

FORM 74.44
Courts of Justice Act
NOTICE OF APPLICATION TO PASS ACCOUNTS
ONTARIO
SUPERIOR COURT OF JUSTICE

IN THE ESTATE OF *(insert name)*, deceased.

NOTICE OF APPLICATION TO PASS ACCOUNTS

This application to pass accounts will be heard on *(date)*, at *(time)*, at the court house at *(full address of court house)*, if any person with a financial interest in the estate objects to the accounts or to the compensation claimed, or if a request for increased costs is served and filed.

The deceased died on *(date)*.

A certificate of appointment of estate trustee was issued to *(insert name)* by this court on *(date)*.

The accounts are for the period from *(date)* to *(date)*.

The compensation claimed by the estate trustee, payable out of the estate, is *(insert amount)*.

If there is no hearing, the costs of the application claimed by the estate trustee under Tariff C are *(amount)*.

If there is no hearing, a person with a financial interest in the estate who retains a solicitor to review the accounts and makes no objection to them (or makes an objection and later withdraws it) but serves on the estate trustee and files with the court a request for costs (Form 74.49 under the Rules of Civil Procedure), will be allowed one-half of the costs allowed to the estate trustee. However, where two or more persons are represented by the same solicitor, they are entitled to receive only one person's costs. If the Children's Lawyer or the Public Guardian and Trustee makes no objection to the accounts (or makes an objection and later withdraws it) but serves on the estate trustee and files with the court a request for costs (Form 74.49.1), he or she will be allowed three-quarters of the costs allowed to the estate trustee.

If the estate trustee or any person with a financial interest in the estate seeks costs of the application greater than the amount allowed in Tariff C, the estate trustee or other person shall serve on every other party and file, with proof of service, a request for increased costs (Form 74.49.2 or 74.49.3 under the Rules of Civil Procedure), at least 10 days before the hearing date specified in this notice of application. In that case, the hearing shall proceed on the date specified.

Any person with a financial interest in the estate who wishes to object shall do so by serving upon the estate trustee, or the solicitor for the estate trustee, a notice of objection to accounts (Form 74.45 under the Rules of Civil Procedure, a copy of which is attached to this notice of application), and by filing a copy of the notice in the court office at least 20 days before the date fixed for the hearing.

At the hearing, the only issues upon which the court adjudicates are those raised in the notices of objection to accounts and requests for increased costs that have been filed, unless the court grants leave to a party to raise other issues.

If no notice of objection to accounts or request for increased costs is served and filed, the estate trustee may, without a hearing, obtain a judgment passing the accounts and allowing the compensation and costs claimed.

Any person may contact the estate trustee or the estate trustee's solicitor to find out whether there will be a hearing. A copy of the accounts may be obtained from the estate trustee or the estate trustee's solicitor, or may be inspected in the court office during regular business hours.

DATE

.....

Registrar

*(Name, address and telephone number of estate trustee
or solicitor for the estate trustee)*

TO: *(Name and address of each person with a financial interest in the estate)*

(For a person under disability, also indicate name and address of personal representative)

(Attach blank copy of Form 74.45 (notice of objection to accounts).)

RCP-E 74.44 (November 1, 2005)