



FEDERATION OF ONTARIO
LAW ASSOCIATIONS
FÉDÉRATION DES ASSOCIATIONS
DU BARREAU DE L'ONTARIO

April 8, 2020

Dear Presidents,

FOLA remains committed to keeping you updated during this ever-changing situation. As Chairs for real estate we find ourselves involved in some other areas relevant to solicitors.

Last week FOLA and others consulted with the Attorney General concerning the requirements for executing wills, specifically the need for a testator to be present in person with two witnesses.

Today, the Ontario Government released a new Order-in-Council on this subject.

The Order in Council is now posted on this website:

<https://www.ontario.ca/laws/regulation/200129?search=emergency+management>

Lawyers will be able to offer this option to clients who cannot or will not attend in person with witnesses. At least one person who is serving as a witness must be a licensee of the Law Society of Ontario. The Order is not retroactive and will be in place for the duration of the declaration of emergency.

Please be reminded that the new witnessing flexibility does not, in any way, negate the lawyer's duty to be vigilant concerning the testator's capacity and the possibility of undue influence.

If and when we receive further information we will pass it along.

Stay up to date at <https://fola.ca/mag>

Merredith MacLennan & Eldon Horner
FOLA Real Estate Co-Chairs

Please note: The information provided herein is of a general nature only and is not intended to provide legal advice.