

In the Name of God, the Compassionate the Merciful



Imam Hossein Cultural Centre of Ottawa

Journey-to-Eternity Guidebook



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Overview

This guideline is provided only for information purposes (and should not be construed as legal advice on any subject matter) to mainly support the Muslim Iranian-Canadian community residing in Ottawa, Ontario by:

- bringing awareness on the issues the individuals need to take action while God, the Almighty has still blessed us to live in this world, and
- directing the community members on the required steps to farewell their beloved ones who start their journey to the eternity based on the Islamic rules.

May Allah (swt) makes us prosperous in our current life, guides us through the steps of afterlife with peace, and grants us a blessed eternal life beside the best of mankind - Prophet Mohammad (pbuh) -, his family and the chosen ones.

Before-the-Event

Will

Different types of wills

In Canada, there are three basic types of Wills:

- **Holographic Will**

This is a Will prepared entirely in your handwriting and signed by you with no witness necessary. A handwritten will, called a holographic will, is legal in some of the provinces of Canada. There is no set form for a holographic will, and it does not have to use any specific words or phrases. A holographic will can be used to save money on legal fees or in times of emergency. However, care should be taken in preparation and wordings in order to prevent misinterpretations and future challenges.

These wills do not have to be witnessed or notarized to be legal, but witnesses and notarization may move them through the probate court more quickly because the court will not have to validate your handwriting.

The entire Will must be in the handwriting of the testator (the person handwriting and creating the will document); a typed Will with testator's signature is not accepted as a legal holographic Will. Ontario is one of the provinces in Canada that recognizes handwritten Wills. Saskatchewan, Alberta, Manitoba, Quebec, New Brunswick and Newfoundland are the other provinces.

- **Formal Will**

This is a typed document signed by you in the presence of at least two witnesses (who cannot be beneficiaries or spouses of beneficiaries). It is wise to have a formal Will prepared by a lawyer. The cost may worth it when you consider the potential problems you'll avoid if improper wording is used or the document is not properly signed.

- **Notarial Will**

Similar to the formal Will, the notarial Will is only used in Quebec. It is prepared by a notary and signed before the notary and generally one witness.

Why should you prepare a will before you die?

If you die without a Will, the law says that you have died “intestate,” which means that you left no instructions as to how your property is to be divided and distributed. In these circumstances, the Ontario *Succession Law Reform Act* governs how your property will be distributed to your surviving relatives. Even if you want your property divided according to provincial law, you should still have a Will because it will reduce delays and expenses involved in wrapping up your affairs. Here are a number of consequences of dying without a will.

1. Without a will, you do not have an executor. Therefore, someone must be appointed to act as an administrator of your estate by the court. This means potential delay, expense, frustration, and even loss.
2. There is no opportunity to select guardians for any minor children you may have. This means that the Public Guardian (the government) may be involved in your children's personal lives.
3. The Public Trustee is involved in the administration of your children's share if they are minors. This means the government will decide your child's financial future. The government will also take a portion of your estate, as their fee.
4. Certain assets that you may have wanted to be kept for your family's security or for investment purposes may have to be sold. Make sure the estate is properly funded. Life insurance can be a great method to inject liquid funds into the estate.
5. In the event of a common disaster (where your whole immediate family passes away), your estate may go to a relative that you may have never spoken to, or don't even like. Instead, you may make provisions to create a legacy through charitable gifting.
6. There is no opportunity to provide for burial preferences. It's actually a tough topic to discuss so outlining your preferences in your will may be the perfect solution.
7. There is no opportunity to provide a trust for your children. (Related article: Understanding the power of trusts)
8. You are unable to take advantage of tax savings and save money on lawyers and court costs following your death. The cost to set up a will is really much less than legal fees when there are problems with an estate.
9. A family business or heirloom may not be able to stay in your family, and it may be necessary to liquidate the assets. When there is something of significant value like a business, it is so important to plan ahead to avoid potential conflicts.
10. Ultimately, without a will, you are unable to exclude or include beneficiaries. E.g., if you want your estate to go to your grandchildren if their parents predecease you. You must depend on the law and the government to decide the economic fate of your family and loved ones if you don't have a will.

For more information about Wills and Estate Planning, visit the Ministry of the Attorney General website.

Some frequently asked questions about wills

Is that necessary to notarize a will to be legal?

The answer is no. A Will does not need to be notarized to be legally valid in Ontario. Again, you need to follow the signing directions in the presence of witnesses for the formal wills.

Are Wills prepared through online websites valid?

Yes, online wills can be valid as long as you follow the guidelines outlined in the instructions, such as signing them in the presence of witnesses.

How much does it cost to make a will in Ontario?

It's very common for a lawyer to charge a flat fee to write a will and other basic estate planning documents. The low end for a simple lawyer-drafted will is around **\$300**. A price of closer to **\$1,000** is more common, and it's not unusual to find a \$1,200 price tag.

Is that recommended to write a joint will?

A joint Will is a single document, signed by "co-testators" (usually spouses), intended to reflect the wishes of both parties. Often, the intent of a joint Will is to declare that each person would leave everything to the surviving partner, and in the event that both partners are victims of a common disaster, everything would go to their children. However, it's not generally a good idea to write a joint will.

The problem is that it is unclear whether a surviving partner can revoke a joint Will and many messy legal cases may arise as a result of this confusion. Also, there could be problems if either party changes their mind, or wishes to amend the Will. There may also be problems if the surviving spouse tries to make any changes to a joint Will, as they may be bound to the original terms. Furthermore, there is no reason to create a joint Will, as there is no disadvantage to drawing up a separate Will (but possibly mirrors) for each partner.

What happens if a witness to a will dies?

A Will that was valid when made remains valid, even if the person making the Will later become incompetent, or the witnesses should die. However, if the witnesses are unavailable, it can lead to delays and added expense for the heirs and the executor.

Can all my property be given away in a Will?

Not all property can be given away in a Will. Wills typically do not cover the following:

- pension plan assets
- retirement plan assets
- RRSP plan assets
- life insurance
- annuities
- property held in a trust

Banking

Joint banking accounts

Having joint bank accounts offers a number of benefits. For example, sharing an account allows each spouse access to money when they need it. Joint bank accounts usually provide each account holder with a debit card, a checkbook and the ability to make deposits and withdraw funds. If your bank provides it, each of you would also have online access to account information and tools, which can simplify paying bills and other shared financial tasks. This makes it harder to miss account activity, such as withdrawals and payments, and easier to balance the checkbook at the end of the month.

Moreover, some legal affairs are also streamlined with joint bank accounts. In the event that one spouse passes away and the deceased owned a joint bank account with right of survivorship, the surviving spouse will retain access to the funds in a joint account (as before) without having to refer to a will or go through the legal system to claim the money. If the account isn't held jointly, the account is frozen and off limits until the estate is settled in court. That is, the surviving-spouse/executor may have to go through a lengthy legal process to claim money in a separate account.

It should be noted that for tax, estate and other reasons, the surviving joint owner should make sure that the bank is alerted of the death of one owner and the name on the account adjusted to reflect the current situation (the surviving account holder would need only to present a death certificate to have the deceased's name removed from the account).

An important note

You should be aware that there is no longer an automatic right of survivorship on the accounts you own jointly with your parent or your child. Though you may have been told by the bank when it was set up that there was a right of survivorship, the law has changed right across Canada. An inter-generational joint account where the parent put in the money and later added a child as a joint owner is considered to be held in trust for the parent's estate. That account will be frozen. If you have an inter-generational joint account, talk to an estate planning lawyer or your bank manager to find out what you can and should do about it while both owners are still alive.

Which accounts are not frozen?

RRSP, RRIF and LIRA accounts are not generally frozen. They are normally paid to the named beneficiary. If they are payable to the estate, they may be frozen until the executor obtains a grant of probate. The deceased may have had other bank accounts or investment accounts in his or her own name. These accounts are normally frozen on the death of the owner. Once the executor obtains probate, the bank or investment advisor will release the funds to the executor.

How to pay for funeral or other costs if the deceased banking account is frozen?

If an executor or family member takes the funeral bill to the bank where the deceased held his account, the bank will pay the funeral bill directly from the deceased's money. The money won't be given to the executor or family member; it will be sent directly to the funeral home. This holds true for other expenses as well, as long as they are obviously bills that the deceased would have had to pay, such as the utilities

on the deceased's home. This is up to the individual bank branch to determine, but it's always worth asking.

Marriage

Marriage registration in Ottawa, Ontario

If you are legally married outside of Canada, you DO NOT need to "register" your marriage in Canada. What you have to do is have your foreign marriage certificate translated into English. When doing your taxes and stuff, simply stating you're married is good enough as it basically works on the honor system. Once you file taxes as a married couple, you are indeed legally married in the governments eyes the same as if you got married in Canada.

What is a marriage license?

A marriage license is a document issued by a governmental authority that allows two people to get married. Remember, receiving a marriage license means that you are legally allowed to get married (It does NOT mean that you are married). Particularly, you may not marry someone in Canada if one of you is already married (it does not matter where or when that marriage took place). You can only remarry if you are legally divorced or your spouse has died.

What do you need to apply for a marriage license?

A good checklist of necessities includes:

- Two pieces of ORIGINAL identification (one piece of identification must include your photo)
- Parental consent if underage (under 18, but above 16)
- Proof of Divorce or Annulment if applicable.

How to apply for a marriage licence

1. To **apply for a marriage licence**, you need to fill out a **Marriage Licence** Application form with your partner.
2. Take your completed **Marriage License** Application Form to any city hall, town hall, or municipal office in **Ontario**.

How to get a marriage certificate?

A marriage certificate is the legal record of a marriage. It lists the date and place of the marriage, and names of the people who were married. You need this document to:

- show legal proof you are married
- apply for certain social benefits
- settle an estate
- change a last name

After-the-Event

General Info

If death occurs at Home, please call 911 or call your family doctor for a home visit (for the due process) of issuance of a Medical Certificate of Death (Form 16). Please fill out (Form 15) Statement of Death (which can be obtained from City Hall located at 110 Laurier Ave. Ottawa). In this case, the body will be transported by an ambulance or using the service provided by funeral facilities.

If death occurs in the hospital, the hospital will complete the due process and issue a Medical Certificate of Death (Form 16). Please fill out (Form 15) Statement of Death. In this case, the body will remain in the morgue until the other Hospital's formalities are completed. Please fill forms 15 & 16 to obtain a Burial Permit (form 19) from the city.

Both the Statement of Death and the Medical Certificate of Death are necessary to obtain a burial permit. Burial permits can be obtained at any City [Client Service Centres](#) during regular business hours. Only upon issuance of a burial permit by the City, the hospital will release the body from the Hospital to carry to funeral facilities. Also, only after getting burial permit, the opening and closing of grave will happen. But a grave lot can be purchased and the cemetery can be notified. Some essential tips along with other useful information are provided in a flow chart in the next page.

Islamic Funeral Centers

Mosques or Islamic associations which provide funeral services:

[Shia]

1. Islamic Shia Ithna-Ashari Association (ISIA) Ottawa [see Figure 1]

Address: 3856 Old Richmond Rd, Nepean, ON K2H 5C4

Website: <http://www.isia-ottawa.com/>

Phone: 613-829-6931

2. Imam Ali Mosque

Address: 1606 Walkley Rd. Ottawa, ON K1V 0E7

Phone: 613-656-9888

* provides funeral services in part (for "Taghsil" they use the facility of McEvoy-Shields Funeral Home and Chapel, located at 1411 Hunt Club Rd)

[Ahlusuna]

3. SNMC Mosque

Address: 3020 Woodroffe Ave, Nepean, ON K2J 4G3

Phone: 613-440-6300

In case of death in the family

Please follow the steps below, for local burial in Ottawa

Some Helpful Tips
 Instruct Hospital Staff or Family members.
 At the time of Death Immediately remove pillow or any other items from under the head.
KEEP BOTH HANDS AND LEGS STRAIGHT
 Advise Hospital Staff **NOT TO FOLD HANDS ON STOMACH.**

Family
 Note: Family should have the following information available on the deceased.
 1. Full Name
 2. Address
 3. Father's Name
 4. Mother's Name
 5. Place of Birth
 6. Date of Birth
 7. S.I.N. #

Family Contact
 Pinecrest Cemetery by phone.
 Give them information and confirm Lot # to be used at
HIGHLAND PARK CEMETERY
 Go in person to complete the paper work.
2500 Baseline Road
 Tel: (613) 829-3600
 Fax: (613) 829-8357

Family: Inform Community members about death and Approx. time of "Namaz-e-Janaza"

Family: Contact Mulana to recite "Namaz-e-Janaza"

APPROX. ASSOCIATED COST OF LOCAL (OTTAWA) FUNERAL

1. Cemetery Lot	\$ 1900.00*
2. Transportation (Hospital to ISIA Centre to Cemetery)	\$ 400.00**
3. City Charges for Death/Burial Certificate	\$ 50.00
4. Kafan / washing supplies etc.	\$ 100.00
5. Casket	\$ 100.00
6. Mulana	\$ 100.00
7. Use of ISIA Facility (Donation expected to cover the cost of utilities.***)	\$ 100.00

APPROX \$ 2,750.00

* Cost includes opening/closing of grave. (If a lot has already been purchased, only opening/closing will be charged by the Cemetery)

** Current Prices from Cole Funeral Services

*** Not applicable to ISIA Members in Good Standing

CEMETERY LOT PRICE AND TRANSPORTATION CHARGES ARE SUBJECT TO CHANGE WITHOUT NOTICE

Family Arrange to release and transport body from Hospital to I.S.I.A. CENTRE AT 3856 Richmond Road.

Note: Death Certificate must be available in the vehicle transporting human remain.

Arrange Burial Certificate from City Hall. Death Certificate (Form 16) & Statement of Death (Form 15) are required to obtain this Certificate.

ISIA has special arrangements with **Cole Funeral Services** for Transportation of body from Hospital to ISIA Centre and Cemetery. They can also arrange for Death/Burial Certificate from City Hall

Telephone (613) 831-7122 Fax: (613) 831-2219

MUST arrive at **Highland Park Cemetery (Carp)** before 3:00 p.m (There is no service available after 3:00 PM. If there is delay for any reason, Family must contact cemetery as they had to arrange Overtime for Undertakers. **(Undertakers are Contract Staff, they do not work for Cemetery)**

Cemetery is open on Saturday but closed on Sundays and Holidays

Figure 1. ISIA's funeral arrangement steps

4. **Ottawa Main Mosque – Ottawa Muslim Association**
 Address: 251 Northwestern Ave., Ottawa, ON K1Y 0M1
 E-Mail Address: oma@ottawamosque.ca
 Office Phone: 613-722-8763, ext. 21
 Office Hours: 8:00 a.m.– 4:00 p.m.
5. **Jami Omar - Jamiatul Muslemeen of Ottawa-Carleton**
 Address: 572 Moodie Drive, Ottawa, Ontario, K2H 6P6, Canada
 Phone: 613-828-4495
 Email: jamiomar@jamiomar.org
 Funeral Hot Line Ph: 613-864-6511

6. Masjid Bilal (The Islamic Society of Cumberland)

Address: 4509 Innes Road Orleans, Ontario, K4A 3J7

Phone: 613-841-0786

Fax: 613-841-0796

Email: masjidbilal.isc@gmail.com

Disclaimer: There are some slight differences between ‘Shia’ and ‘Ahlusuna’ in preparing the body for burial. Particularly, ‘Hanout’ is necessary for Shia, but just recommended for ‘Ahlusuna’; and, ‘Talghin’ is recommended during burial for Shia. According to some Shia religious references you may get funeral service from ‘Ahlusuna’ provided that Shia provisions are implemented. You need to consult with your ‘Marja’ for more details.

Muslim Cemeteries

Cemeteries for Muslim Community:

1. Ottawa Muslim Cemetery

Website: <http://muslimcemetery.ca>

Cemetery Location: 1668 Manotick Station Rd Ottawa, ON K4P 1M9

Office Location Suite 216, 467 Laurier Ave. West, Ottawa, ON K1R 5C7 (Buzz #411)

Phone: 613-851-7444 (hot line, 7am -11pm, 7 days, Fax: 613-594-2892

2. Pinecrest Remembrance Services Ltd.

Website: www.pinecrest-remembrance.com

2500 Baseline Rd, Ottawa, ON K2C 3H9, (613) 829-3600

Pinecrest cemetery runs the Highland Park Cemetery (Muslim section) at 2037 McGee Side Road in Carp

3. Capital Funeral Home and Cemetery (Garden of Paradise for Muslims)

Website: <http://www.capitalmemorial.ca>

3700 Prince of Wales Dr, Ottawa, ON K2C 3H1,

Funeral Home: 613-692-1211, Cemetery: 613-692-3588

An estimate of fees

An estimate of fees for ISIA center is given in the previous page.

Below is an estimate of fees for other centers.

Burial Permit (City of Ottawa): \$67.50

Funeral services (for the coffin, kafan, etc.) is typically around \$800–1000

* Some mosques (like Jami Omar) offer funeral services for free, but they expect a donation.

Cost of a Grave Lot, and Opening & closing of grave

- Ottawa Muslim Cemetery (a lot for \$1,130), Opening/Closing: \$950

- Carp Highland Park Cemetery (by Pinecrest) \$2,150, opening/closing: \$1,190

- Barrhavem memorial Garden (Muslim) Cemetery: \$3,500, Opening/Closing: \$1,040

Transport to Iran

Shipping Human Remains to Iran

Shipping is made by the airlines. Before that, the following documents must be sent to the Interests Section of the Islamic Republic of Iran in Washington D.C. to be verified and registered (<http://daftar.org/forms/vitalrecords/death/900.pdf>). The documents will be processed the same day and will be sent back by FedEx for next day delivery.

1. The original Iranian passport of the Deceased.
2. Two original certificates of death which show the cause of death.
3. Original police report, if death is not due to natural causes.
4. A letter written by the attending physician specifying the cause of death and verifying that the body does not carry any type of contagious disease.
5. Embalming affidavit.
6. Permit for transit of remains issued by the Department of Health and Human Services.
7. Money Order in the amount of \$40 for the shipment.

Please note that the body must be embalmed and then placed in a hermetically sealable metal casket (Zegler Casket). It is recommended to transfer the body by an airline which has connecting flights to Iran. The cost of the transfer is around \$10000.

CPP Death Benefit

What is Canada Pension Plan (CPP) death benefit?

The Canada Pension Plan (CPP) death benefit is a one-time, lump-sum payment to the estate on behalf of a deceased CPP contributor

- If an estate exists, the executor named in the will or the administrator named by the Court to administer the estate applies for the death benefit. The executor should apply for the benefit within 60 days of the date of death
- If no estate exists or if the executor has not applied for the death benefit, payment may be made to other persons who apply for the benefit.

To be eligible for death benefit, the deceased must have made contributions to the Canada Pension Plan (CPP) for at least:

- one-third of the calendar years in their [contributory period for the base CPP](#), but no less than 3 calendar years; or
- 10 calendar years.

As of January 1, 2019, the amount of the death benefit for all eligible contributors is a flat rate of \$2,500