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The State of Estate Administration in Alberta

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Report commented on: Alberta Law Reform Institute, [Final Report on Estate Administration](#)

In October 2013, the Alberta Law Reform Institute (ALRI) released its [Final Report on Estate Administration](#). It is anticipated that new estate administration legislation will be introduced in the Legislature this fall.

The current [Administration of Estates Act](#), RSA 2000, c A-2 remains relatively unchanged since it was first introduced in 1969. A person trying to administer an estate, however, would find little guidance in the current Act. This is partly due to the fact that the statute, in essence, is a list of exceptions and accretions to the common law without working them into a coherent whole.

The objective of ALRI's Report is to create clear, rational and accessible legislation that will provide guidance to estate representatives who are responsible for administering an estate. Key recommendations in ALRI's Final Report include:

- A clear job description and skill set required for the role of the estate representative.
- A detailed task list to assist the estate representative in performing their role.
- A clear obligation for the estate representative to distribute the estate as soon as practicable.
- An emphasis on communication by the estate representative with the beneficiaries.
- The ability of beneficiaries to enforce the core duties of the estate representative.
- Clarification as to who has the authority to control the disposition of human remains or cremated remains and to make arrangements for funeral, memorial or other services.

In recognition of the fact that many estates are administered today without seeking formal authority, the Report also makes clear that the difference between formal and informal authority doesn't affect the fact that whoever handles a deceased's property is a fiduciary, has a clear standard of care and has a list of duties and obligations.

If implemented, these recommendations would complement the new [*Wills and Succession Act*](#), SA 2010, c W-12.2, that was introduced in 2010. And together, these two new pieces of legislation would bring estate administration in Alberta into the 21st Century.

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