

POWERS OF ATTORNEY DUTY TO ACCOUNT



SUBSTITUTE DECISIONS ACT, 1992

Whether you are a power of attorney for property or a power of attorney for personal care, you have legal obligations under the Substitute Decisions Act, 1992 to maintain records and accounts. Failure to do so will be a breach of your responsibilities and could result in having to defend yourself in court.

Records Maintained by a Power of Attorney for Personal Care:

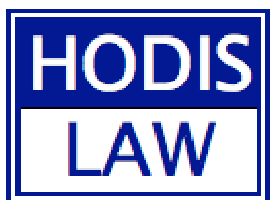
You must keep a list of all decisions regarding health care, safety and shelter made in connection with the incapable person. For each decision you must include as part of the record the nature of the decision, the reasons for the decision, the date of the decision, all medical reports or documents in respect thereof, any wishes expressed by the incapable person and your opinion on whether your decision improves or prevents the deterioration of the incapable person's quality of life. You must

also keep a copy of the document appointing you as an attorney and any court orders relating to your appointment.

Records Maintained by a Power of Attorney for Property:

You must keep a list of all the incapable person's assets as of the date of the first transaction when you assume the role as Power of Attorney. You must also keep an ongoing list of all assets acquired or disposed of, all monies received or paid out on behalf of the incapable person, a list of all investments made, a list of all liabilities incurred or discharged, a list of all compensation taken by you, and a copy of the document appointing you as an attorney and any court orders relating to your appointment. These lists should include the date, the purpose of the payment or receipt and who the money was paid to or received from.

How long do you keep records? Until you have obtained a Release of liability from the appropriate authority or you have passed your Accounts, or you have a court order directing that the records should be destroyed or disposed of.



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Other areas of practice include estate administration and disputes, property law disputes and employment law issues.