et al [August 5, 2011] Court File No. 03-003/08 (O.S.C.J.), per Penny, J.)

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As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

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