



ALTERNATIVES®  
FUNERAL & CREMATION  
SERVICES

## **WILLS GUIDE**

A Step by Step Guide to Planning Your Will

**Disclaimer:** This guide is designed to help you organize your thoughts before making a Will. It does not constitute legal advice. Laws and regulations may change. For the most accurate and up-to-date guidance tailored to your situation, seek the services of a qualified legal professional licensed in British Columbia.

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## Our Commitment

At Alternatives Funeral & Cremation Services, we believe every family deserves compassionate guidance and unwavering support through life's most challenging moments. Established in 1992, we are proudly Canadian and family-owned, pioneering affordable funeral and cremation services across Metro Vancouver and Fraser Valley.

**Our mission is clear:** we place the families we serve at the heart of everything we do, upholding honesty, integrity, and compassion at every stage. Respect and dignity for those that have passed form the cornerstone of our service, ensuring their life is honoured meaningfully and thoughtfully.

Affordability has defined us as the original low-cost provider. By maintaining our ethical commitments, we offer clear pricing without compromising on quality or care. We deliver personalized service, meeting families precisely where they are with thoughtful suggestions and solutions tailored specifically to their needs.

Recognizing that comfort and confidence are essential, our Licensed Funeral Directors provide distinctive in-home arrangement services. This creates a supportive, pressure-free environment where families can comfortably gather, discuss options, and make meaningful decisions together. Families consistently share how this personal approach empowers them, ensuring they feel supported, informed, and secure in the decisions made.

For over 33 years, our goal has always been to be the go-to resource for families in the Lower Mainland when dealing with a death, raising the standard of care and service within the profession, and providing families a convenient, affordable & common-sense "alternative" to the traditional funeral home.

**We truly are, the original Alternative.**





# Welcome to Your Guide for Will and Estate Planning in British Columbia

This guide was created to support you through the many duties and responsibilities involved in planning your Will and organizing your estate. Inside, you'll find:

Page 4	<b>Personal Information</b>
Page 6	<b>Planning Your Will</b>
Page 9	<b>Power of Attorney</b>
Page 14	<b>Health Care Directives &amp; Representation Agreements</b>

While this guide offers helpful, practical direction, it is not intended to replace professional legal or financial advice.

For the latest updates and additional tools, please visit our website. You'll also find a curated list of trusted Referred Partners who can provide expert assistance, including:

- Grief and Healing Support
- Lawyers
- Accountants
- Financial Advisors
- Real Estate Professionals

[www.MyAlternatives.ca/planning-ahead](http://www.MyAlternatives.ca/planning-ahead)



## **Personal Information**

Before meeting with your lawyer or notary to create your Will, we suggest you use this Will Planning Guide. The information in this guide will assist your discussion with your lawyer/ notary. Please note that this document is for discussion purposes only, and does not constitute or replace a Will.

This guide provides general information under British Columbia law. For personalized legal advice, consult a **lawyer or notary public** specializing in **estate planning**. We offer a curated list of lawyers and notaries in your area, on our website.

### **1. Personal Information About You**

Full legal name: \_\_\_\_\_

Any other names used: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Citizenship: \_\_\_\_\_

Marital Status: Single / Married / Common-law / Widowed / Divorced / Separated

### **2. Current Will Status**

Do you already have a will? **Yes / No**

If yes, **date of last update:** \_\_\_\_\_

Where is the will stored?

**(e.g., lawyer's office, safety deposit box, executor's possession)**

\_\_\_\_\_

### **3. Personal Information About Your Spouse/Partner**

Full legal name: \_\_\_\_\_

Any other names used: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Citizenship: \_\_\_\_\_

## ***Will Planning Guide***

### **4. About Your Children/Dependents**

Full legal name: \_\_\_\_\_

Any other names used: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Citizenship: \_\_\_\_\_

### **5. About Your Children/Dependents**

Full legal name: \_\_\_\_\_

Any other names used: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Citizenship: \_\_\_\_\_

### **6. About Your Children/Dependents**

Full legal name: \_\_\_\_\_

Any other names used: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Citizenship: \_\_\_\_\_



## Planning Your Will

When preparing your Will in British Columbia, there are several key decisions and considerations. The following guide can help you organize your thoughts before meeting with your lawyer or notary. Jot down any questions or notes to discuss during your appointment.

### 1. Executor(s)

#### Under BC law:

- ☐ An Executor is the person (or persons) responsible for carrying out the instructions in your Will.
- ☐ You should choose someone you trust who is willing and able to act on your behalf.

#### Points to consider:

- ☐ Will you appoint your spouse as an Executor?
- ☐ If not your spouse, who do you wish to appoint as your Executor(s)?
- ☐ Do you plan to name a co-Executor alongside your spouse?
- ☐ If you decide on three or more Executors, do you want decisions to be based on a majority vote (i.e., a "majority decision" is binding)?

**Note:** In BC, it is advisable to name at least one alternate Executor in case your first choice is unwilling or unable to act.

### 2. Proposed Guardian for Minor Children

If you have children under 19 (the age of majority in British Columbia):

- ☐ Who is your first choice to serve as the guardian(s)?
- ☐ Who would be your backup choice if your first choice is unable or unwilling to act?

#### Points to remember:

You should confirm with the proposed guardian(s) that they are willing to take on this role. Guardianship provisions in your Will typically take effect if both parents pass away or are otherwise not able to care for the children. The courts in BC generally respect's a parent's choice of guardian named in a Will, but final decisions will always be subject to the best interests of the child.

## Will Planning Guide

### 3. Organ Donations & Funeral Arrangements

Under BC's Human Tissue Gift Act, you can express your wishes regarding organ or tissue donation in your Will or through a medical directive and on BC's Organ Donor Registry maintained by BC Transplant.

- ☐ Organ donation preferences
- ☐ Whether you wish to be buried or cremated
- ☐ Desired location for burial, if applicable
- ☐ Any instructions or preferences for funeral, memorial services, or celebration of life

### 4. Division of Your Estate Among Family or Other Beneficiaries

Under BC's Wills, Estates and Succession Act (WESA), you have freedom to distribute your property as you wish, but note that spouses and children have the right to seek a variation of your Will if they have not been adequately provided for. Keep this in mind if you plan to make significant exclusions or unequal distributions.

#### A. Specific Assets

##### 1. Personal Effects (e.g., jewelry, artwork, family heirlooms):

- ☐ Gift them all to one person
- ☐ Divide them equally among beneficiaries
- ☐ Give discretion to the Executor to distribute
- ☐ Let children or beneficiaries mutually agree

##### 2. Real Estate (residential, recreational, or investment properties):

- ☐ Place into a trust (e.g., for minor children or for a life interest to someone)
- ☐ Sell the property and distribute the proceeds

#### B. Legacies & Trusts

- ☐ Any cash gifts (legacies) or particular items to individuals or charities (e.g., a bequest to a local nonprofit or religious institution).
- ☐ Setting up special trusts, such as an educational fund for grandchildren or other dependents. In BC, minors (under 19) cannot receive property directly, so you may need a trustee to hold and manage these funds.

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### **C. Distribution of the Remainder of Your Estate**

#### **1. If your spouse survives you:**

- ☐ Do you want to gift your spouse everything outright?
- ☐ Would you prefer to hold assets in a spousal trust? If so:
- ☐ For how long? (e.g., your spouse's lifetime).
- ☐ What income should your spouse receive from the trust assets?

#### **2. If your spouse does not survive you or if you have no spouse:**

- ☐ How should assets be divided among your children or other beneficiaries?
- ☐ If children or beneficiaries are under 19, consider how and when you want them to receive their share (e.g., in stages at certain ages or events).

#### **3. If a child or beneficiary dies before receiving their full share, should that share go to:**

- ☐ Their children?
- ☐ Surviving siblings?
- ☐ Other designated beneficiaries?

### **D. Contingency (Family Disaster)**

If neither your spouse nor your children survive you, consider who should inherit your estate:

- ☐ Relatives (siblings, nieces, nephews, cousins)
- ☐ Charities or nonprofits
- ☐ Friends or other individuals



## Power of Attorney in British Columbia

A power of attorney (POA) is a legal document that allows you (the “adult”) to authorize another person (the “attorney”) to make financial and legal decisions on your behalf.

### 1. Age and Capacity

You must be **at least 19 years old** to create a valid power of attorney in British Columbia.

You must have the **mental capacity** required by law to understand the nature and consequences of the power you are granting.

### 2. Types of Power of Attorney

General Power of Attorney:

Authorizes the attorney to act for you in financial and legal matters.

Ends automatically if you become mentally incapable or upon your death.

Enduring Power of Attorney:

- ▶ Continues (or “endures”) even if you become mentally incapable.
- ▶ Must expressly state whether it can be used while you are capable and/or only if you become incapable.

### 3. Scope of Authority

You can give your attorney broad authority (to handle most or all of your finances and legal affairs), or you can limit their powers (e.g., authorize them only to pay bills or cash pension cheques).

Many people use a limited power of attorney if they are traveling, injured, or otherwise temporarily unable to manage their own affairs.

### 4. Choosing Your Attorney

Most people choose a trusted family member or friend.

You can also appoint a professional (lawyer, accountant) or a trust company.

The person or company must agree to take on the role; they cannot be forced to act.

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Under BC law, you cannot appoint someone who is paid to give you personal or health care services, or who works at a facility where you receive those services, unless they are your spouse, parent, or child.

### 5. Can I Appoint More than One Attorney?

Yes. You can appoint multiple attorneys with different areas of authority, or with the same authority.

If multiple attorneys share the same authority, they must act **unanimously** unless:

- ▶ Your POA document says otherwise (e.g., “majority rules”),
- ▶ The document outlines how to resolve conflicts, or
- ▶ One attorney is an **alternate** who acts only if the primary attorney cannot act.

## Ending or Revoking a Power of Attorney

### 1. General Power of Attorney

**Revocation:** You can end a power of attorney by giving your attorney written notice (often called a notice of revocation).

You should destroy all copies (originals and duplicates) to prevent misuse.

Provide the notice of revocation to any relevant financial institutions or third parties.

You can specify an end date or certain triggering circumstances (e.g., when you return from a trip) in the POA document.

Land Title Office: If the POA deals with real estate, you must file a notice of revocation with the Land Title Office where the property is registered to officially end the attorney’s authority regarding that property.

### 2. Enduring Power of Attorney

An enduring power of attorney remains valid if you become mentally incapable, unless it is revoked or otherwise ends according to the law.

You can revoke an enduring power of attorney as long as you remain mentally capable.

You can also list other conditions in the document that would trigger its end.

## Will Planning Guide

### Suspension or Automatic End:

The authority of an attorney is suspended or ends if the attorney:

- ▶ Becomes bankrupt,
- ▶ Is your spouse and your marriage or marriage-like relationship ends (unless the document states it continues),
- ▶ Is a corporation that dissolves or ceases business,
- ▶ Is convicted of certain offences under the Power of Attorney Act or an offence of which you were the victim.

An enduring power of attorney itself ends:

- ▶ When you die,
- ▶ If a court appoints a committee of estate (someone to manage your affairs),
- ▶ If a court declares you incapable and subsequently terminates the POA,
- ▶ If a court orders the POA terminated for any other reason.

If you have land registered in your name under the POA, you must file a notice of revocation with the Land Title Office to cancel the attorney's authority over that real property.

## Formal Requirements for Signing an Enduring Power of Attorney

### 1. Witnessing Your Signature

You must sign the POA in front of either:

- ▶ **One witness** who is a lawyer or notary public in BC, **or**
- ▶ **Two adult witnesses** (both present at the same time) if neither is a lawyer or notary.

The witnesses must sign in front of you and **in front of each other** (if two witnesses).



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### 2. Witnessing the Attorney's Signature

Your attorney must also sign the document in front of:

- ▶ **One witness** who is a lawyer or notary public, **or**
- ▶ **Two adult witnesses** (again, if neither witness is a lawyer or notary).

Certain individuals **cannot** be witnesses, including the attorney themselves and their spouse, child, or parent.

### Attorney's Duties Under an Enduring Power of Attorney

An attorney under an enduring power of attorney in BC must:

1. **Act honestly and in good faith.**
2. Use the **care, diligence, and skill** of a reasonably prudent person.
3. Act **only within** the authority granted by the POA.
4. Keep accurate records (financial statements, receipts, etc.) for inspection and copying.
5. Make decisions in the **best interests** of the adult, taking into account the adult's current wishes, known beliefs, and values.
6. Give priority to the adult's **personal and health care needs** when managing finances.
7. Invest the adult's property under the standards set by the **Trustee Act**, unless the POA document states otherwise.
8. **Promote the adult's independence** and encourage their involvement in decisions that affect them, whenever possible.
9. **Not dispose of property** that is **specifically gifted** in the adult's Will, except where necessary to fulfill the attorney's duties (for example, if needed to cover the adult's essential expenses).
10. Keep the adult's **assets separate** from their own.

## Health Care Directives & Representation Agreements

In BC, there are typically two main legal tools for personal and healthcare planning:

### 1. Representation Agreements:

Allow you to appoint one or more people (called “representatives”) to help make or to make certain personal and/or healthcare decisions for you if you cannot make them yourself.

Can cover decisions about living arrangements, routine finances, personal care, and health care, depending on whether you create a **Section 7** (standard) or **Section 9** (enhanced) agreement.

### 2. Advance Directives:

Are written instructions that give or refuse consent to specific health care treatments.

Act as direct instructions to healthcare providers when you are incapable of giving or refusing consent.

Do not appoint a person to make decisions on your behalf.

### Medical Assistance in Dying (MAiD):

Under current BC and federal law, **Representation Agreements** and **Advance Directives** generally **cannot** be used to authorize MAiD in advance. Specific eligibility and consent requirements for MAiD must be met at the time assistance is provided.

### Choosing More Than One Representative

In British Columbia, you **can** appoint multiple representatives in a Representation Agreement, either with:

**Joint Authority:** They must act together unless the Representation Agreement states otherwise (e.g., “majority rules”).

**Different Areas of Authority:** Each representative may have a distinct set of responsibilities (e.g., one handles health care, another handles certain financial tasks if permitted under a Section 7 Agreement).

### Medical Assistance in Dying (MAiD):

You may also name an **alternate** who steps in if the first representative is unable or unwilling to act.

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- ☐ The Representation Agreement **must specify** the circumstances or conditions under which the alternate will assume authority.

### Attorney's Duties Under an Enduring Power of Attorney

#### Representation Agreement Formalities

**Age and Capacity:** You must be at least 19 years old and meet the requisite capacity requirements

#### Witnessing:

You must sign (or have someone sign on your behalf if you are physically unable) in the presence of two adult witnesses or one if that witness is a BC lawyer or notary public.

Each representative (and alternate, if any) must also sign before their signatures are witnessed in the same manner.

#### Who Cannot Be a Witness:

Your named representative or alternate representative,

The spouse, child, parent, employee, or agent of your representative or alternate,

Anyone under 19 years of age.

(For **Advance Directives**, there are also specific witnessing requirements under the *Health Care (Consent) and Care Facility (Admission) Act*, which are similar but may differ slightly.)

### Duties of a Representative

Under a Representation Agreement, a representative must:

1. **Act honestly and in good faith.**
2. Use the **care, diligence, and skill** of a reasonably prudent person.
3. **Stay within the authority** granted by the Agreement.
4. Keep your **financial and property matters** separate from their own (if they have authority over routine finances under Section 7).
5. Maintain **proper records**, including a list of your property, liabilities, and details of any major transactions.

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When **helping you make decisions** or **making decisions for you**, the representative must follow these steps **in order**:

1. **Comply with your current wishes**, if known and you are capable of expressing them.
2. If your current wishes are unknown, **follow any wishes or instructions you previously expressed** when capable (including an Advance Directive, if it applies).
3. If those wishes are not known, act according to your known beliefs and values.
4. If beliefs and values are not known, act in your best interests.

## Cancelling or Changing a Health Document

### Representation Agreement

You can **cancel (revoke) or change** a Representation Agreement **if** you are still mentally capable of doing so.

Generally, you must provide **written notice** to your representative(s) and alternate(s).

If you have given a copy to a physician or health care provider, it is also advisable to inform them of the revocation or changes.

### Advance Directive

Similarly, you can revoke or change an Advance Directive while capable by following the revocation process (typically in writing) and ensuring health care providers are notified.









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