

Publisher's Note

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Annotated Ontario Estates Statutes

The *Annotated Ontario Estates Statutes* is a comprehensive reference that brings together, in a single loose-leaf volume, easy access to the legislation and case law critical to the practice of estates law in Ontario. The text includes complete annotations of estates-related legislative provisions, and section-by-section commentary written by a leading practitioner in estates law.

What's New in this Update

This release updates the Tables of Concordance to the Health Care Consent Act, 1996, the Mental Health Act, the Perpetuities Act and Succession Law Reform Act. New entries have been added to the Words and Phrases.

Highlights

Words and Phrases — Claim — Based on the facts in [*Armitage v. Salvation Army*, 2016 ONCA 971], Hourigan J.A. found that the passing of accounts does not fit within the definition of a claim within the *Limitations Act, 2002* . . . if the passing of accounts does not constitute a claim, [the judge is] not satisfied that a Notice of Objection is a claim: *Wall Estate, Re*, 2018 CarswellOnt 3974, 2018 ONSC 1735 at para. 31, Mulligan J.

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Words and Phrases — Knowing Receipt — A stranger to a trust or fiduciary relationship may be liable under the doctrine of “knowing receipt” if the stranger receives trust property in his or her own personal capacity with constructive knowledge of the breach of trust or fiduciary duty. It is a recipient-based claim arising under the law of restitution: *DBDC Spadina Ltd. v. Walton* (2018), 419 D.L.R. (4th) 409, 2018 CarswellOnt 1571, 56 C.B.R. (6th) 173, 33 E.T.R. (4th) 173, 2018 ONCA 60 at para. 37, Blair J.A. (Cronk J.A. concurring)