

**ONTARIO
SUPERIOR COURT OF JUSTICE**

IN THE MATTER OF THE PROPERTY OF ALLAN DOE, a minor

B E T W E E N :

JOHN DOE and JANE DOE

Applicants

- and -

ALLAN DOE and THE OFFICE OF THE CHILDREN'S LAWYER

Respondents

**APPLICATION UNDER section 47 of the *Children's Law Reform Act*,
RSO 1990, c. C. 12**

APPLICATION RECORD

DATE

Lawyer's name and LSO no.

Firm Information

TO: **THE OFFICE OF THE CHILDREN'S LAWYER**
14th Floor 393 University Avenue
Toronto, ON
M5G 1E6

Email: OCL.LegalDocuments@ontario.ca

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**ONTARIO
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IN THE MATTER OF THE PROPERTY OF ALLAN DOE

B E T W E E N :

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ALLAN DOE, a minor and THE OFFICE OF THE CHILDREN'S LAWYER
Respondents

**APPLICATION UNDER section 47 of the *Children's Law Reform Act*,
RSO 1990, c. C. 12**

NOTICE OF APPLICATION

TO THE RESPONDENTS:

A LEGAL PROCEEDING HAS BEEN COMMENCED by the Applicants.
The claim made by the Applicants appears on the following page.

THIS APPLICATION will come on for a hearing on **DATE**

- ☐ In person
☐ By telephone conference
☒ By video conference

at the following location

London Court House, 80 Dundas Street, London, Ontario, via Zoom. The video conference details, such as a dial-in number, access code, video link, etc., will be set and released by the Registrar in advance of the Application.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the Application or to be served with any documents in the Application, you or an Ontario lawyer acting for you must forthwith prepare a Notice of Appearance in Form 38A prescribed by the *Rules of Civil Procedure*, serve it on the Applicants' lawyer or, where the Applicants do not have a lawyer, serve it on the Applicants, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your Notice of Appearance, serve a copy of the evidence on the Applicants' lawyer or, where the Applicants do not have a lawyer, serve it on the Applicants, and file it, with proof of service, in the court office where the Application is to be heard as soon as possible, but at least four days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date:

Issued by _____
Local registrar

Address of 80 Dundas Street
court office London, ON

TO: **THE OFFICE OF THE CHILDREN'S LAWYER**
14th Floor 393 University Avenue
Toronto, ON
M5G 1E6

Email: OCL.LegalDocuments@ontario.ca

APPLICATION

1. The Applicants make Application for:
 - (a) A Declaration that the Respondent, Allan Doe, a minor, is incapable of managing property and that as such, it is necessary for decisions to be made on his behalf by persons who are designated to do so;
 - (b) An Order appointing the Applicants, Jane Doe and John Doe, as Guardians of Property for the Respondent, Allan Doe, born on November 10, 2015;
 - (c) An Order that the Management Plan is hereby approved, and that the Guardians of Property shall act in accordance with the terms of the proposed Management Plan;
 - (d) An Order that payments made from Allan Doe's funds will be made only for his benefit and in accordance with the proposed Management Plan;
 - (e) An Order that the authority of the Guardians of Property shall end when Allan Doe attains the age of eighteen years old and at such time, the Guardians of Property will hand over any amounts beneficially owned by Allan Doe, which are remaining under their control, to Allan Doe, subject to further Order of this Court;
 - (f) An Order that the Guardians of Property shall keep accounts and provide draft accounts to the Children's Lawyer for the period ending two years from the date of this Order within six months of that date and pass their accounts if required by the Children's Lawyer or the Court, and thereafter provide draft accounts if required by the Children's Lawyer and pass their accounts as required by the Children's Lawyer or the Court;

- (g) An Order that the Applicants be permitted to seek further directions and advice from the Court regarding any aspect of the guardianship;
- (h) An Order dispensing with the requirement for the Guardians of Property to obtain a security bond;
- (i) An Order that the costs of this proceeding shall be paid from the property of Allan Doe on a full indemnity basis;
- (j) An Order that the requirement for a factum for this Application is hereby dispensed with;
- (k) An Order for an abridgement of time for service and filing of this Application, if necessary; and,
- (l) Such further and other relief as counsel may request and this Honourable Court may deem just.

2. The grounds for the Application are:

- (a) The Respondent, Allan Doe ("Allan"), is a minor and is incapable of managing his property;
- (b) Allan's Aunt, Laura Rizzoni, passed away testate on December 17, 2022, leaving a Last Will and Testament, dated October 20, 2022 (the "2022 Will");
- (c) Pursuant to the 2022 Will, the Applicant, John Doe, is the named Executor and Allan is to receive the entirety of Laura Rizzoni's estate;
- (d) On March 21, 2023, a Certificate of Appointment of Estate Trustee With a Will was obtained appointing the Applicant, John Doe, as Estate Trustee of Laura Rizzoni's Estate;

- (e) As Trustee under the 2022 Will, the Applicant, John Doe, will manage these funds in Allan 's best interests;
- (f) The Deceased further held assets outside of the Estate at Investors Group Wealth Management, in which Allan was a direct beneficiary of, that, unfortunately, did not appoint a Trustee over the funds, despite Allan being a minor;
- (g) The funds held at the Investors Group Wealth Management exceed the sum of \$300,000.00.
- (h) As a result of the inheritance of the funds held at the Investors Group Wealth Management, Allan is set to receive significant funds;
- (i) Allan is need of a Guardian of Property to ensure that his property (the funds held at the Investors Group) is properly managed on his behalf until he turns eighteen years old and is deemed capable to manage his property;
- (j) The Applicants are Allan's parents. They have already been managing his financial future in his best interests to the extent possible without being named as Allan's Guardians;
- (k) The Applicants have consented to act as Guardians of Property for Allan ;
- (l) Sections 47, 48, 49, 52, 53, 54 and 55, of the *Children's Law Reform Act*, R.S.O. 1990, c. C.12;
- (m) Rules 1.04, 2.03, 3.02, 14.05, and 38, of the *Rules of Civil Procedure* R.R.O. 1990, Reg. 194; and
- (n) Such further and other grounds as counsel may advise and this Honourable Court permit.

3. The following documentary evidence will be used at the hearing of the Application:

- (a) The Affidavit of John Doe, sworn October 15, 2023, and the exhibits attached thereto.
- (b) The Management Plan of Jane Doe and John Doe, the Proposed Guardians of Property;
- (c) The Consent of Jane Doe and John Doe, the Proposed Guardians of Property; and,
- (d) Such further and other material as counsel may advise and this Honourable Court permit.

Lawyer name

Lawyer law firm

Doe et al
Applicants and Doe et al
Respondents

Court File No.: 12345

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at London

NOTICE OF APPLICATION

Lawyer name

Lawyer LSO

Lawyer firm

Lawyers for the Applicants

**ONTARIO
SUPERIOR COURT OF JUSTICE**

IN THE MATTER OF THE PROPERTY OF ALLAN DOE

B E T W E E N :

JOHN DOE and JANE DOE

Applicants

- and -

ALLAN DOE and THE OFFICE OF THE CHILDREN'S LAWYER

Respondents

**APPLICATION UNDER section 47 of the *Children's Law Reform Act*,
RSO 1990, c. C. 12**

**AFFIDAVIT OF JOHN DOE
(Sworn XXXX)**

I, John Doe, of the City of London, in the County of Middlesex, MAKE
OATH AND SAY:

1. I am a Co-Applicant in this proceeding and as such, have knowledge of the matters hereinafter deposed. Where I have relied upon information provided to me by others, I state the source of the information and verily believe such information to be true.
2. I make this Affidavit in support of an Application seeking an Order appointing me, and my wife Jane Doe ("Jane"), as the Guardians of Property for our son, Allan Doe ("Allan"), a minor.
3. As Allan's parents, I believe that Jane and I are the most appropriate persons to be appointed as Allan's Guardians of Property.
4. Jane and I consent to our appointment as Guardians of Property for Allan. Attached hereto and marked as **Exhibit "A"** is a true copy of the Consent to Appointment as Guardians of Property for Allan Doe.

BACKGROUND FOR GUARDIANSHIP

5. Allan was born on November 10, 2015, and is currently 9 years old. As Allan is a minor, he requires someone to manage his financial affairs in his best interests.
6. My Co-Applicant, Jane, is my spouse. Allan lives full-time with Jane and I, at our home in London, Ontario. Jane and I own this home.
7. Allan's Aunt, my sister, Laura Rizzoni ("Laura") passed away on December 17, 2022, leaving a Last Will and Testament, dated October 20, 2022 (the "2022 Will"). Attached hereto and marked as **Exhibit "B"** is a true copy of Laura's Last Will and Testament dated October 20, 2022.
8. Pursuant to the 2022 Will, I am the named Executor and Allan is entitled to receive the entirety of the Estate (**Exhibit "B"**).
9. On March 21, 2023, a Certificate of Appointment of Estate Trustee with a Will was obtained appointing me as the Estate Trustee of the Estate. Attached hereto and marked as **Exhibit "C"** is a true copy of the Certificate of Appointment of Estate Trustee With a Will, dated March 21, 2023.
10. As Trustee under the 2022 Will, I will manage these funds in Allan's best interests.
11. My sister further held assets outside of the Estate at Investors Group Wealth Management (a LIRA account, a TFSA, and a RRSP)
12. Unfortunately, a Trustee was not appointed for these funds, despite Allan being a minor. Attached hereto and marked as **Exhibit "D"** is a true copy of the Correspondence from IG Private Wealth Management sent to me, dated January 10, 2023.
13. The funds held at the Investors Group Wealth Management are in the amount of \$301,000.00 as of October 1, 2024. Attached hereto and marked

as **Exhibit “E”** is a true copy of IG Wealth Management Investment Summary Statement, dated October 1, 2024.

14. As a result of the inheritance of the funds held in the LIRA, TFSA, and RRSP at the Investors Group Wealth Management, Allan is set to receive significant funds.
15. Accordingly, Allan is in need of a Guardian of Property to ensure that his property (the funds held at the Investors Group Wealth Management) is properly managed on his behalf until he turns eighteen years old and is deemed capable to manage his property.

MANAGEMENT PLAN

16. In support of our Application to be appointed as Allan’s Guardians of Property, Jane and I have filed a Management Plan, which is attached to this Application Record **Exhibit “F”**.
17. If appointed as Guardians of Property for Allan, the funds received from the Investors Group Wealth Management will be placed in conservative investments with a low to medium risk with BMO Nesbitt Burns. The funds will be professionally managed with investment advisor, Michael Moir.
18. There are no plans of removing these funds from the investments to pay for any expenses for Allan during the time that he is a minor. All of Allan’s living and personal expenses will continue to be paid for by me and Jane.
19. Jane and I respectfully request that the Court not require Jane and I to obtain a bond to guarantee the appropriate discharge of our duties. The funds to Allan will need to be maximized in order to provide for his future education. The expense of a bond will simply detract from this.

SUITABILITY AS GUARDIANS

20. I am willing to be appointed as the Co-Guardian of Property for Allan, and I am willing to perform all duties required of this position, including the duty to keep proper accounts and to make proper investments.
21. Neither Jane nor I have ever been convicted of any offence under the Criminal Code of Canada and have specifically never been found guilty, nor charged, with any offence relating to financial mismanagement, fraud, breach of trust, or any other type of financial mismanagement. We have never made application for or been assigned into bankruptcy.
22. As Allan's parents, I believe that Jane and I are the appropriate persons to be the Guardians of Property for Allan.
23. Jane and I will manage the funds in Allan 's best interests. We will also keep him apprised of any material decisions that need to be made; the basis for this is so that Allan can become educated in investing and this will prepare him for when he turns 18 years of age, and the funds are transferred to him.
24. I agree to keep proper accounts and to pass those accounts, as required by the Court.
25. I make this Affidavit in support of the relief sought in the notice of Application and for no other or improper purpose.

SWORN BEFORE ME:

☒

in person

☐

by video
conference

at the City of London, County of Middlesex on **DATE**.

Signature of Commissioner (or as may be)

Signature of Deponent

A

ATTACHED IS EXHIBIT 'A' MENTIONED
AND REFERRED TO IN THE AFFIDAVIT OF

John Doe

SWORN BEFORE ME AT THE CITY OF LONDON,
IN THE COUNTY OF MIDDLESEX,
THIS ____ DAY OF _____, 2025

A Commissioner, etc.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

IN THE MATTER OF THE PROPERTY OF ALAN DOE, a minor

B E T W E E N :

JOHN DOE and JANE DOE

Applicants

- and -

ALLAN DOE and THE OFFICE OF THE CHILDREN'S LAWYER

Respondents

**APPLICATION UNDER section 47 of the *Children's Law Reform Act*,
RSO 1990, c. C. 12**

CONSENT

We, John Doe and Jane Doe, consent to being appointed as the Guardians of Property for Allan Doe, pursuant to the provisions of the *Children's Law Reform Act*. Within this Application, we are seeking to become appointed.

DATED at the City of London, in the Province of Ontario, this ____ day of _____, 2025.

Witness

JOHN DOE

DATED at the City of London, in the Province of Ontario, this ____ day of _____, 2025.

Witness

JANE DOE

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at London

CONSENT

Lawyer name

Lawyer LSO

Lawyer firm

Lawyers for the Applicants

B

ATTACHED IS EXHIBIT 'B' MENTIONED
AND REFERRED TO IN THE AFFIDAVIT OF

John Doe

SWORN BEFORE ME AT THE CITY OF LONDON,
IN THE COUNTY OF MIDDLESEX,
THIS ____ DAY OF _____, 2025

A Commissioner, etc.

INSERT
LAST WILL AND TESTAMENT

C

ATTACHED IS EXHIBIT 'C' MENTIONED
AND REFERRED TO IN THE AFFIDAVIT OF

John Doe

SWORN BEFORE ME AT THE CITY OF LONDON,
IN THE COUNTY OF MIDDLESEX,
THIS ____ DAY OF _____, 2025

A Commissioner, etc.

INSERT

CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE WITH A WILL

D

ATTACHED IS EXHIBIT 'D' MENTIONED
AND REFERRED TO IN THE AFFIDAVIT OF

John Doe

SWORN BEFORE ME AT THE CITY OF LONDON,
IN THE COUNTY OF MIDDLESEX,
THIS ____ DAY OF _____, 2025

A Commissioner, etc.

INSERT

CORRESPONDENCE FROM IG PRIVATE WEALTH MANAGEMENT

E

ATTACHED IS EXHIBIT 'E' MENTIONED
AND REFERRED TO IN THE AFFIDAVIT OF

John Doe

SWORN BEFORE ME AT THE CITY OF LONDON,
IN THE COUNTY OF MIDDLESEX,
THIS ____ DAY OF _____, 2025

A Commissioner, etc.

INSERT
INVESTMENT SUMMARY STATEMENT

F

ATTACHED IS EXHIBIT 'F' MENTIONED
AND REFERRED TO IN THE AFFIDAVIT OF

John Doe

SWORN BEFORE ME AT THE CITY OF LONDON,
IN THE COUNTY OF MIDDLESEX,
THIS ____ DAY OF _____, 2025

A Commissioner, etc.

Form 1 - Management Plan
Schedule "A" to Judgment

- To be completed for an Application for Guardianship over the Property of a Minor (A Person Under 18) under the *Children's Law Reform Act*.
- You must complete a separate Schedule for each minor. You can renumber each Schedule A through Z accordingly.

Schedule "A" to Judgment

1. This Management Plan is provided as part of the application made by:

Full Name of Applicant:

First Name	Middle Name	Last Name
JOHN		DOE

Full Name of Applicant:

First Name	Middle Name	Last Name
JANE		DOE

Court File No. (if available) 12345

To be appointed as guardian of property of the minor:

First Name	Middle Name	Last Name
ALLAN		DOE
Date of Birth (YYYY/MM/DD)		
2015/11/10		

2. Guardianship of Property

To the best of our knowledge and belief, the assets and income of the minor:

First Name	Middle Name	Last Name
ALLAN		DOE

to be covered by the Guardianship are: (state assets and income intended to be covered by the Guardianship below)

Property:
(Please list any additional properties on a separate page).

Nature of Property	Details	Value
--------------------	---------	-------

INHERITANCE FROM AUNT'S ESTATE	PROCEEDS OF LIRA AND RRSP ACCOUNTS	\$301,000.00
	Total:	\$301,000.00

3. Investment of assets and income under Guardianship

As guardian of property, we will monitor the marketplace and invest in the Canadian market, the United States market or the world market. We will invest as prudent investors pursuant to the *Trustee Act*, R.S.O. 1990, c. T.23, as amended, and specifically will consider the following criteria in planning the investment of trust property, in addition to any others that are relevant to the circumstances:

a	General economic conditions.
b	The possible effect of inflation or deflation.
c	The expected tax consequences of investment decisions or strategies.
d	The role that each investment or course of action plays within the overall trust portfolio.
e	The expected total return from income and the appreciation of capital.
f	Needs for liquidity, regularity of income and preservation or appreciation of capital.
g	As asset's special relationship or special value, if any, to the purposes of the trust or the beneficiary.

We will also diversify the investment of trust property to an extent that is appropriate to (a) the requirements of the trust and (b) general economic and investment market conditions.

4. Use of Funds

By signing this form, we confirm that we will not require funds for the maintenance of the minor:

First Name	Middle Name	Last Name
ALLAN		DOE

Details

We plan to invest, manage and maintain custody and control of all securities. Monies will not be disbursed from this account while the minor:

First Name	Middle Name	Last Name
ALLAN		DOE

is a minor except for the payment of income tax and reasonable accounting fees for preparation of income tax returns.

5. Investment Plan

Explain below your plans for investments, taking into account the prudent investor criteria. Please list proposed investments, the particulars of such investments, and any fees, loads, or commissions associated with such investments. (Please list any additional investments on a separate page).

Proposed Investments	Proposed Investment Particulars	Fees, loads or commissions
Equities	Mutual Funds (diversified / blended investments)	0% Front End Load/Fee 1% Trailing Commission
Fixed Income		0% Front End Load/Fee 0.5% Trailing Commission

State ranges for investments

	Minimum	Maximum
Cash	1%	3%
Fixed Income	30%	60%
Equities (Mutual Funds)	20%	50%

Undertakings and Acknowledgment of Applicant(s)

☒ We acknowledge that we have prepared the above Plan/had it prepared and have read it and understand it's contents.

☒ We shall abide by the terms of the Management Plan approved by the Court and, generally, in accordance with the provisions of the *Trustee Act*, R.S.O., 1990, c. T.23, as amended.

☒ We shall keep true and accurate records and accounts of all transactions, including investments, receipts and disbursements, and shall account for the Guardianship as required.

☒ We shall provide the Minor with education about financial management and investments before the Minor attains the age of 18 years.

- **These terms are not intended to be used in Guardianship of Property Applications to manage a minor's personal injury award/settlement proceeds. Please see Form 2 Management Plan for personal injury proceeds.**

JOHN DOE		
Name of Applicant	Signature	Date (YYYY/MM/DD)
JANE DOE		
Name of Applicant	Signature	Date (YYYY/MM/DD)

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at London

MANAGEMENT PLAN

Lawyer name

Lawyer LSO

Lawyer firm

Lawyers for the Applicants

pursuant to the beneficiary designations of LIRA Account #*** and RRSP Account #****, that were in the name of the Deceased, Laura Rizzoni (the “Investors Group Funds”).

3. **THIS COURT ORDERS** that the Management Plan is hereby approved, and that the Guardians of Property shall act in accordance with the terms of the Management Plan, attached as **Schedule “A”** to this Order, and that the Guardians of Property shall file a signed copy of the Management Plan with the Court and provide to the Office of the Children’s Lawyer within 10 days of the date of this Order.

4. **THIS COURT ORDERS** that the Guardians of Property shall invest the property of Allan Doe in accordance with the Management Plan and, generally, in accordance with the provisions of the *Trustee Act*, R.S.O. 1990, c. T.23, as amended.

5. **THIS COURT ORDERS** that within 30 days of receipt of the funds, the Guardians of Property will advise the Children’s Lawyer and provide the Children’s Lawyer with documentation evidencing the receipt and investment of Allan Doe’s property in accordance with the Management Plan.

6. **THIS COURT ORDERS** that the Guardians of Property shall keep accounts and provide draft accounts to the Children’s Lawyer for the period ending one year from the date of this Order within six months of that date and pass their accounts if required by the Children’s Lawyer or the Court, and thereafter provide draft accounts if required by the Children’s Lawyer and pass their accounts as required by the Children’s Lawyer or the Court.

7. **THIS COURT ORDERS** that the requirement for the Guardians of Property to obtain a security bond is hereby dispensed with.

8. **THIS COURT ORDERS** that John Doe and Jane Doe, the Guardians of Property, shall not receive any compensation.

9. **THIS COURT ORDERS** that the Guardians of Property shall file annual tax returns for Allan Doe for any income earned on the property of Allan Doe under the Guardianship and any other sources, and that the income taxes payable by Allan Doe shall be paid from the funds held by the Guardians of Property under the Guardianship.

10. **THIS COURT ORDERS** that the Guardians of Property and the Children's Lawyer be permitted to seek further direction and advice from the Court regarding any aspect of the Guardianship from time to time.

11. **THIS COURT ORDERS** that the authority of the Guardians of Property shall end when Allan Doe attains the age of eighteen years old and at such time, the Guardians of Property will hand over any amounts beneficially owned by Allan Doe, which are remaining under their control, to Allan Doe, subject to further Order of the Court.

12. **THIS COURT ORDERS** that the requirement for a factum for this Application is hereby dispensed with.

13. **THIS COURT ORDERS** that costs of the Applicants shall be fixed and payable to Siskinds LLP, in the amount of \$_____, plus H.S.T. in the amount of \$_____, non-taxable disbursements in the amount of \$_____, and taxable disbursements, in the amount of \$_____ plus H.S.T. in the amount of \$_____, for a total of \$_____, payable from the Investors Group Funds.

Schedule “A”

INSERT MANAGEMENT PLAN HERE

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at London

ORDER

Lawyer name

Lawyer LSO

Lawyer firm

Lawyers for the Applicants

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at London

APPLICATION RECORD

Lawyer name

Lawyer LSO

Lawyer firm

Lawyers for the Applicants