HUMMINGBIRD
NOTARIES

VANCOUVER
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(Coal Harbour Seawall)

A GUIDE FOR REPRESENTATIVES

Acting under a Representation Agreement in British Columbia

You have been appointed as Representative in a Representation Agreement. The person who made it (the "adult") trusts you to help them make, or to make on their behalf, decisions about their health care and personal care. Your duties are set out in the *Representation Agreement Act* (RAA), and health care decisions are also governed by the *Health Care (Consent) and Care Facility (Admission) Act*.

1 | WHAT YOU CAN HELP WITH

- Health care decisions, such as consenting to or refusing medical treatment, tests, medication and surgery. If the agreement allows it, this includes decisions about health care necessary to preserve life.
- Personal care decisions, such as where and with whom the adult lives, admission to a care facility, diet, dress, and day-to-day activities, to the extent the agreement allows.
- Speaking with doctors, nurses and care providers, and receiving the information needed to make decisions.
- A Representation Agreement does not usually allow you to manage the adult's money. Financial matters are handled by the Attorney under an Enduring Power of Attorney. Work together with the Attorney, who pays for the care you arrange.

2 | WHEN YOU ACT

- The adult makes their own decisions for as long as they are able to. Your role is to support them, and to make decisions only when they cannot.
- Health care providers will ask you for consent when the adult is not capable of giving it. Bring a copy of the Representation Agreement to appointments and hospital admissions.
- If you are an alternate Representative, you may act only in the circumstances the agreement describes, for example if the first Representative is unavailable or unwilling to act.
- Your authority ends when the adult dies or revokes the agreement, or if you resign or can no longer act. Personal and funeral arrangements after death are for the Executor.

3 | YOUR DUTIES (RAA S. 16)

- Act honestly and in good faith, and with the care, diligence and skill of a reasonably prudent person.
- Act only within the authority given in the agreement.
- Consult with the adult, to the extent reasonable, to find out their current wishes, and comply with those wishes if it is reasonable to do so.
- If the adult's current wishes cannot be known, or it is not reasonable to follow them, act on the wishes the adult expressed while capable, and on their known beliefs and values.
- If none of these are known, act in the adult's best interests.
- Keep the adult involved, respect their dignity and independence, and keep any other Representatives informed.

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4 | RECORDS AND PAYMENT

- Keep notes of significant decisions you make, the reasons for them, and the people you consulted.
- You may be reimbursed for reasonable out of pocket expenses if the agreement allows it. A Representative cannot be paid for making health care decisions.

5 | PRACTICAL TIPS

- Talk with the adult now, while they can tell you what matters to them: their values, where they would like to live, and their wishes about life support and end of life care.
- Keep copies of the Representation Agreement, any written wishes or advance directive, and a list of the adult's doctors and medications.
- Ask questions. Health care providers must explain a proposed treatment, its risks and its alternatives so you can make an informed decision.
- If family members disagree with a decision, explain how it reflects the adult's wishes and values. If concerns about abuse or neglect arise, contact the Public Guardian and Trustee.

QUESTIONS

If you have questions about your role, please contact Tanvi Ahuja, Notary Public, Hummingbird Notaries, at 604.760.1037 or ask@hummingbirdnotaries.com. Our office is The Perch, 60-323 Jervis Street, Vancouver.

This guide provides general information about British Columbia law to help you understand your role. It is not legal advice for your particular situation, and the law may change. Please contact us, or an estate lawyer, before taking any step you are unsure about.