

Disputes Between Beneficiaries

Siblings fight all the time, and from a young age. But estate disputes between brothers and sisters are extremely sensitive and stressful matters. We handle these dispute with the utmost confidence and privacy, often employing private arbitrators to ensure the highest level of discretion possible.

Near the end of life of a parent, it is typical that siblings provide disparate levels of care to that parent. Of the adult children, some may work full-time and some may not. One or more family members may be closer to the parent than the other adult children. For various and many reasons, the tasks involved in caring for elderly parents is often shared unequally or not at all. Providing personal care to people is onerous and difficult work. Courts have recognized that it is work that deserves compensation.

If a beneficiary or other person provided services to the deceased before death, disputes can arise after death regarding payment for those services. The person providing those services may expect to eventually be paid when the deceased dies. Sometimes, the deceased promises to pay them or include something special for them in the will. But, when the will is read, there is no extra provision for the person who worked so hard providing care. Such persons can make a claim against the estate to be paid for their services.

For example, in a case at the Supreme Court of Canada, the court decided that a nephew of the deceased was entitled to the value of services that he provided to the deceased because it would have been unfair to deprive him of payment for those services. This payment comes out of the estate and goes to the person who provided the services to the deceased.

Such claims, of course, must be proven with corroborated evidence of the services provided.