Minute Notary

A first probate application in Ontario

An estate trustee or family member applying for a certificate with Form 74A.

Tick as you go. A number in brackets points to the source of that line, listed at the end.

Before you start

- [ ] Ask whoever holds the assets whether they require a certificate. [1]
  If the deceased owned real property or assets held by a financial institution, the estate normally must be probated.
- [ ] Find out whether anyone has already applied, or has been issued a certificate. [1]
  Contact the estate trustee named in the will, relatives, or the court office where the deceased lived at the time of death.
- [ ] Check the size of the estate. [1]
  At up to $150,000 you can apply for a Small Estate Certificate instead, on its own forms.

Gather

- [ ] The deceased's original will, if any, and any addition or supplement to it. [1]
- [ ] Proof of death: a death certificate or a court order. [1]
  A death certificate can come from the funeral director, or an official one from the Registrar General.
- [ ] Information about the deceased's assets and beneficiaries. [1]

Value the estate, at the date of death

- [ ] Total the real property, and total the personal property. [1]
  Form 74A asks for each, and for the total of the two.
- [ ] Include real estate in Ontario, less encumbrances such as a mortgage or lien. [2]
- [ ] Include bank accounts, investments, vehicles and vessels, and other property. [2]
- [ ] Leave out jointly owned assets that pass automatically to the other owner, real estate outside Ontario, and insurance or registered plans with a named beneficiary. [2]
- [ ] Do not deduct funeral expenses, lawyer's fees, loans, credit cards or a line of credit. [2]

- [ ] Keep the supporting documents, such as statements or an appraiser's opinion of value. [2]

Complete the court forms

- [ ] Form 74A, the application, signed before a commissioner for taking affidavits. [1]
- [ ] With a will: Form 74D, affidavit of execution, attaching the original will. [1]
  Or Form 74E if the will was altered or marked, or Form 74F for a holograph (handwritten) will.
- [ ] Form 74C, the draft certificate of appointment. [1]
- [ ] If required: Form 74G, Part A, a renunciation, or Part B, a consent. [1]
  A renunciation is for a person named as trustee, or entitled in priority, who has not joined the application. A consent applies with no will, or when the applicant is not the trustee named in the will.
- [ ] If required: a bond (Form 74L or 74M), or a motion to dispense with one. [1]
  Required when there is no will, when the applicant is not named in the will, or when the applicant lives outside Ontario, Canada and the Commonwealth.

Serve, then prove it

- [ ] Send a copy of the commissioned application to every beneficiary, before you file. [1]
  By email, or by regular letter mail or courier, to the last known address. With minor or incapable beneficiaries, you may need to send it to the Office of the Children's Lawyer or the Office of the Public Guardian and Trustee.
- [ ] Form 74B, affidavit of service, signed before a commissioner, or Form 74B.1, a lawyer's certificate of service. [1]

File and pay

- [ ] Calculate the Estate Administration Tax on the total value of the estate. [2]
  No tax at $50,000 or less. Above that, $15 for every $1,000 or part of $1,000 over $50,000.
- [ ] Pay it as a deposit when you file, payable to the Minister of Finance. [1]
  Ontario lists a certified cheque, bank draft, lawyer's trust cheque or debit, among others. Ask the court office what it takes.
- [ ] File at the Superior Court of Justice in the county or district where the deceased lived at the time of death. [1]
  If they did not live in Ontario, where they owned Ontario property. You can mail it, or file by email under the Practice Direction. Typically processed within 15 business days.

After the certificate

- [ ] File an Estate Information Return with the Ministry of Finance within 180 calendar days. [2]
  Required even when the estate's value is $50,000 or less. Keep the records for four years.

Before you rely on this

This is Ontario's outline, not legal advice. Rule 74.04 sets which forms your situation needs, court staff cannot advise you on completing them, and a lawyer can explain the risks, the duties of an estate trustee, and whether a bond is needed.

What we do

Form 74A and the other estate affidavits are signed before a commissioner, each by the person swearing it. We commission them by video.

Sources, read November 5, 2026

1. Ontario, How to apply for probate. Updated September 11, 2025.
   ontario.ca/page/apply-probate-estate
2. Ontario, Estate Administration Tax. Updated June 24, 2026.
   ontario.ca/page/estate-administration-tax

The current version of this checklist is at minutenotary.ca/checklists/probate-application-form-74a.