

Legal Will Requirements Across Canada

To be valid, a Will in Canada must be made by a mentally capable adult, signed in writing, properly witnessed (unless holographic), and created voluntarily following provincial laws.

Jurisdiction	Holograph Wills Holograph Wills are created and signed entirely in the testator's own handwriting . No witnesses required.	Electronic Wills Electronic Wills are created digitally, witnessed and signed via e-signature , and stored digitally.	~ Most common ~ Witnessed Wills Witnessed Wills are created digitally, printed and signed in ink by the testator in front of witnesses. <small>All ClearEstate customers can use this method.</small>	Additional Recommended Steps for Witnessed Wills Recommended, but not required in order to have a legally valid Will.
Ontario	Legally allowed	Not legally allowed	Must be signed by testator with 2 witnesses*	Commissioned Affidavit of Execution from 1 witness*
British Columbia	Not legally allowed	Allowed via electronic signature software, must be e-signed by testator and 2 witnesses and can be done via virtual meeting	Must be signed by testator with 2 witnesses*	Wills Notice filed with BC Vital Statistics Agency
Alberta	Legally allowed	Not legally allowed	Must be signed by testator with 2 witnesses*	Commissioned Affidavit of Execution (known as "Affidavit of Witness to a Will" (GA8 Form)) from 1 witness*
Saskatchewan	Legally allowed	Not legally allowed	Must be signed by testator with 2 witnesses*	Commissioned Affidavit of Execution (known as "Affidavit of Attesting Witness") from 1 witness*
Manitoba	Legally allowed	Not legally allowed	Must be signed by testator with 2 witnesses*	Commissioned Affidavit of Execution from 1 witness*
Nova Scotia	Not legally allowed	Not legally allowed	Must be signed by testator with 2 witnesses*	Commissioned Affidavit of Execution from 1 witness*
New Brunswick	Legally allowed	Not legally allowed	Must be signed by testator with 2 witnesses*	Commissioned Affidavit of Execution from 1 witness*
Prince Edward Island	Not legally allowed	Not legally allowed	Must be signed by testator with 2 witnesses*	Commissioned Affidavit of Execution (known as "Proof of Will") from 1 witness*
Newfoundland and Labrador	Legally allowed	Not legally allowed	Must be signed by testator with 2 witnesses*	Commissioned Affidavit of Execution ("Proof of Will") from 1 witness*

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Quebec	Legally allowed	Legally allowed for Notarial Wills e-signed by testator, Quebec Notary and 1 witness via electronic signature software approved by Chambre des Notaires.	Witnessed Will done without a Quebec Notary must be signed by testator with 2 witnesses*	Commissioned Affidavit of Execution from 1 witness* recommended for Witnessed Will done without a Quebec Notary.
Territories (NT, YT, NU)	Legally allowed	Not legally allowed	Must be signed by testator with 2 witnesses*	Commissioned Affidavit of Execution from 1 witness*

Notes:

- » "Testator" refers to the person making the Will.
- » In some provinces signing "with" witnesses can be done remotely in counterpart, providing legislated requirements are met, typically including a provincially licensed attorney acting as a witness.
- » An "Affidavit of Execution" is a sworn statement in front of a commissioner of oaths or Notary Public by one of the witnesses to the signing of the Will. It serves to verify that the document was, in fact, signed by the testator in the presence of the witness.

This document is not required in order to create a legally valid Will, however, it is recommended since it will typically be needed for the future settlement of the estate. In some provinces, the Affidavit of Execution can be done via virtual meeting and electronic signature.

- » Quebec Notaries have special powers granted under the Notaries Act and the Civil Code of Quebec as public officers authorized by the Government of Quebec to draft and authenticate legal documents with the same legal force as court judgments.

*It is recommended that witnesses are disinterested (i.e., NOT executors, beneficiaries or their spouses). This is to avoid any question of undue influence and even the Will or any inheritances being considered invalid.

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