



PERRIE LAW

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July 26, 2025

Legislative Assembly of Nunavut

P.O. Box 1200

Iqaluit, NU X0A 0H0

Dear Members of the Legislative Assembly,

RE: Urgent Request to Amend the *Wills Act* to Permit Remote Witnessing of Wills

I am writing to raise a critical access to justice issue facing Nunavummiut seeking to prepare a will. As a practicing lawyer in Nunavut, I have witnessed firsthand the barriers faced by residents, particularly those in remote communities, in executing this essential legal document.

Under the current *Wills Act*, last amended in 2005, there is no explicit provision allowing remote witnessing of wills. Section 5 of the *Act* mandates that a will must be signed by the testator in the presence of two witnesses, who must sign or acknowledge their signatures in the testator's presence. While this formal requirement is well-intentioned, it places an undue financial and logistical burden on many of my clients.

During the COVID-19 pandemic, Nunavut introduced temporary provisions to permit remote witnessing via videoconference. However, the Territory did not adopt such measures in the long term and has yet to make any permanent changes to reflect these evolving standards. The result is a deeply inequitable situation, where access to legal services depends not only on geography but also on wealth.

The Problem

Many of my clients live in communities without local notaries or lawyers. They are faced with the following obstacles:

- **Additional costs for interpreter/translator services:** Many Nunavummiut require interpretation services, often doubling the base legal cost of preparing a will.
- **Travel costs and delays:** Clients must either:
 - Pay out-of-pocket for me and an interpreter to fly into their community and for our accommodations and reasonable expenses, or
 - Wait until I am next in their community, potentially delaying execution for their important documents for months.



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- **Difficulty locating qualified witnesses:** Especially for elders or those living in isolated settings.

These challenges deter people from preparing a will or result in the use of informal, potentially invalid documents. This not only affects individual estates but also burdens the legal system with contested or intestate matters.

Proposed Solutions

To rectify this, I urge the Legislative Assembly to consider the following legislative changes:

1. **Amend the *Wills Act* to allow remote witnessing via videoconference**, as has been done in provinces like Ontario and British Columbia.
2. **Allow for electronic signatures** and recognition of digital wills where appropriate.
3. **Adopt a flexible standard for court validation**, permitting documents that clearly demonstrate testamentary intent, even if not all formalities are met (similar to Section 13.1 but expanded).
4. **Include a provision for remote commissioning by notaries and commissioners of oaths and interpreter verification** under appropriate safeguards.

Such amendments would modernize Nunavut's legal framework and ensure that residents across all communities have equal access to legal protections.

Thank you for your attention to this important matter. I would be pleased to appear before a Standing Committee or provide further information on this issue if desired.

Regards,

Victoria S.B. Perrie, BA, JD