

International Estates & Trusts

Profile

With increasing interprovincial and globalized commerce and investment, estates and trusts often have to deal with not only the law of a particular Canadian province but also those of other provinces and countries. As succession and trust laws vary across jurisdictions, issues may arise from potential inconsistencies and conflicts between the laws and administrative practices of different jurisdictions, and from the need in one jurisdiction to obtain recognition and enforce orders and judgments of another.

For example, in British Columbia, a spouse or a child of a deceased may apply to a court to vary a will on the basis that it did not make adequate provision for their proper maintenance and support. Other jurisdictions may not provide family members with similar rights. Additionally, a person who had a marriage-like relationship with the deceased (despite formally remaining unmarried) might qualify as a "spouse" in one jurisdiction but not in another. In such cases, the determination of where to commence a lawsuit and which law applies to an estate or trust may have a significant impact on a person's interest in the estate and his or her ability to make a claim against it.

Our team of estates and trusts litigators is experienced in dealing with these complex issues. We are able to draw on the skills of members of our firm specializing in a variety of other relevant practice areas including real estate, corporate, and tax law.

As a member of the international legal network State Capital Group and multi-disciplinary professional services network IR Global and our strong connections to law firms located all over the world, we have quick access to reputable legal resources worldwide when collaboration with experts in other jurisdictions is needed to resolve a dispute.

One of the biggest financial issues facing a trust or estate is the potential imposition of tax on

its assets or earnings. Our trusts and estates group works closely with our team of experienced tax practitioners to address these exposures and ensure that these assets are not subject to any more tax than that which is properly payable.

Estate & Trust Litigation

- > Represent parties abroad in challenging or defending the validity of Wills made in Canada
- > Represent parties in challenging or defending the validity of Wills made in other countries
- > Represent parties abroad in pursuing or defending wills variation claims in Canada
- > Represent beneficiaries abroad in claims relating to trusts in Canada
- > Represent trustees in defending claims relating to trusts that involve international elements
- > Represent executors or beneficiaries abroad in accounting proceedings
- > Represent executors in resealing a foreign probate
- > Represent parties abroad in enforcing foreign judgments in Canada

Estate Administration

- > Administer estates involving assets located abroad
- > Administer estates of persons who have died while living abroad

Estate Planning

- > Advise high net worth clients with their global estate planning
- > Successfully obtained a worldwide
- > Successfully defended a foreign judgment that contains a penalty rate in contravention of the criminal rate of interest under the
- > Acted as counsel in multi-jurisdictional estate litigation and commercial litigation involving jurisdictional disputes and choice of law disputes with a focus on disputes involving North American and Asian estates and assets.
- > Acted as counsel in enforcing foreign judgments or defending the enforcement of foreign judgments in Canada.
- > Attended STEP Asia Conferences in Hong Kong and Singapore.
- > Members of SCG Legal, a worldwide network of leading law firms, attended many international meetings and co-chaired the SCG Team Canada Summit held in Vancouver in 2019.
- > Members of IR Global, a multi-disciplinary professional services network that provides legal, accountancy, financial advice to companies and individuals around the world.

Co-Chairs

Mark Weintraub, K.C.

mweintraub@cwilson.com

604 643 3113

Lauren Liang
lliang@cwilson.com
604 891 7734