

# *The Official Administrators Fees Regulations, 1996*

*Repealed*

by Chapter Q-1.01 Reg 1 (effective July 1, 1999).

*Formerly*

Chapter Q-1 Reg 8 (effective June 19, 1996).

## **NOTE:**

**This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.**

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## CHAPTER Q-1 REG 8

### *The Queen's Bench Act*

#### **Title**

1 These regulations may be cited as *The Official Administrator's Fees Regulations, 1996*.

#### **Interpretation**

2 In these regulations:

(a) “**assets**” means the assets of the estate of a deceased person at the date of his or her death;

(b) “**fiscal year**” means the period commencing on April 1 of one year and ending on March 31 of the following year;

(c) “**gross assets**” means the difference between:

(i) the total of:

(A) the amounts realized from assets existing at the date of death, including amounts realized from assets discovered subsequent to the date of death;

(B) the fair market value of assets that are not converted to cash; and

(C) all income received from assets;

without any deductions for expenses incurred in the realization of the assets or for funeral expenses, whether incurred before or after the assets are received for administration by the official administrator; and

(ii) the total amount owed by the deceased person at the date of death under any mortgage or agreement for sale relating to real property that is included in his or her assets;

but does not include:

(iii) property held jointly with another;

(iv) insurance payable to a named beneficiary;

(v) Canada Pension Plan payments to a surviving spouse or child;

(vi) a plan within the meaning of paragraph 21 of section 45 of *The Queen's Bench Act* where the proceeds are payable to a named beneficiary;

(vii) a retirement savings plan within the meaning of paragraph 23 of section 45 of *The Queen's Bench Act* where the proceeds are payable to a named beneficiary; or

(viii) a retirement income fund within the meaning of paragraph 26 of section 45 of *The Queen's Bench Act* where the proceeds are payable to a named beneficiary;

(d) **“official administrator”** means the public trustee;

(e) **“undistributed assets”** means the fair market value of those assets remaining in an estate at the end of any fiscal year.

28 Jun 96 cQ-1 Reg 8 s2.

#### Fees

3(1) The fee payable to the official administrator for administering an estate, acting as an administrator ad litem or in any other way managing the affairs of a deceased person is an amount equal to the greater of:

(a) \$300; and

(b) if the value of the gross assets of the estate is:

(i) \$50,000 or less, 7% of that value;

(ii) more than \$50,000 but \$100,000 or less, \$3,500 plus 5% of the value in excess of \$50,000; or

(iii) more than \$100,000, \$6,000 plus 4% of the value in excess of \$100,000.

(2) For each fiscal year, in addition to the fee payable pursuant to subsection (1), the official administrator may charge an annual fee, based on the annual income earned by an estate, that is equal to 5% of that income, together with an annual fee of 0.375% of the undistributed assets.

(3) The annual fee is not to be charged for:

(a) the fiscal year in which the estate file is opened; or

(b) the fiscal year in which the administration of the estate file is completed.

(4) The official administrator, where he or she considers it appropriate, may require an interim payment of a fee mentioned in this section once in each year during the administration of the estate.

(5) Where, in the opinion of the official administrator, the work performed by him or her warrants a fee that is less than the fees mentioned in this section, the official administrator may charge a lesser fee.

28 Jun 96 cQ-1 Reg 8 s3.

#### Fee for sale of real property

4 The following fees are payable to the official administrator for handling a real estate transaction on behalf of a deceased person's estate:

(a) where a real estate agent is involved in the transaction, 1% of the purchase price, with a minimum fee of \$100 and a maximum fee of \$500;

(b) where no real estate agent is involved in the transaction, 3% of the purchase price, with a minimum fee of \$100 and a maximum fee of \$500.

28 Jun 96 cQ-1 Reg 8 s4.

**Recovery of disbursements**

**5** The official administrator may recover any actual and reasonable disbursement made on behalf of a deceased person's estate from that deceased person's estate.

28 Jun 96 cQ-1 Reg 8 s5.

**Sask. Reg. 812/68 repealed**

**6** Saskatchewan Regulations 812/68 are repealed.

28 Jun 96 cQ-1 Reg 8 s6.

**R.R.S. c.S-66 Reg 2 repealed**

**7** *The Official Administrators' Fees Regulations* are repealed.

28 Jun 96 cQ-1 Reg 8 s7.