

**SCHEDULE**

**FORM 1**

**REPRESENTATION AGREEMENT ACT**

*Section 5 (4), 6 (2) of the Act*

**CERTIFICATE OF REPRESENTATIVE  
OR ALTERNATE REPRESENTATIVE**

(This certificate to be completed by each representative and alternate representative)

I, .....[*name of representative or alternate representative*],  
of.....[*address*]  
.....[*city*] .....[*province*] .....[*postal code*]  
.....[*phone*] Date of birth\*: ...../...../.....[*month*][*day*][*year*]

certify that:

I am named as representative or alternate representative in the representation agreement made on  
.....[*date*] by .....[*name of adult*],  
of .....[*address*]  
.....[*city*] .....[*province*] .....[*postal code*]

I was 19 years of age or older on the date that I signed the representation agreement referred to in this certificate.\*

I am not a witness to the representation agreement.

I have read and understand the duties and responsibilities of a representative as set out in section 16 of the *Representation Agreement Act* and I have agreed to accept these duties and responsibilities. I have also read and understand section 30 of the *Representation Agreement Act* and have no reason to make an objection.

.....  
[*signature of representative, alternate representative or authorized signatory of a trust company or credit union*]

.....[*date*]

**\* Date of birth and certification of age do not apply if the representative or alternate representative is a trust company or credit union.**

**FORM 2**  
**REPRESENTATION AGREEMENT ACT**  
*Section 9 (2) (b), 12 (1) (c), 26 (1) (c) (ii) and 29 (1.1) (b)*  
**CONSULTATION CERTIFICATE**

I, .....[*name of person consulted*],  
of.....[*address of person consulted*]  
.....[*city*] .....[*province*] .....[*postal code*].....[*phone*]

certify that I am

- (a) a practicing member in good standing of the Law Society of British Columbia, or
- (b) a member of a prescribed class of persons under section 9 (2) (a) of the *Representation Agreement Act*.

and that I was consulted by.....[*name of adult*],  
of .....[*address of adult*]  
.....[*city*] .....[*province*] .....[*postal code*]

(check all that apply)

- regarding the making of the agreement
- regarding a change to the agreement
- regarding the witnessing of the agreement

dated.....[*date*] made by the above named adult under the *Representation Agreement Act*.

The consultation took place on: .....[*date*] at .....[*place*].

I explained the provisions of the representation agreement to the adult making or changing the agreement, and he/she appeared to understand the nature of the authority given to his/her representative(s) and the effect of such authority.

.....  
[*signature of person consulted*]

.....[*date*]

**WITNESS CERTIFICATION**

I certify that I witnessed the signing of the representation agreement described above by

.....[*name of adult*] or .....[*name of person signing on behalf of adult*]. I understand independently or through an interpreter the form of communication used by the adult. I also certify the following:

- I am not named in the agreement as a representative or alternate representative,
- I am not a spouse, child or parent of anyone named in the agreement as a representative or alternate representative,
- I am not an employee or agent of a person named in the agreement as a representative or alternate representative.

.....  
[*signature*]

.....[*date*]

Form 2 continued...

If the representation agreement authorizes dealing with real property:

- (1) the adult must consult with a person who is a member of the Law Society or a member of a prescribed class of persons under section 9 (2) (a) of the *Representation Agreement Act*, and the person consulted must complete a Form 2 certificate;
- (2) one of the witnesses to the signature of the adult must be a solicitor, notary public or other person authorized by the B.C. *Evidence Act*, and must complete the following certification:

*I certify that I am a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996. c. 124 to take affidavits for use in British Columbia and that my signature on the representation agreement certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of the representation agreement.*

.....  
[signature of officer/witness]

..... [date]

**FORM 3**  
**REPRESENTATION AGREEMENT ACT**  
*Section 12 (5)*

**CERTIFICATE OF MONITOR**

(This certificate to be completed by the person named as monitor)

I, .....[*name of monitor*], of  
.....[*address*]  
.....[*city*].....[*province*].....[*postal code*].....[*phone*]  
certify that I am the monitor for.....[*name of adult*  
*making the representation agreement*] respecting the representation agreement signed by the adult on  
.....[*date*]

I certify that I am 19 years of age or older.

I have read and understand the duties and responsibilities of a monitor as set out in section 20 of the *Representation Agreement Act* and I have agreed to accept these duties and responsibilities. I have also read and understand section 30 of the *Representation Agreement Act* and have no reason to make an objection.

.....  
[*signature of monitor*]

.....[*date*]

**FORM 4**  
**REPRESENTATION AGREEMENT ACT**

*Section 13 (4) (d)*

**CERTIFICATE OF PERSON SIGNING FOR THE ADULT**

(This certificate to be completed by the person who signs a representation agreement  
for the adult making the agreement if the adult is physically incapable of signing)

I, .....[*name of person signing for the adult*],  
of .....[*address*]  
.....[*city*] .....[*province*] .....[*postal code*].....[*phone*]  
certify that I signed a representation agreement dated.....[*date*] on behalf of  
.....[*name of adult*], of  
.....[*address of adult*]  
.....[*city*] .....[*province*] .....[*postal code*]

The adult making the agreement was present when I signed the agreement on his or her behalf and directed me to sign because he or she was physically incapable of signing.

I understand the type of communication used by the adult when he or she directed me to sign the agreement.

I am not a representative or alternate representative and am not a witness to the signing of the agreement.

I was 19 years of age or older on the date I signed the representation agreement.

.....  
[*signature of person signing for the adult*]

.....[*date*]

**FORM 5**  
**REPRESENTATION AGREEMENT ACT**

*Section 13*

**CERTIFICATE OF WITNESSES**

(This certificate to be completed by a person witnessing the signing of a representation agreement, other than the person consulted under section 9 (2) or 12 (1) (c) of the *Representation Agreement Act*)

I, .....[*name of witness #1*], of  
.....[*address*]  
.....[*city*] .....[*province*] .....[*postal code*].....[*phone*]

**AND**

I, .....[*name of witness #2*], of  
.....[*address*]  
.....[*city*] .....[*province*] .....[*postal code*].....[*phone*]

certify that we were present together on .....[*date*] when

[ ] .....[*name of adult*] or

[ ] .....[*name of person signing on behalf of adult*]

signed the representation agreement made by .....[*name of adult*] dated  
.....[*date*]

The signature of each witness below also certifies the following:

- I am not named in the agreement as a representative or alternate representative,
- I am not a spouse, child or parent of anyone named in the agreement as a representative or alternate representative,
- I am not an employee or agent of a person named in the agreement as a representative or alternate representative,
- I was 19 years of age or older on the date we witnessed the signing of the representation agreement, and
- I understand the type of communications used by the adult.

I have no reason to object to the making of this representation agreement.

.....  
[*signature of witness #1*]  
.....[*date*]

.....  
[*signature of witness #2*]  
.....[*date*]

If the representation agreement authorizes dealing with real property:

- (1) the adult must consult with a person who is a member of the Law Society or a member of a prescribed class of persons under section 9 (2) (a) of the *Representation Agreement Act*, and the person consulted must complete a Form 2 certificate;
- (2) one of the witnesses to the signature of the adult must be a solicitor, notary public or other person authorized by the B.C. *Evidence Act*, and must complete the following certification:

*I certify that I am a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996; c. 124, to take affidavits for use in British Columbia and that my signature on the representation agreement certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of the representation agreement.*

.....  
[signature of officer/witness]

.....[date]

### **Notice to Witnesses**

#### **1 Grounds for Objecting to the Making of an Agreement**

Section 30 of the *Representation Agreement Act* provides for a number of reasons to object to the making and use of a representation agreement.

#### **2 To Make an Objection**

If you believe that you have grounds to make an objection at this time, you should:

- (a) not witness the agreement,
- (b) not execute this certificate,
- (c) report your objection to the Public Guardian and Trustee.

## Section 16 of the Representation Agreement Act for information

### Duties of representatives

- (1) A representative must
  - (a) act honestly and in good faith,
  - (b) exercise the care, diligence and skill of a reasonably prudent person, and
  - (c) act within the authority given in the representation agreement.
- (2) When helping the adult to make decisions or when making decisions on behalf of the adult, a representative must
  - (a) consult, to the extent reasonable, with the adult to determine his or her current wishes, and
  - (b) comply with those wishes if it is reasonable to do so.
- (2.1) Subsection (2) does not apply if
  - (a) a representative is acting within authority given to the representative under section 9 [additional powers], and
  - (b) the representation agreement provides that in exercising that authority the representative need only comply with any instructions or wishes the adult expressed while capable.
- (3) If subsection (2) applies but the adult's current wishes cannot be determined or it is not reasonable to comply with them, the representative must comply with any instructions or wishes the adult expressed while capable.
- (4) If the adult's instructions or expressed wishes are not known, the representative must act
  - (a) on the basis of the adult's known beliefs and values, or
  - (b) in the adult's best interests, if his or her beliefs and values are not known.
- (5) On application by a representative, the court may exempt the representative from the duty under subsection (3) to comply with any instructions or wishes the adult expressed while he or she was capable.
- (6) Subject to subsection (6.1), a representative may not delegate any authority given to the representative in the representation agreement.
- (6.1) A representative may delegate to a qualified investment specialist, including a mutual fund manager, all or part of the representative's authority with respect to investment matters.
- (7) Section 19 (3) of the *Health Care (Consent) and Care Facility (Admission) Act* applies when a representative makes health care decisions on behalf of an adult.
- (8) A representative must
  - (a) keep accounts and other records concerning the exercise of the representative's authority under the representation agreement, and
  - (b) produce the accounts and other records for inspection and copying at the request of any or all of the following:
    - (i) the adult;
    - (ii) the adult's monitor
    - (iii) the Public Guardian and Trustee.
- (9) A representative who is authorized to do anything referred to in section 7 (1) (b) or 9 (1) (g) [financial powers] must keep the adult's assets separate from the representative's assets.
- (10) Unless the representation agreement provides otherwise, subsection (9) does not apply to assets that
  - (a) are owned by the adult and the representative as joint tenants, or
  - (b) have been substituted for, or derived from, assets that were owned by the adult and the representative as joint tenants.
- (11) not in effect.
- (12) A person who, on the death of an adult, will be or might be a beneficiary of the adult's estate does not, for that reason, have a conflict of interest with the adult.

## **Section 20 of the Representation Agreement Act for information**

### **Duties and powers of monitors**

- (1) A monitor named by or appointed for an adult must make reasonable efforts to determine whether a representative of the adult is complying with section 16.
- (2) At any reasonable time, the monitor may visit and speak with the adult.
- (3) Anyone having custody or control of the adult must not hinder the monitor from visiting or speaking with the adult.
- (4) If the monitor has reason to believe that a representative is not complying with section 16, the monitor
  - (a) may require the representative to
    - (i) produce accounts and other records required to be kept under this Act, and
    - (ii) report to the monitor on the matters specified by the monitor, and
  - (b) must notify the adult, the representative and all other representatives, including alternate representatives, of the monitor's reason for the belief.
- (4.1) Subsection (4) (a) (i) does not limit a monitor's authority to request accounts and other records under section 16 (8).
- (5) If after taking steps under subsection (4) the monitor still has reason to believe the representative is not complying with section 16, the monitor must promptly inform the Public Guardian and Trustee.

## Section 30 of the Representation Agreement Act for information

### Objecting to agreements, changes or revocations

- (1) Any person may make an objection to the Public Guardian and Trustee if there is a reason to believe that
  - (a) an adult is, or was at the time, incapable of making, changing or revoking a representation agreement,
  - (b) fraud, undue pressure or some other form of abuse or neglect is being or was used to induce an adult to make, change or revoke a representation agreement,
  - (c) the making, use or revocation of a representation agreement or a change to a representation agreement is clearly inconsistent with the current wishes, values, beliefs or best interests of the adult who made, revoked or changed the agreement,
  - (d) there is an error in a representation agreement or an error was made in executing, witnessing or registering the agreement,
  - (e) anything improper has occurred in the making, use or revocation of a representation agreement,
  - (f) not in effect.
  - (g) a representative is not qualified. [To qualify, a representative must be an adult or the Public Guardian and Trustee. A credit union or trust company can act for financial, business or related legal matters.]
  - (h) a representative is
    - (i) abusing or neglecting the adult for whom the representative is acting,
    - (ii) failing to follow the instructions in the representation agreement,
    - (iii) incapable of acting as representative, or
    - (iv) otherwise failing to comply with the representation agreement or the duties of a representative,
  - (i) a representative has given or proposes to give consent to health care that is not authorized by the representation agreement,
  - (j) any criteria specified in the representation agreement as grounds for objection have been met.
- (2) not in effect.
- (3) On receiving notice of an objection, the Public Guardian and Trustee must promptly review the objection and may do one or more of the following:
  - (a) conduct an investigation to determine the validity of the objection and then advise the objector of the outcome;
  - (b)–(d) not in effect.
  - (e) apply to the court for an order confirming a change to, or the revocation of, a representation agreement, or for an order cancelling all or part of a representation agreement;
  - (e.1) apply to the court for an order that a representation agreement is not invalid solely because of a defect in the execution of the agreement
  - (f) recommend that someone else apply to the court for an order referred to in paragraph (d), (e) or (e.1);
  - (g) make a report under section 46 of the *Adult Guardianship Act*.
    - (g.1) appoint a monitor;
    - (g.2) authorize that a monitor appointed under paragraph (g.1) be remunerated, out of the adult's assets, for acting as a monitor in relation to authority given to a representative under section 7 (1) (a), (b) or (d) or 9 (1) (g) [personal care, finances, legal matters] and set the amount or rate of the remuneration;
  - (h) take any other action that the Public Guardian and Trustee considers necessary.