



# Wills & Estates Survey

Final Report for FNLMAQL



January 14<sup>th</sup>, 2021

**BOREALE**  
management

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# Context

- First Nation Lands Managers Association of Québec and Labrador (FNLMAQL) designed a survey to gather input from Indigenous Land Managers across the country regarding Wills and Estates management within the communities.
- FNLMAQL mandated Boreala Management to provide support in the deployment of the survey as well as to analyze the data and develop a report outlining key findings and potential recommendations for implementation.

# Methodology

- The survey was deployed using Survey Monkey.
- It was an anonymous survey with a possible total of 148 members as respondents.
- To encourage participation, respondents were invited to share their name and contact information to enter a draw to win a 100\$ gift card for their member association.
- FNLMAQL asked the regional members to forward the communication and survey link to their members. This two-step process may have hindered the expected response rate if some regional members did not communicate the memo and survey link.

# Survey Objectives

The identified objectives of this survey were to:

1

Clarity on the role and tasks of someone who is responsible for wills and estates

2

Assessing respondents' knowledge of wills and estates

3

What organizations do members reach out to for support and for what reasons

4

Evaluate the effectiveness of ISC and understanding their role in the estates process

5

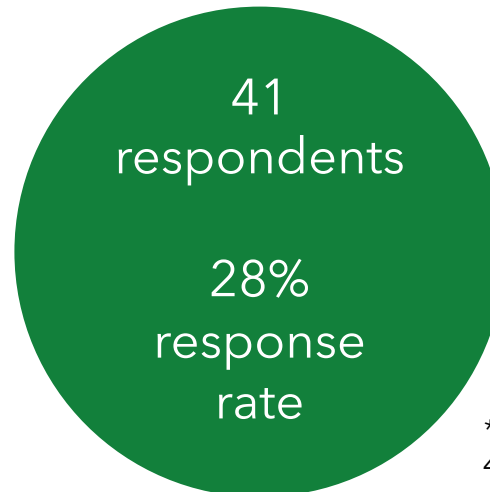
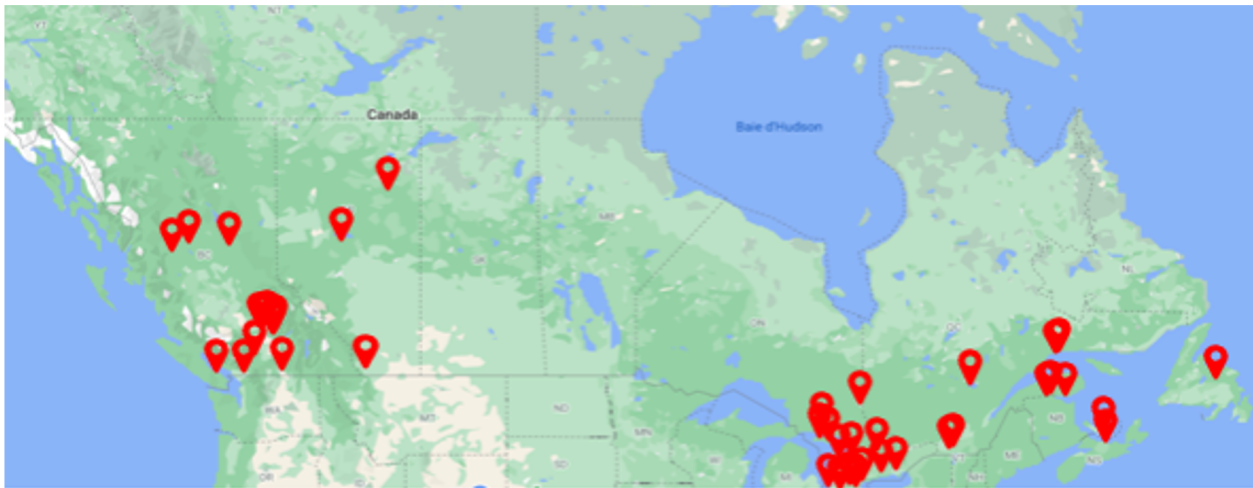
What training and additional support might be needed in their role

# DEMOGRAPHICS



# Survey Respondents: What community or Nation do you represent?

- Adams Lake Indian Band
- Alderville
- Algonquins of Pikwakanagan First Nation
- Beausoleil First Nation
- Chippewa of the Thames First Nation
- Chippewas of Nawash
- Delaware Nation - Moravian of the Thames
- Driftpile Cree Nation
- Eel River Bar First Nation
- Eskasoni
- Fort McKay
- Gesgapegiag
- Hiawatha First Nation
- Kahnawake Mohawks
- Kanehsatake
- Kettle & Stony Point F.N.
- Kispiox
- Listuguj
- Little Shuswap Lake Band
- Lytton First Nation
- M'Chigeeng
- McLeod Lake Indian Band
- Membertou
- Mississaugas of the Credit
- Mohawks of the Bay of Quinte
- Nanoose First Nation
- Neskonlith
- Okanagan Indian
- Osoyoos Indian Band
- Pekuakamiulnuatsh
- Pictou Landing First Nation
- Piikani Nation
- Sagamok Anishnawbek
- Shuswap Indian Band
- Splatsh
- Squiala First Nation
- Timiskaming First Nation
- Uashat mak mani-utenam
- Uashat mak Mani-utenam
- Wiikwemkoon Unceded Territory
- Witset First Nation



*\*Not all questions had 41 respondents*

# Survey Respondents: What is your job title? (Open Ended)

## LAND

- *Coordinator, Lands & Leasing* (1)
- *Land & Resource Coordinator* (1)
  
- *Council Lands* (1)
  
- *Director of Lands* (1)
- *Director of Lands and Economic Development* (1)
- *Director of Lands & Territories* (1)
  
- *Lands Assistant* (2)
- *Lands and Resource Consultation Assistant* (1)
- *Land Governance Assistant* (1)
  
- *Lands Manager - Tax Administrator* (1)
- **Land Managers (10)**
  
- *Land Management Officer* (1)
- *Lands Officer* (3)
- *Land Use Officer* (1)

## MEMBERSHIP

- *Certified Lands, Estates and Membership Manager* (2)
- *Manager, Lands, Estates & Membership* (1)
  
- *Lands, Membership & Research Director* (1)
  
- *Lands, Estates and Membership Clerk* (1)
- *Lands, Membership & Trust Clerk* (1)
  
- *Membership, Indian Registration and Estates Manager* (1)

## MIXED/OTHER

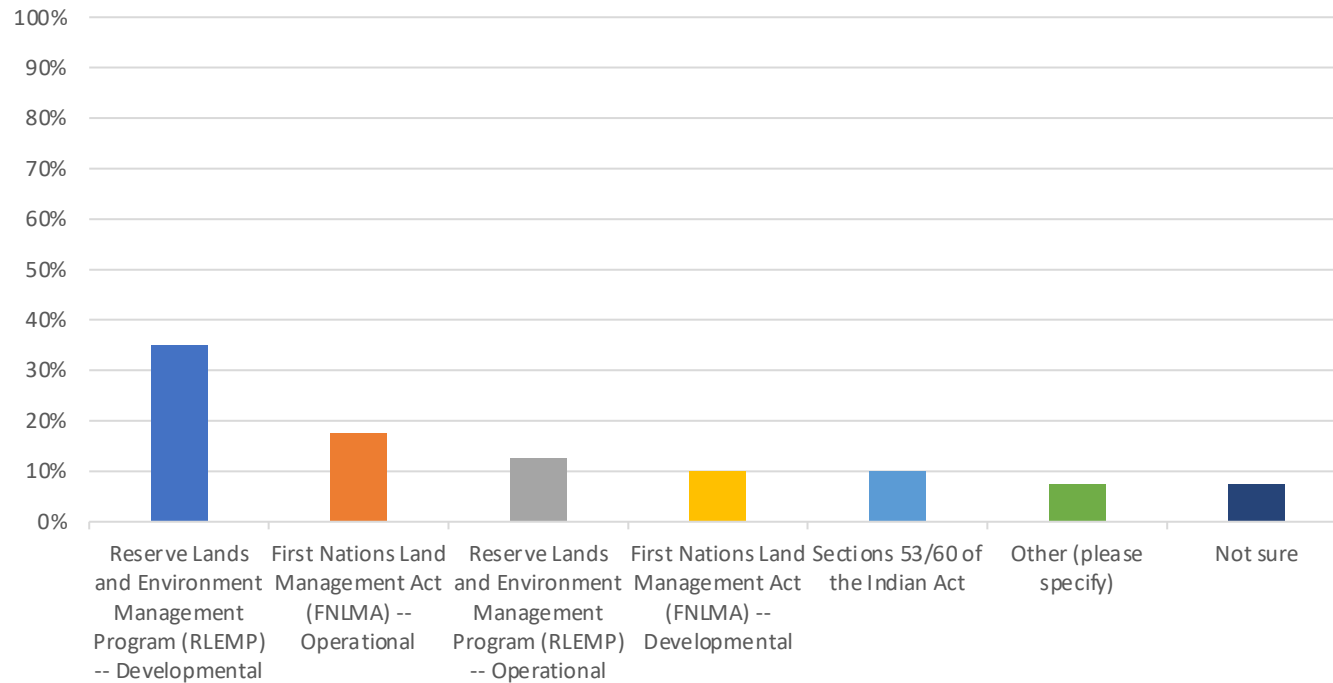
- *Compliance Supervisor* (1)
- *Director Housing, Estates and Infrastructures* (1)
- *Estates Trustee* (1)
- *Interim Director of Economic Development* (1)
- *Lawyer* (1)
- *Membership, Lands & Estates Clerk* (2)
- *Membership/Lands Manager* (1)
- *Tax Management Coordinator* (1)



# LAND REGULATIONS

# Land Regime

Q3 - What Land Regime does your Nation or community operate under?

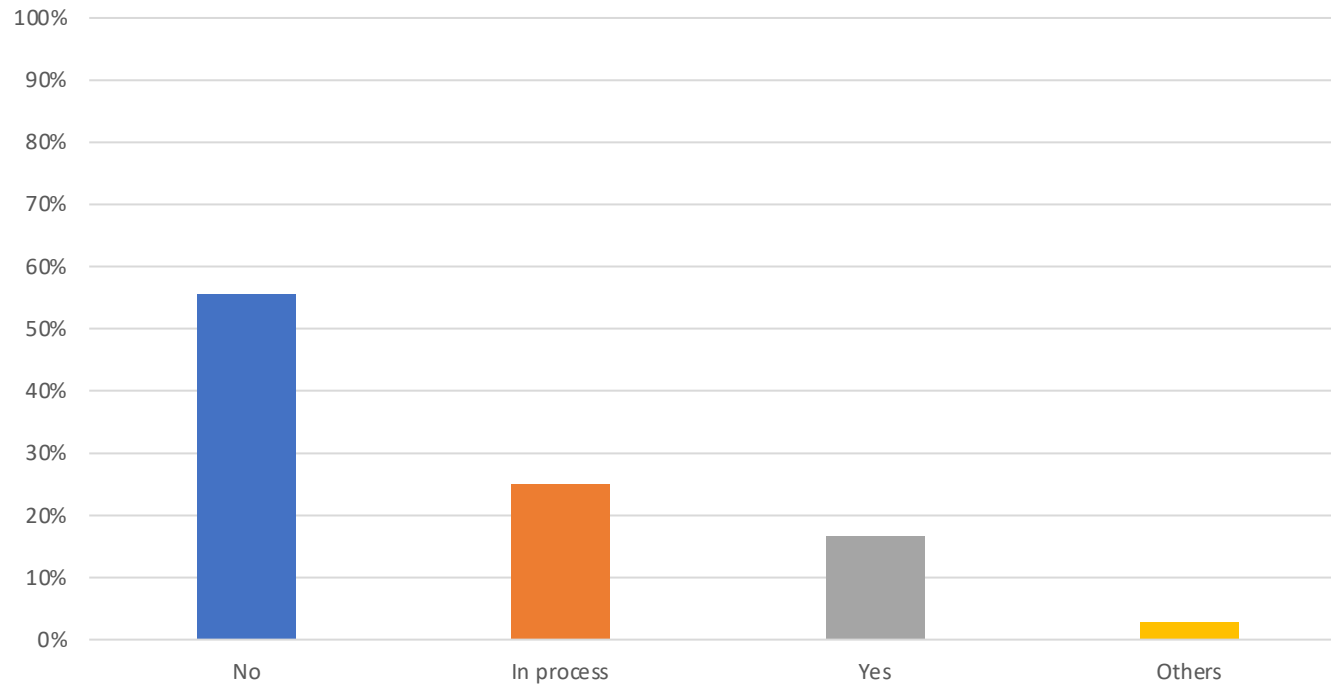


**Others include:**

- Indian Act
- *Land governance agreement*
- PGETR training level, but without a designated land manager

# Matrimonial Real Property Laws

Q4 - Does your Nation have its own laws regarding Matrimonial Real Property?



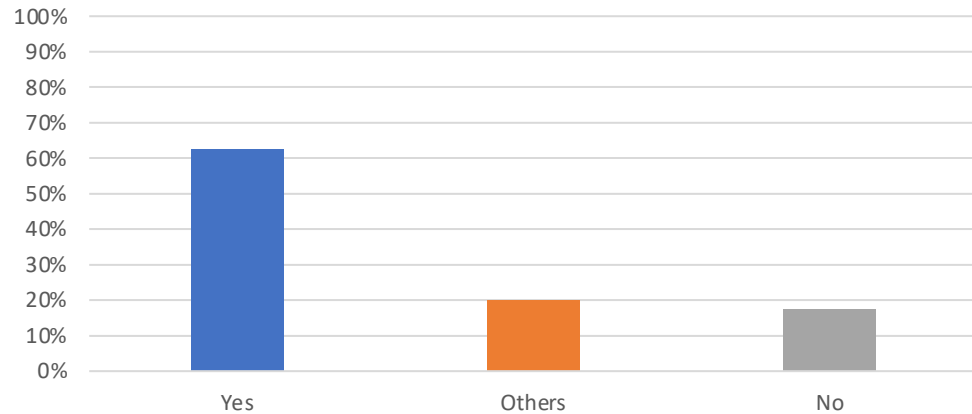
## **Others include:**

- Recognized by our own Territory, however not by ISC

ASSISTANCE

# Matrimonial Real Property laws

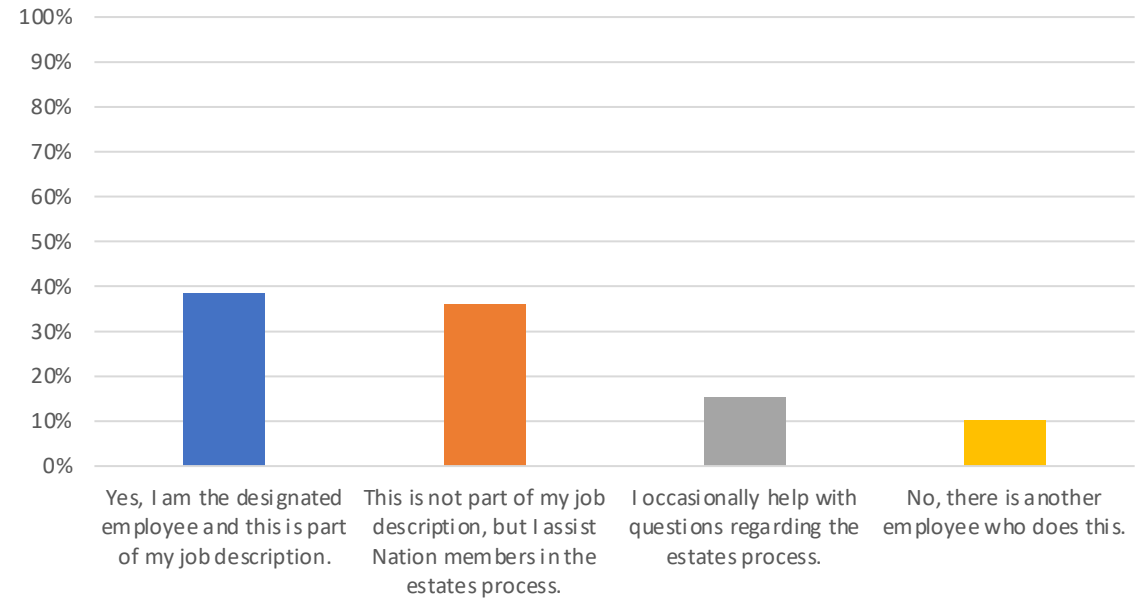
Q5 - Does your Administration have a designated employee or department to assist Nation members in the estates process?



### **Others include:**

- The Lands Department will be assisting members
- I help out members
- One of those other related duties in membership & lands
- There is a go to...but not designated
- Position still needs to be filled so my staff and I assist whoever comes into the office
- Membership department

Q6 - If so, are you the designated employee?

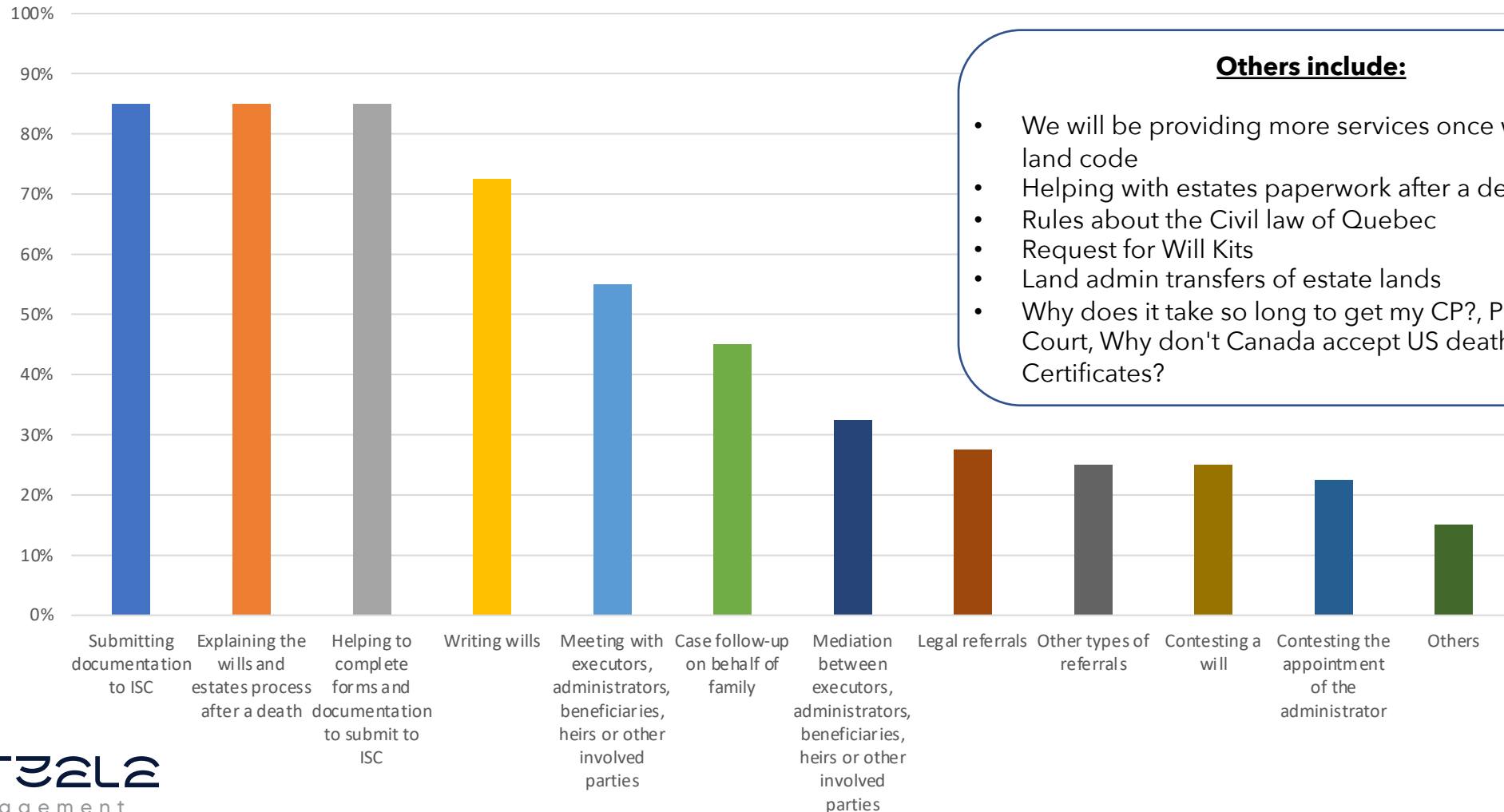


### **Findings:**

- The 15 "Yes, I am..." respondents selected that they would benefit from training (Q13), they also all selected "Training on processes for wills and estates" (Q16) and 14 of them have concern regarding the estate process (Q32)
- They spend on average 27% of their time on Real Estate process (Q8)
- The 14 "This is not part of my job description..." respondents spend the most average time (33%) on Real Estate process (Q8)

# Assistance Needs

What kind of assistance do members ask for regarding the estate process? Please select all that apply.



**Others include:**

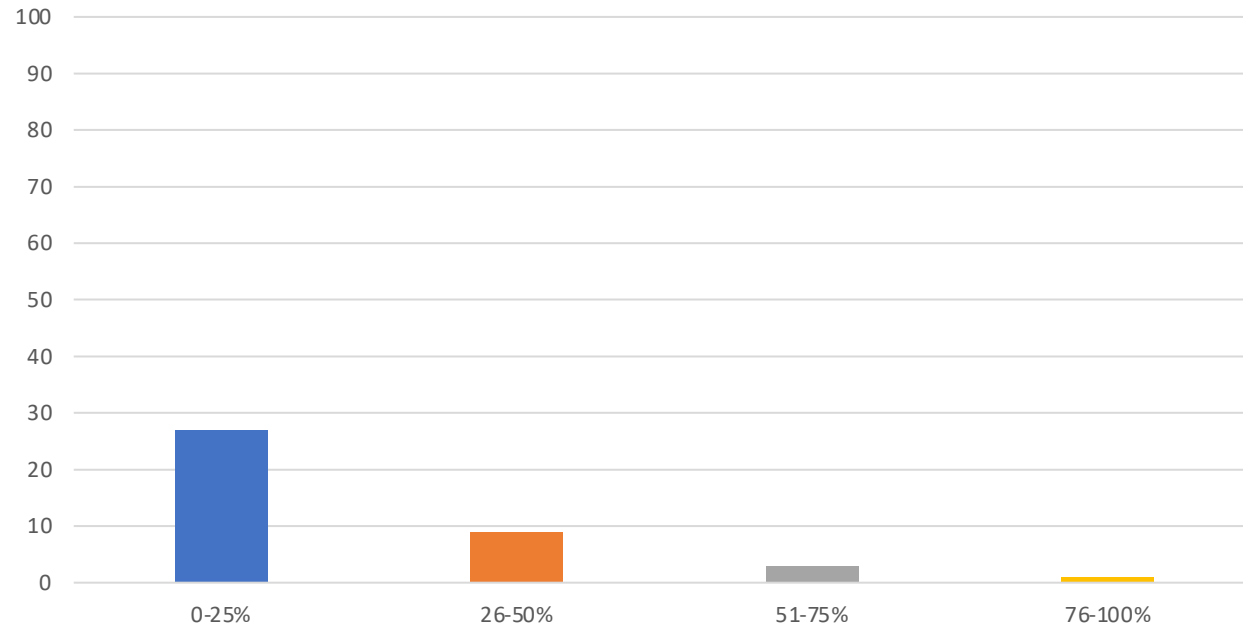
- We will be providing more services once we pass our land code
- Helping with estates paperwork after a death
- Rules about the Civil law of Quebec
- Request for Will Kits
- Land admin transfers of estate lands
- Why does it take so long to get my CP?, Probate Court, Why don't Canada accept US death Certificates?



# ESTATE PROCESS

# Time Management

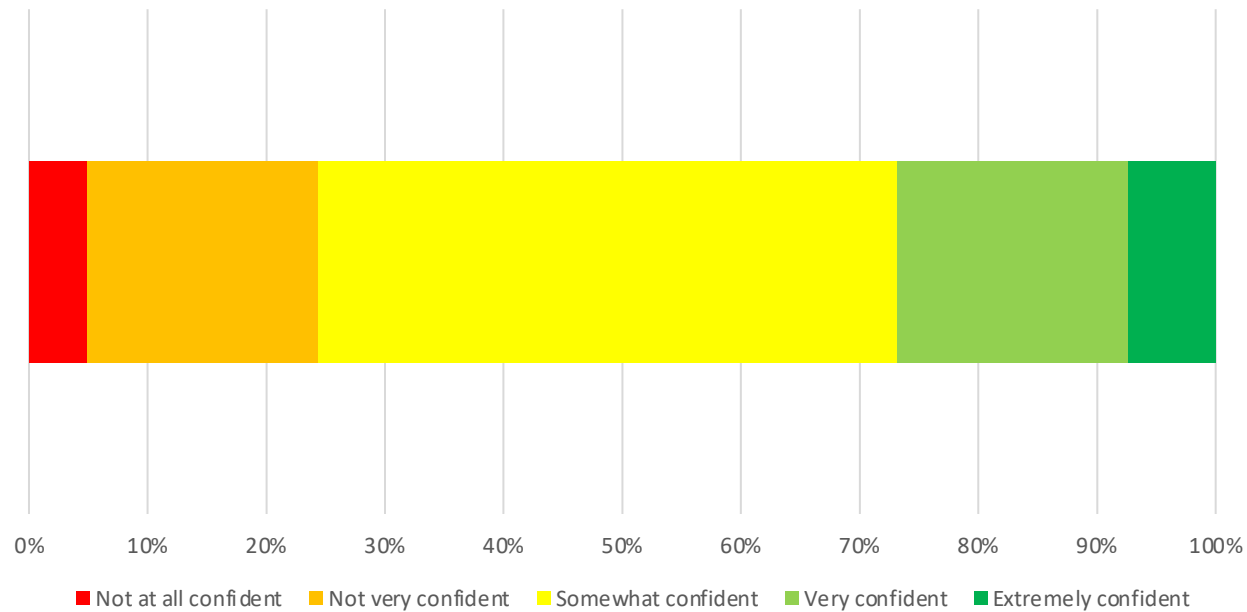
Q8 - What percentage of your time do you spend on the estate process?



Total average: 25,7%

# Confidence Level in Services

Q9 - Please rate your confidence in your professional capacity to provide services regarding the estate process.

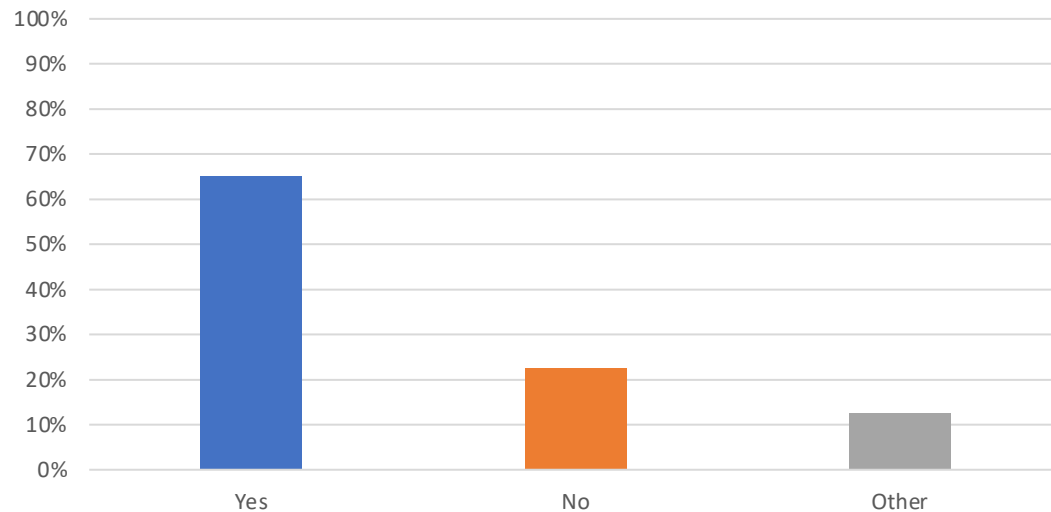


- 26,8% are either *Very* or *Extremely* confident
- 24,4% are either *Not at all* or *Not very* confident
- 48,8% are *Somewhat* confident

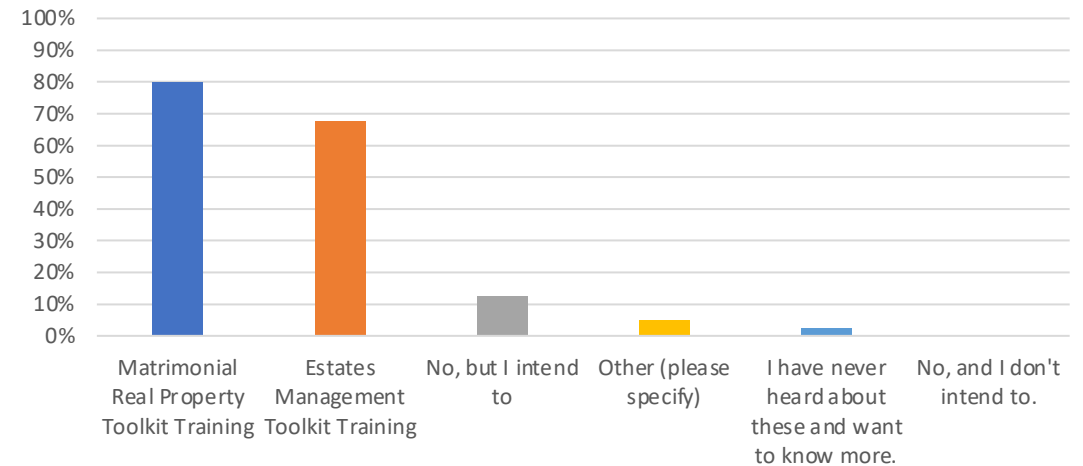
TRAINING

# Training Completed

Q11 - Have you ever received training on the estate process?



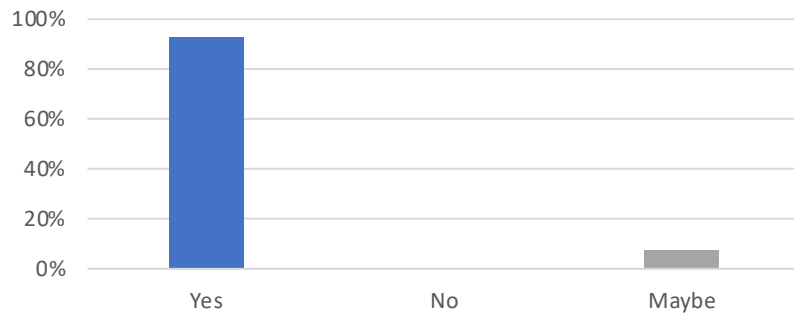
Q12 - If so, have you received any of the following National Aboriginal Lands Managers Association (NALMA) trainings? Please select all that apply.



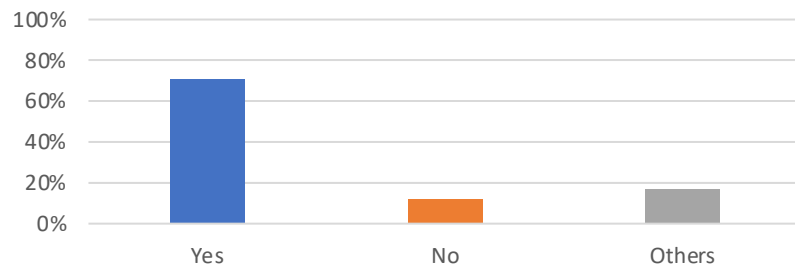
- 80% (32/40) have followed the Matrimonial Real Property Toolkit training
- 68% (27/40) have followed the Estates Management Toolkit Training - 50% of those are *Somewhat confident* in their professional capacity to provide services regarding the estate process (Q9), 22% *Very confident* and 8% *Extremely Confident*
- Amongst those 15% (6/40) who have not followed the training, 2 (33%) are *Somewhat confident*, 1 (17%) is *Not very confident* and 2 are *Not confident at all* in their professional capacity to provide services regarding the estate process (Q9) - 100% of them would benefit from trainings, information sessions, or workshops regarding the estate process (Q13) - 83% (5/6) have concerns regarding the estate process (Q32)

# Training Needs

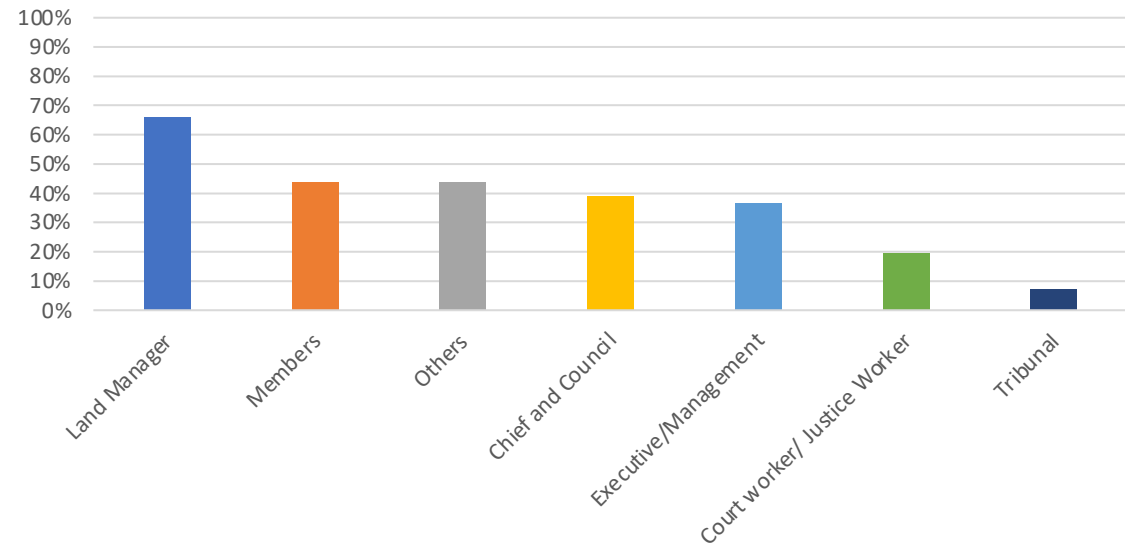
Q13 - Would you benefit from trainings, information sessions, or workshops regarding the estate process?



Q14 - Would anyone else at your Nation benefit from trainings, information sessions, or workshops on the estate process?



Q15 - Who in your community would benefit from these types of training? Please select all that apply.



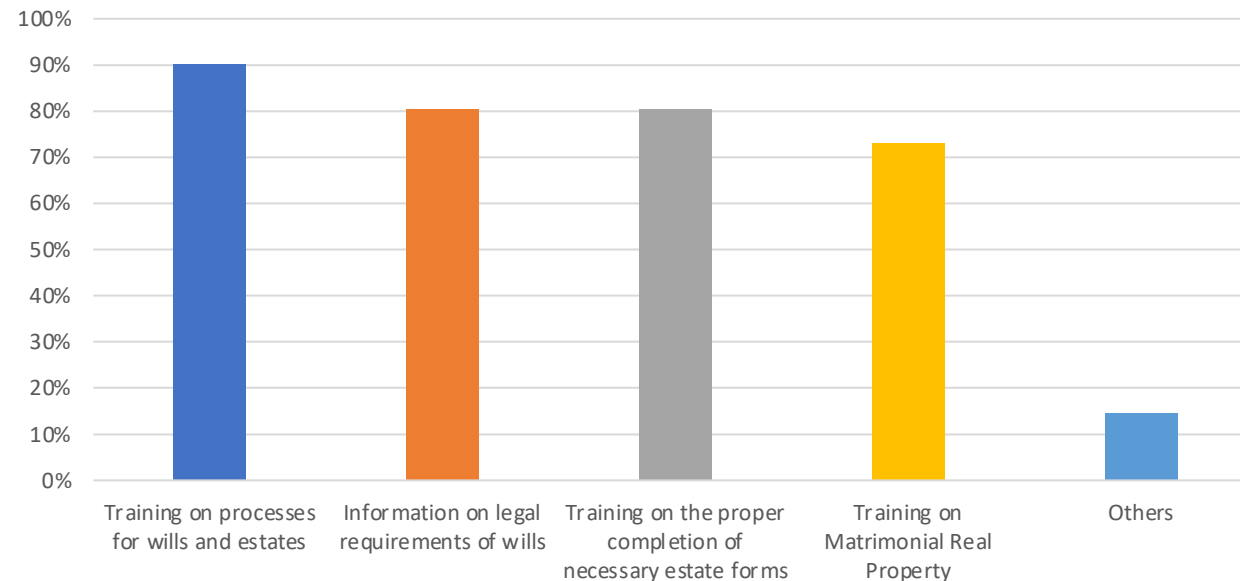
**Others include:**

- Anyone who is interested
- Communication for Members
- Housing Department
- Lands Assistant
- Lands trainee
- Lawyer
- Membership Clerk
- Other lands - membership staff
- Social Development Worker, Housing Manager
- Social Development Housing



# Training Needs

Q16 - What kind of training, if any, would help your organization provide service regarding wills and estates? Please select all that apply.



37/41 (90%) would need *Training on processes for wills and estates* to help their organization provide service

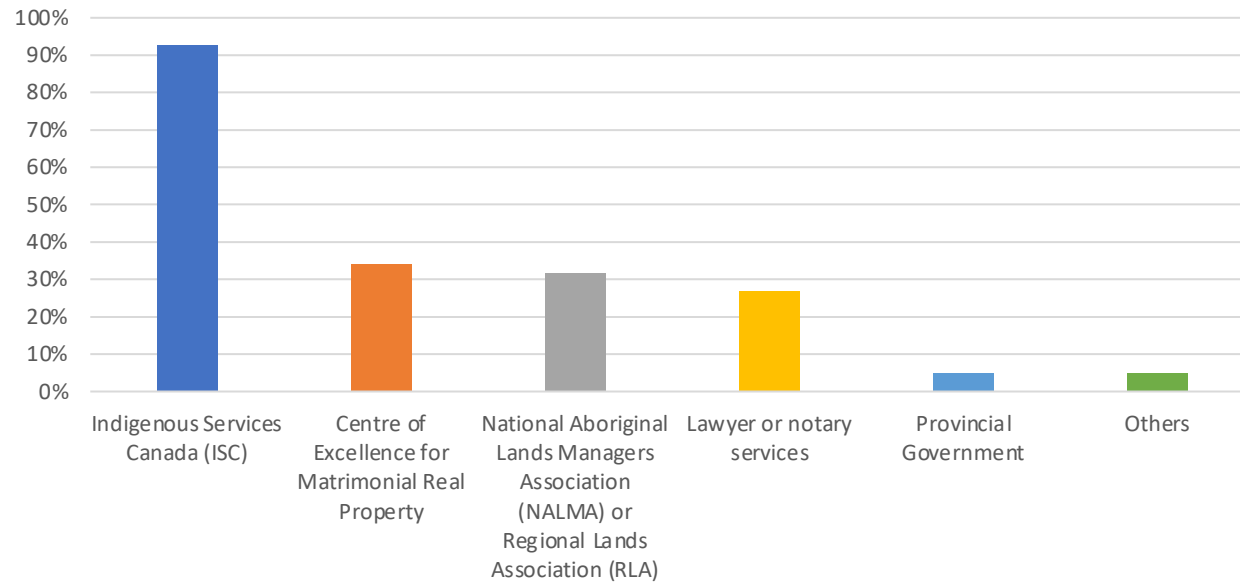
### **Others include:**

- How to register deaths in our community, so that ISC is notified, and the estates process may commence
- I think you could do a combination of all the above in a session
- Will writing that would be accepted by ISC
- Updates on new processes
- Training on benefits and heirs

SUPPORT

# Support with Estate Process

Q18 - Which organizations do you or your administration contact when you need support with the estate process? Please select all that apply.

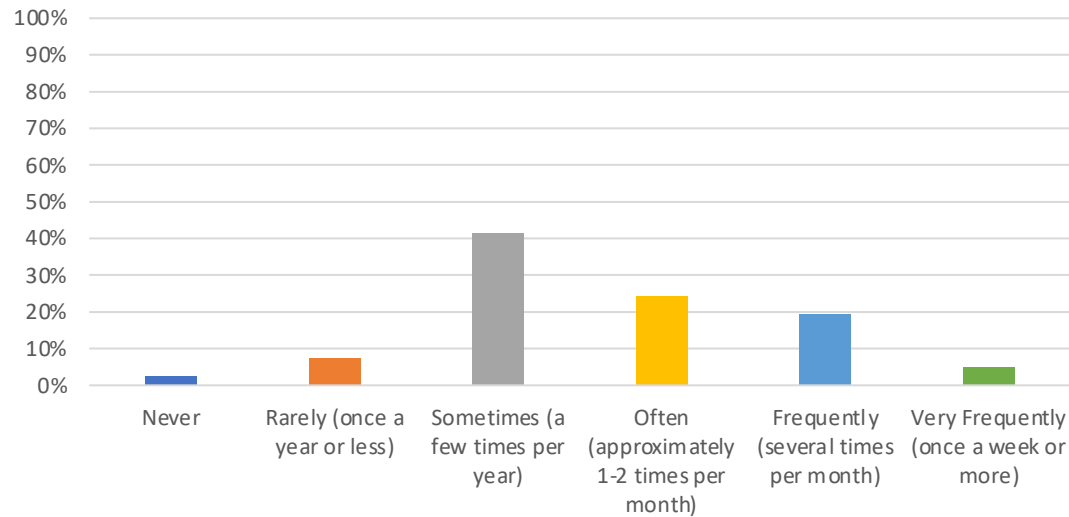


## **Others include:**

- I have not had anything arise yet which required me to
- Normally advise administrator to obtain legal advice

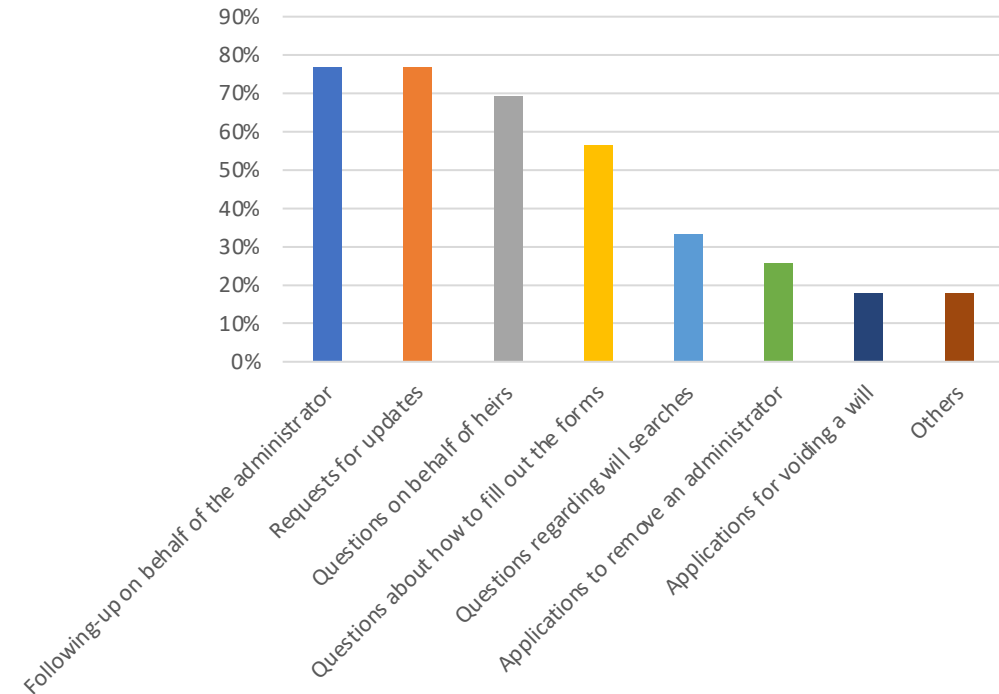
# Contact Frequency

Q19 - How often do you contact ISC regarding outstanding estate matters?



- 49% (20/41) of respondents contact the ISC *Often, Frequently* or *Very Frequently* regarding outstanding estate matters
- 41% (17/41) of respondents contact the ISC *Sometimes*
- 10% (4/41) of respondents contact the ISC *Rarely* or *Never*

Q21 - For what reasons do you contact ISC regarding the estates process? Please select all that apply.

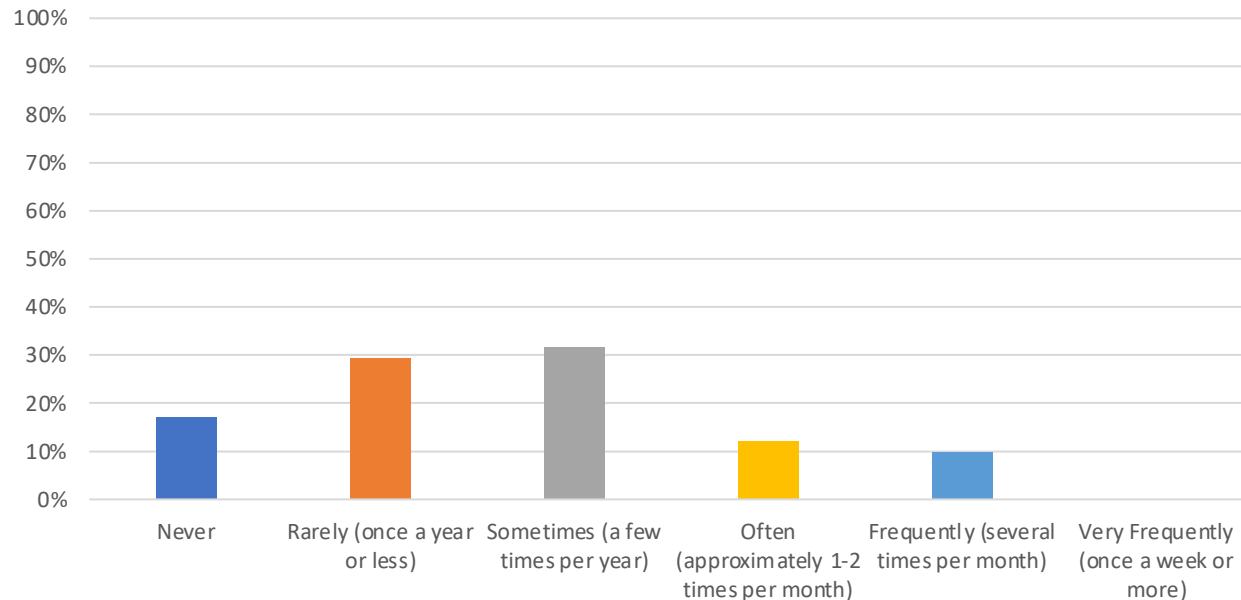


**Others include**

- Application to change administrator
- Old Estate issues that have been outstanding for a number of years.
- How do I go about settling Unsettled estates due to the deceased is still has land in their name.
- Family conflicts b/c there is no will

# Contact Frequency

Q20 - How often do you contact one of the other listed organizations regarding the estates process?



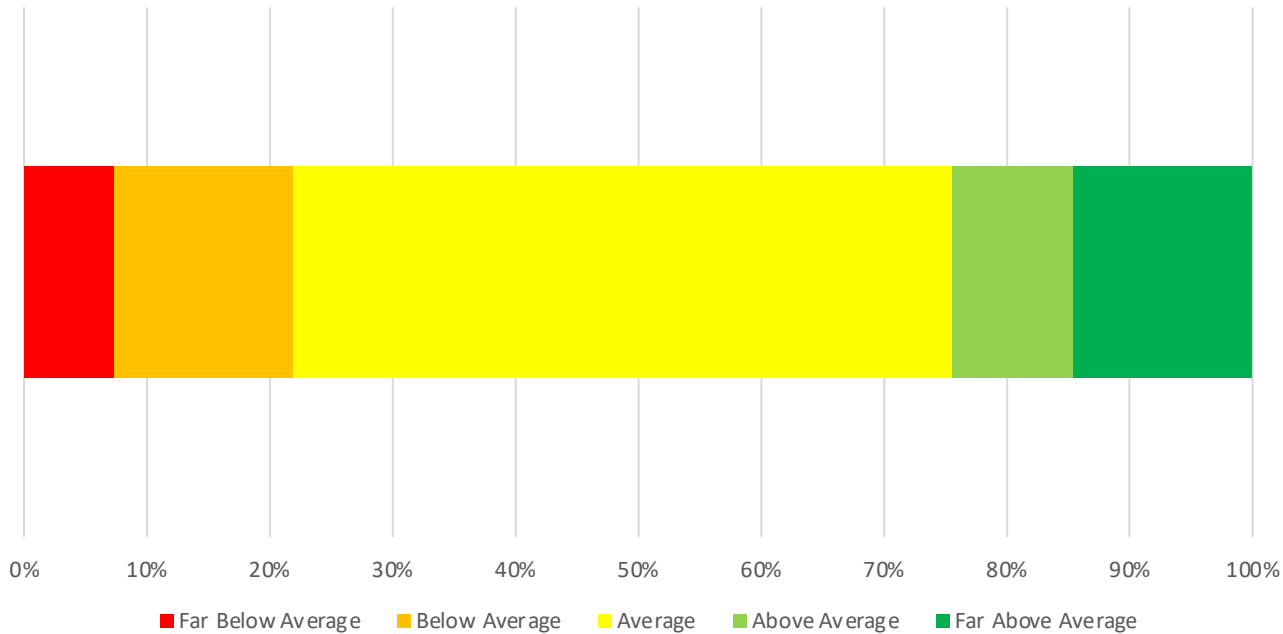
## **Other listed organizations:**

- National Aboriginal Lands Managers Association (NALMA) or Regional Lands Association (RLA)
- Centre of Excellence for Matrimonial Real Property
- Provincial Government
- Lawyer or notary services

- 22% (9/41) of respondents contact other organizations *Often, Frequently or Very Frequently* regarding outstanding estate matters
- 32% (13/41) of respondents contact other organizations *Sometimes*
- 46% (19/41) of respondents contact other organizations *Rarely or Never*

# Service

Q22 - How would you rate the service when interacting with ISC during the estate process?



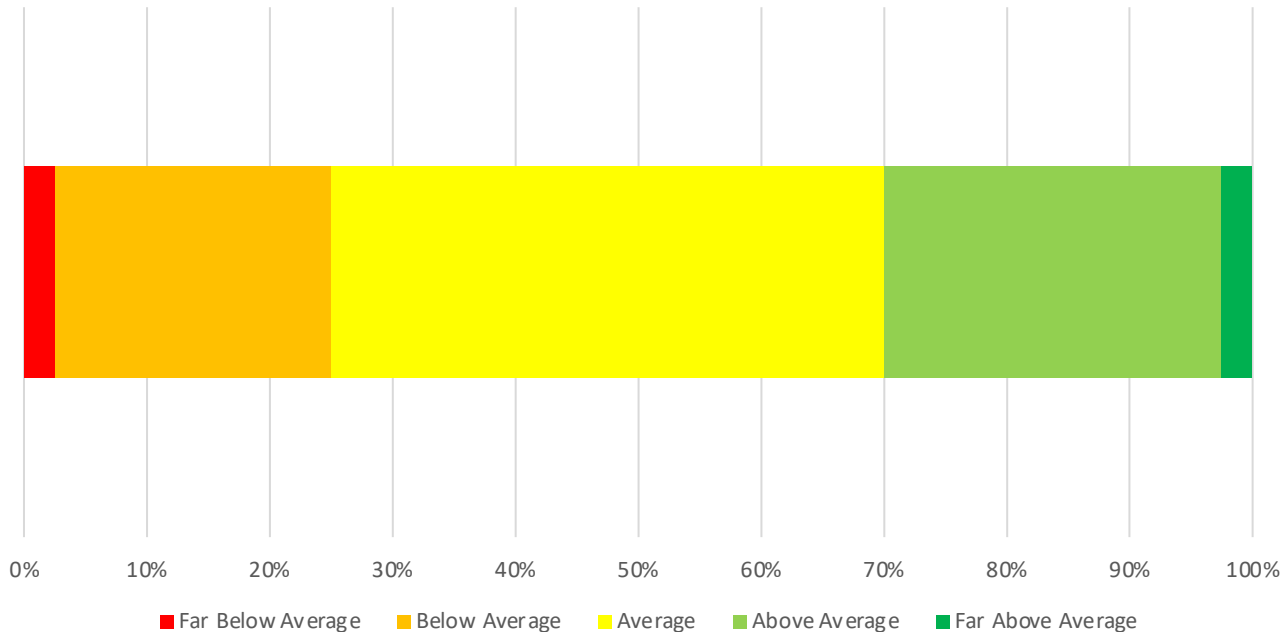
- 24% (10/41) of respondents selected *Far above average* or *Above average*
- 54% (22/41) selected *Average*
- 22% (9/41) selected *Below Average* or *Far below average*



# USER UNDERSTANDING

# Process Understanding

Q23 - How would you rate your level of understanding of the steps required by ISC to complete the estate process?



- 30% (12/40) of respondents selected *Far above average* or *Above average*
- 54% (22/41) selected *Average*
- 22% (9/41) selected *Below Average* or *Far below average*

# Step-by-Step Understanding

Q25 - Based on your experience, please rank in chronological order the general steps of the estate process

Province	Number of respondents	Report the death	Confirm official residency of deceased person (on-reserve or off-reserve)	Confirm most recent will (will search conducted either by family or ISC)	Submit original wills to ISC for approval	Receive, complete and return appointment package	Receive, complete and return initial estates package	Appointment package signed by ISC	Receive, complete and return Request for Transfer of Land by Personal Representative	Submit Land transfer forms to ISC for registration in ILRS
AB	3	1	2	3	6	4	5	6	8	9
BC	13	1	2	4	3	5	7	6	8	9
NB	1	1	6	5	4	7	2	8	3	9
NS	3	1	2	3	5	4	6	7	8	9
ON	13	1	2	3	4	5	6	7	8	9
QC	8	1	2	3	4	6	5	7	8	9
<b>Average position</b>		1	2	3	4	5	6	7	8	9

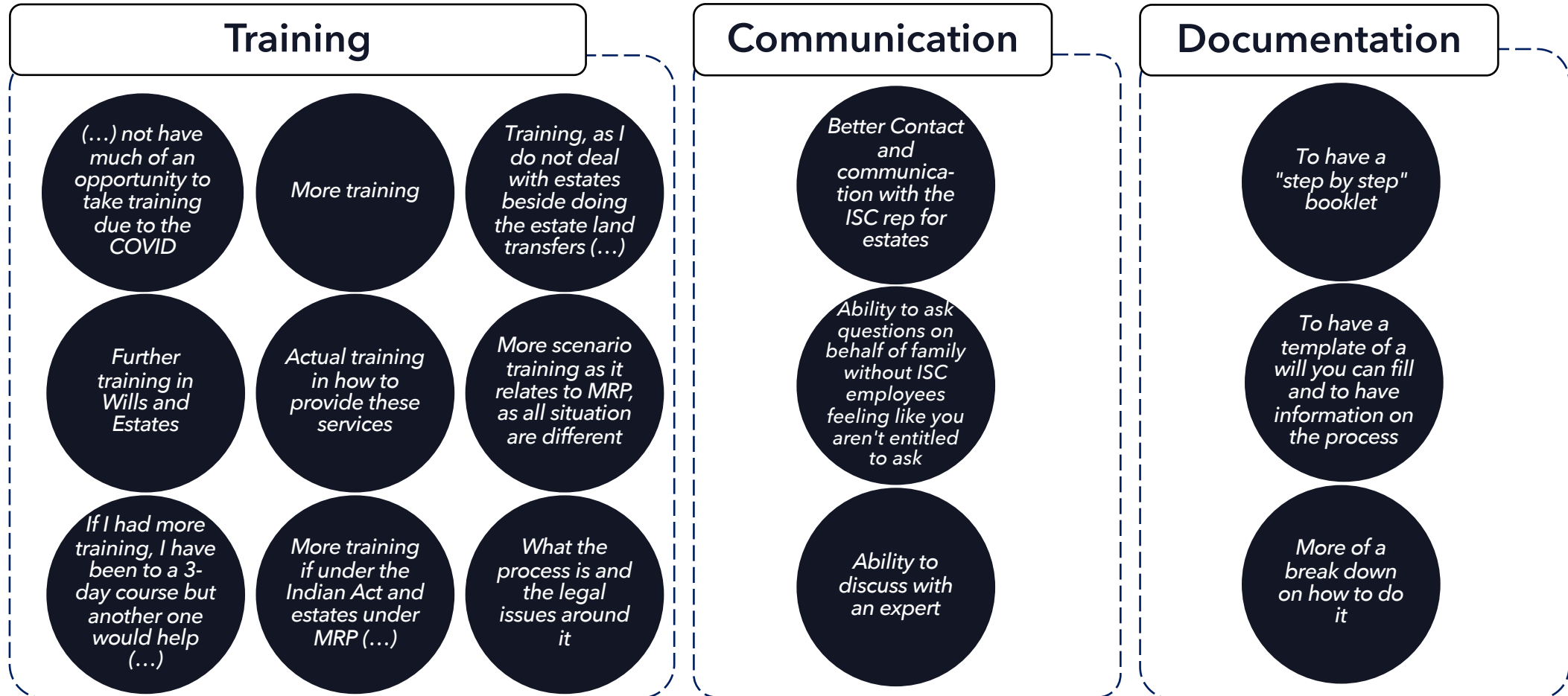
The 41 respondents were grouped by province and each step by their average position for the province.

- Steps 1, 2, 8, 9 are the steps that are on average mostly ranked in the same order.
- Steps 3, 4, 5, 6, 7 are the one that are the most confusing for the respondents with each step having at least 3 provinces out of 6 selecting a different order than the average.

SURVEY AND INTERVIEW RESULTS:  
*QUALITATIVE*

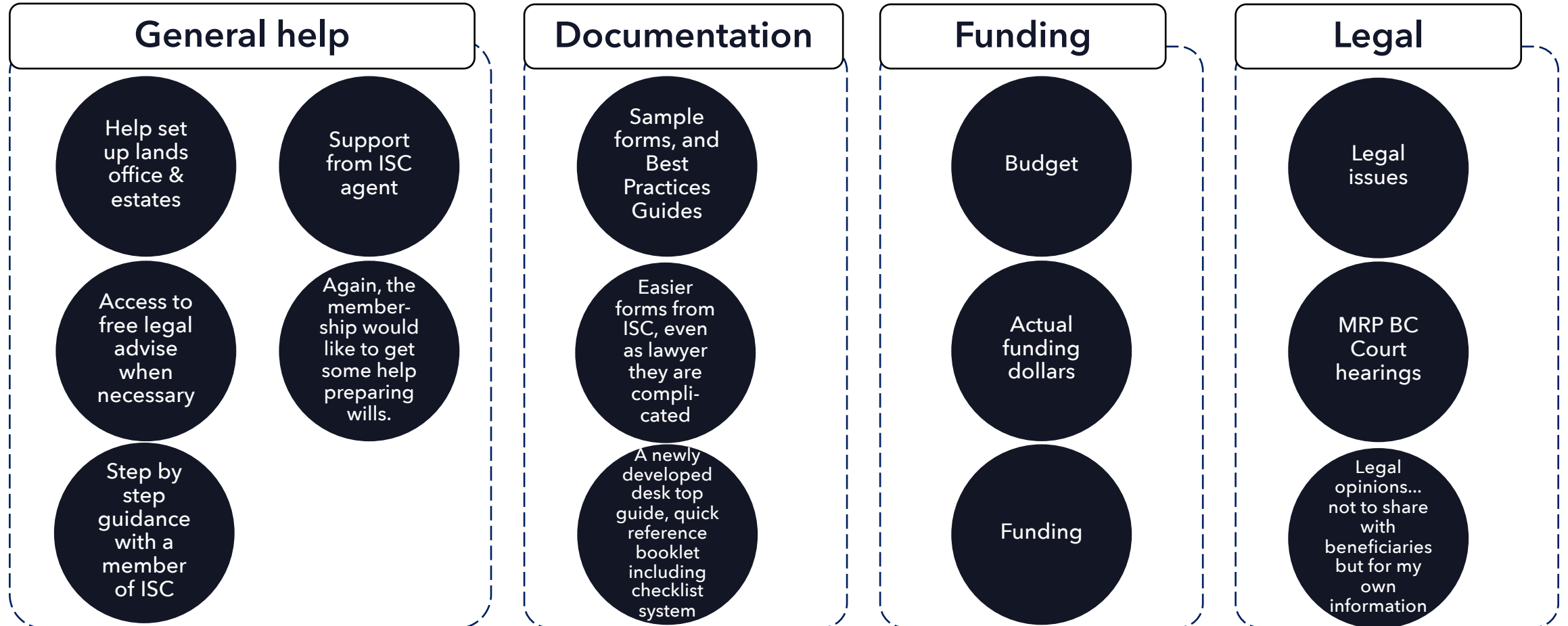
# Q10 - What would make you feel more confident in your professional capacity to provide services regarding the estates process?

Comments here were analysed and sorted by themes. Here are the themes that were mentioned the most:



# Q17 - What other support would help you in this role?

Comments here were analysed and sorted by themes. Here are the themes that were mentioned the most:



# ANALYSIS







# Key Findings

- Respondents had varied titles relating to land management and membership and the majority hold this role in their organization or assist their colleague with wills and estates.
- The top 5 topics they are asked to assist with most are:
  - Submitting documentation to ISC
  - Explaining the wills and estates process
  - Helping to complete forms and documentation to submit to ISC
  - Writing wills
  - Meeting with executors, administrators, beneficiaries, heirs or other involved parties
- These topics are also reflected in the types of training/workshops/information sessions they could benefit from.
- While **60% of respondents have received NALMA training** on Matrimonial Real Property and Estates Management Toolkit Training, **only 27% of respondents say they are confident** in their abilities.
- While additional training was mentioned as being beneficial in many instances, respondents only spend on average **25.7% of their time on wills and estates.**
- Generally speaking, **ISC** is the organization respondents reach out to out of any other, however they do so only **a few times per year.**
- Only **30%** of respondents feel that they have a **good understanding of the steps** ISC must complete in the estates process (Far Above Average or Above Average results).
- The overall satisfaction with ISC's services is only **30%** (Far Above average and Above Average results).



# RECOMMENDATIONS

# Recommendations

Recommendation	Timeline	Priority
Define roles and responsibilities with a simple guide	ST	
Review and streamline forms and documentation, and train members on how to complete them	ST	
Improve ISC services/communications (know more about their R&R compared to Land Administrator and family R&R)	MT	
Assess with Communities what additional support is needed to provide Matrimonial Real Property Law services	MT	
Provide additional training (mostly for Training Processes for Wills and Estates) to improve their confidence in their capacity to provide necessary services	ST	
Develop a community of practice where members of FNLMAQL can come together to share best practices, challenges they face, etc.	MT	



Actions that can be taken immediately



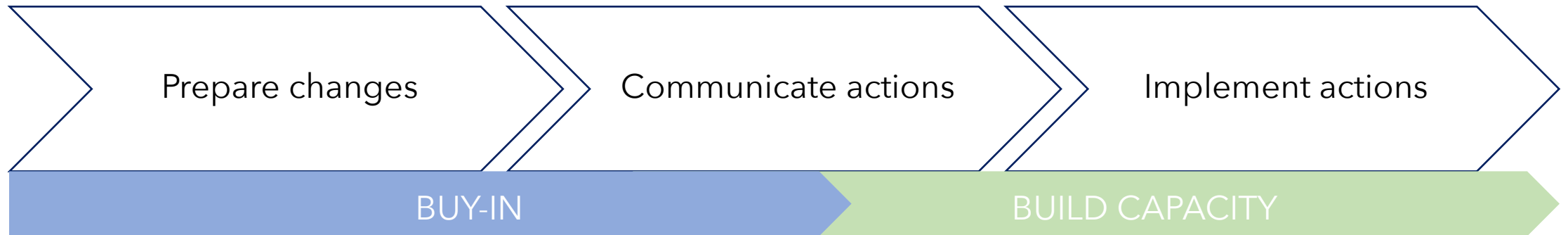
Actions to take in the medium or long term



Quick wins

**ST:** 1-3 months  
**MT:** 3-9 months  
**LT:** 9 months +

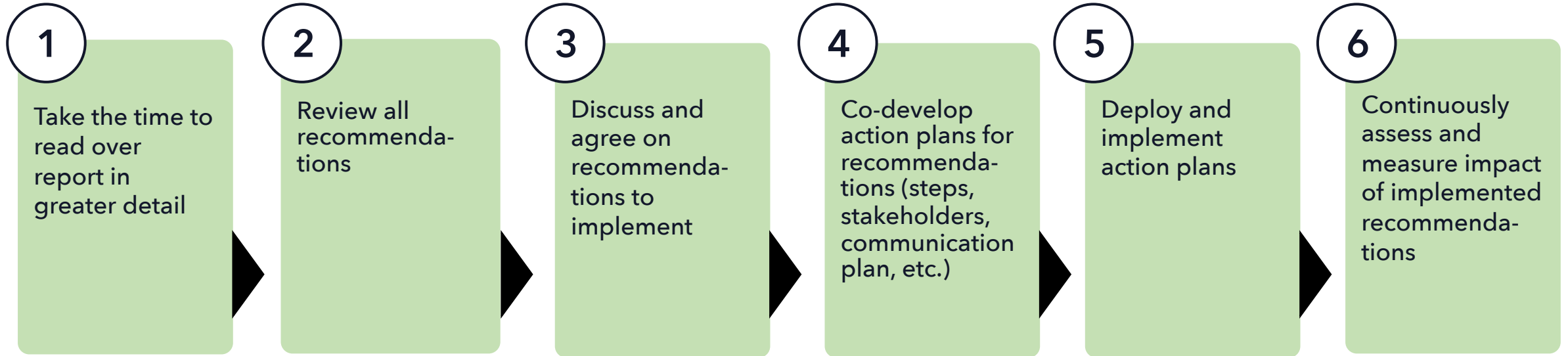
# Implementation



- The recommendations listed previously represent tangible and realistic opportunities for continuous improvement that will enable FNLMAQL to meet its current and future goals.
- We strongly believe that the implementation of these recommendations will have a positive effect on the efficiency of various processes related to wills and estates and will improve members' confidence and skill sets.
- Any recommendations should be implemented with care (with an established action plan ensuring buy-in and which is properly communicated to those involved and impacted by the change).
- A phased approach to the implementation would allow members to build capacity, absorb and implement changes before moving onto the next initiatives.

NEXT STEPS

# Next Steps





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