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February 27, 2015

Ontario court nullifies minister's will for racism after he cuts out daughter

Anne Posno was quoted in the Lawyers Weekly on February 27, 2015 in relation to a recent Ontario Superior Court decision in *Spence v. BMO Trust Company*, 2015 ONSC which deals with expanding application of public policy to void a will, and in so doing has raised concerns of floodgates and abuse.

A recent Ontario Superior Court decision that nullified a Toronto minister's will because his motivation for disinheriting his daughter was found to be racist has drawn criticism from wills and estates law experts...

...The intentions of the testator might be considered if the validity of a will is challenged on the basis of testamentary capacity or undue influence related to fraud, but is typically off limits, said Anne Posno, a Toronto lawyer with experience in estates litigation. "Is that what courts should be doing — going behind the words of an otherwise valid document?" she said. "It raises uncertainty in an otherwise certain area."

*For a related blog post, [click here](#).

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