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Application ID: 29926

Submitted values are:

Bill or item of business: **Bill 245, Accelerating Access to Justice Act, 2021**

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I am submitting material as an individual

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Paste submission

I strongly support making remote signing of Wills and Powers of Attorney a permanent change however I would suggest the method of signing be clarified and revised.

In my experience, signing counterparts is foreign to many clients and creates unnecessary paper. I expect it will also create problems at banks etc. when the time comes to use the documents. I would suggest the legislation allow the client to sign in the virtual presence of the two witnesses but then when the witnesses sign, that does not have to be done in the presence of the client. That way the original document signed by the client can be later delivered to the lawyer who can then sign with the second witness.

This seems to be allowed now for powers of attorney under section 10 of the SDA

10 (1) A continuing power of attorney shall be executed in the presence of two witnesses, each of whom shall sign the power of attorney as witness. 1996, c. 2, s. 6 (1).
But this is not allowed under Wills under section 4 () of the SLRA

(c) two or more of the attesting witnesses subscribe the will in the presence of the testator

I would suggest the same wording for Wills as for Powers of Attorney, namely:

(c) two or more of the attesting witnesses subscribe the will

This alternative method of signing should also be clarified in the provision setting out the counterpart signing details to ensure the word “may ” does not mean the documents may not be signed as outlined above.