

Dying intestate

– Spouse’s preferential share of the estate



*For the purposes of this chart, a spouse is a legally married spouse, except in the provinces/territories of Alberta, British Columbia, Manitoba, Northwest Territories, Nunavut, and Saskatchewan where spouse also includes a person who meets the definition of common law partner in that province/territory.

Spouse’s preferential share of the estate ¹	
Province or territory	Preferential share (after debts are paid)
Alberta	The entirety of the estate if all of the children of the deceased are also children of the spouse; if not, the spouse gets the greater of \$150,000 or 50% of the net value of the intestate estate, with the remainder to the children.
British Columbia	The household furnishings and \$300,000 if all of the children of the deceased are also the children of the spouse; if not, the household furnishings and \$150,000.
Manitoba	The entirety of the estate if all children of the deceased are also children of the spouse; if not, the spouse gets the greater of \$50,000 or half of the deceased’s estate as their preferential share. ²
New Brunswick	Marital property (generally all estate assets excluding business assets and gifts or any inheritance received by the deceased)
Northwest Territories	The entirety of the estate if the net value of the estate is \$100,000 or less; if the net value of the estate is greater than \$100,000, the spouse can choose to receive \$100,000, which could include the deceased’s principal residence if the value of the home does not exceed \$100,000, or the principal residence of the deceased, even if the value is greater than \$100,000.
Nova Scotia	The entirety of the estate if the net value of the estate is \$50,000 or less; if the net value of the estate is greater than \$50,000, the spouse can choose to receive \$50,000, which can include the deceased’s principal residence if the value of the home is less than \$50,000 or the principal residence of the deceased even if the value is greater than \$50,000.
Nunavut	The entirety of the estate if the net value of the estate is \$50,000 or less; if the net value of the estate is greater than \$50,000, the spouse can choose to receive \$50,000, which can include the deceased’s principal residence if the value of the home does not exceed \$50,000, or the principal residence of the deceased even if the value of the home is greater than \$50,000.
Ontario	\$200,000 if the deceased died before March 1, 2021. \$350,000 if the deceased died on or after March 1, 2021. ²
Saskatchewan	The entirety of the estate if all children of the deceased are also children of the spouse; if any descendants are not children of the spouse, the spouse gets the entire estate if the value is less than \$200,000 or if the value of the estate is greater than \$200,000, then \$200,000.
Yukon	\$75,000

1) The provinces of Quebec, Prince Edward Island and Newfoundland & Labrador do not provide for a preferential share for the spouse of the deceased. In Quebec, the legal division of family patrimony and the matrimonial or civil union regime must be settled before the estate is distributed in accordance with the intestate succession rules.

2) In the case of a partial intestacy, the preferential share will be reduced by an amount equal to the value of any benefits received by the surviving spouse under a Will of the deceased.



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