

SCHEDULE
REPRESENTATION AGREEMENT REGULATION

Interpretation

1 In this regulation:

“**Act**” means the *Representation Agreement Act*;

“**registered charity**” has the same meaning as in the *Income Tax Act* (Canada);

“**representative**” includes an alternate representative under section 6 of the Act;

“**RPP**” means a registered pension plan as defined in the *Income Tax Act* (Canada);

“**RRIF**” means a registered retirement income fund as defined in the *Income Tax Act* (Canada);

“**RRSP**” means a registered retirement savings plan as defined in the *Income Tax Act* (Canada);

“**securities**” has the same meaning as in the *Securities Act*;

“**taxable income**” has the same meaning as in the *Income Tax Act* (Canada).

Routine management of adult’s financial affairs

2 (1) For the purposes of section 7 (1) (b) of the Act, the following activities constitute “routine management of the adult’s financial affairs”:

(a) paying the adult’s bills;

(b) receiving the adult’s pension, income and other money;

(c) depositing the adult’s pension, income and other money in the adult’s accounts;

(d) opening accounts in the adult’s name at financial institutions;

(e) withdrawing money from, transferring money between or closing the adult’s accounts;

(f) receiving and confirming statements of account, passbooks or notices from a financial institution for the purpose of reconciling the adult’s accounts;

(g) signing, endorsing, stopping payment on, negotiating, cashing or otherwise dealing with cheques, bank drafts and other negotiable instruments on the adult’s behalf;

(h) renewing or refinancing, on the adult’s behalf, with the same or another lender, a loan, including a mortgage, if

(i) the principal does not exceed the amount outstanding on the loan at the time of the renewal or refinancing, and

(ii) in the case of a mortgage, no new registration is made in the land title office respecting the renewal or refinancing;

(i) making payment on the adult’s behalf on a loan, including a mortgage, that

(i) exists at the time the representation agreement comes into effect, or

(ii) is a renewal or refinancing under paragraph (h) of a loan referred to in that paragraph;

- (j) taking steps under the *Land Tax Deferral Act* for deferral of property taxes on the adult's home;
- (k) taking steps to obtain benefits or entitlements for the adult, including financial benefits or entitlements;
- (l) purchasing, renewing or cancelling household, motor vehicle or other insurance on the adult's behalf, other than purchasing a new life insurance policy on the adult's life;
- (m) purchasing goods and services for the adult that are consistent with the adult's means and lifestyle;
- (n) obtaining accommodation for the adult other than by the purchase of real property;
- (o) selling any of the adult's personal or household effects, including a motor vehicle;
- (p) establishing an RRSP for the adult;
- (q) making contributions to the adult's RRSP and RPP;
- (r) converting the adult's RRSP to a RRIF or annuity and creating a beneficiary designation in respect of the RRIF or annuity that is consistent with the beneficiary designation made by the adult in respect of that RRSP;
- (s) making, in the manner provided in the *Trustee Act*, any investments that a trustee is authorized to make under that Act;
- (t) disposing of the adult's investments;
- (u) exercising any voting rights, share options or other rights or options relating to shares held by the adult;
- (v) making donations on the adult's behalf to registered charities, but only if
 - (i) this is consistent with the adult's financial means at the time of the donation and with the adult's past practices, and
 - (ii) the total amount donated in any year does not exceed 3% of the adult's taxable income for that year;
- (w) in relation to income tax,
 - (i) completing and submitting the adult's returns,
 - (ii) dealing, on the adult's behalf, with assessments, reassessments, additional assessments and all related matters, and
 - (iii) subject to the *Income Tax Act* and the *Income Tax Act (Canada)*, signing, on the adult's behalf, all documents, including consents, concerning anything referred to in subparagraphs (i) and (ii);
- (x) safekeeping the adult's documents and property;
- (y) leasing a safety deposit box for the adult, entering the adult's safety deposit box, removing its contents and surrendering the box;
- (z) redirecting the adult's mail;
- (aa) doing anything that is

- (i) consequential or incidental to performing an activity described in paragraphs (a) to (aa), and
 - (ii) necessary or advisable to protect the interests and enforce the rights of the adult in relation to any matter arising out of the performance of that activity.
- (2) For greater certainty, the activities that are under subsection (1) constitute “routine management of the adult’s financial affairs” do not include any of the following:
- (a) using or renewing the adult’s credit card or line of credit or obtaining a credit card or line of credit for the adult;
 - (b) subject to subsection (1) (h), instituting on the adult’s behalf a new loan, including a mortgage;
 - (c) purchasing or disposing of real property on the adult’s behalf;
 - (d) on the adult’s behalf, guaranteeing a loan, posting security or indemnifying a third party;
 - (e) lending the adult’s personal property or, subject to subsection (1) (v), disposing of it by gift;
 - (f) on the adult’s behalf, revoking or amending a beneficiary designation or, subject to subsection (1) (r), creating a new beneficiary designation;
 - (g) acting, on the adult’s behalf, as director or officer of a company.

Accounts and records concerning exercise of financial authority, etc.

- 3 (1) Subject to subsection (3), a representative with authority under section 7 (1) (b) or 9 (1) (g) of the Act, must keep, in addition to any other accounts and records required under section 16 (8) of the Act, accounts and records in the following form:
- (a) a list of the adult’s assets and liabilities determined under subsection (2), including an estimate of their value if it is reasonable to do so;
 - (b) a list of all money received or paid by the representative on the adult’s behalf and the date of receipt or payment;
 - (c) all invoices, bank statements and other documents supporting the transactions undertaken by the representative on the adult’s behalf.
- (2) For the purposes of subsection (1) (a), a representative must make a reasonable effort to determine the assets and liabilities of the adult as of the date on which the representative first exercises authority on the adult’s behalf.
- (3) The requirement to keep accounts and records in the form set out in paragraphs (a) to (c) of subsection (1) does not apply to a representative with authority under section 9 (1) (g) of the Act if the representation agreement provides for an alternative form of records and accounts.

Definition of expressions used in section 16 (6.1) of the Act

4 In the Act:

“**mutual fund manager**” has the same meaning as in the *Securities Act*;

“**qualified investment specialist**” means an individual who

- (a) is registered under the *Securities Act* to trade in or advise on securities or exchange contracts, and

(b) is acting within the scope of the discretionary authority provided by his or her registration.

Remuneration of representative or monitor

5 In the Act, “**rate**”, when used in relation to the remuneration of a representative or monitor, includes the method of calculating the amount of remuneration.

Written notice

6 Any written notice required or authorized under this Act to be given to a person under the Act must be given in one of the following ways:

- (a) by sending a copy of the notice by registered mail to the person’s last known address;
- (b) by leaving a copy of the notice
 - (i) with the person,
 - (ii) at the person’s address with an adult person who apparently resides with the person to be notified, or
 - (iii) if the person carries on business, at the person’s place of business with an employee of the person;
- (c) by transmitting a copy of the notice to the fax number provided by the person as an address for notification purposes.

Forms

7 The forms in the Schedule are prescribed for the following purposes:

- (a) Form 1 (Certificate of Representative or Alternate Representative), for the purposes of sections 5 (4) and 6 (2) of the Act;
- (b) Form 2 (Consultation Certificate) for the purposes of sections 9 (2) (b), 12 (1) (c), 26 (1) (c) (ii) and 29 (1.1) (b) of the Act;
- (c) Form 3 (Certificate of Monitor), for the purpose of section 12 (5) of the Act;
- (d) Form 4 (Certificate of Person Signing for the Adult), for the purpose of section 13 (4) (d) of the Act;
- (e) Form 5 (Certificate of Witnesses), for the purposes of section 13 of the Act.

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*]

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.