

REPRESENTATION AGREEMENT (SECTION 9)

Made under Section 9 of the *Representation Agreement Act*.

The use of this form is voluntary. Be advised that this form may not be appropriate for use by all persons, as it provides only one option of how a Representation Agreement may be made. In addition, it does not constitute legal advice. For further information, please consult the *Representation Agreement Act* and Representation Agreement Regulation or obtain legal advice.

This form reflects the law at the date of publication. Laws can change over time. Before using this form, you should review the relevant legislation to ensure that there have not been any changes to the legislation or section numbers.

The notes referenced in this Representation Agreement are found at the end of this Agreement and are provided for information only.

1. THIS REPRESENTATION AGREEMENT IS MADE BY ME, THE ADULT:

| | |
|------------------------------|-----------------------|
| Full Legal Name of the Adult | Date (YYYY / MM / DD) |
| Full Address of the Adult | |

2. REVOCATION OF PREVIOUS INSTRUMENTS

(See Note 1 – actions that must be taken to revoke a previous Representation Agreement)

(See Note 2 – effect of revocation on previous Representation Agreements)

I revoke all of the following made by me.

- all previous Representation Agreements granting authority under section 7 of the *Representation Agreement Act*;
- all previous Representation Agreements granting authority under section 9 of the *Representation Agreement Act*.

3. REPRESENTATIVE

(See Note 3 – who may be named as Representative)

I name the following person to be my Representative:

| |
|-----------------------------------|
| Full Legal Name of Representative |
| Full Address of Representative |

4. ALTERNATE REPRESENTATIVE (OPTIONAL)

(See Note 3 – who may be named as Representative)

(Strike out this provision if you do not want to appoint an Alternate Representative.)

If my Representative

- dies,
- resigns in accordance with the *Representation Agreement Act*,
- is my spouse, as defined in the *Representation Agreement Act*, at the time that I make this Representation Agreement, and our marriage or marriage-like relationship subsequently terminates as set out in the *Representation Agreement Act*, or
- becomes incapable,

then I name the following person to be my Alternate Representative:

| |
|---|
| Full Legal Name of Alternate Representative |
| Full Address of Alternate Representative |

9. SIGNATURES**ADULT AND WITNESS SIGNATURES****ADULT'S SIGNATURE**

- The Adult must sign and date in the presence of both Witnesses.

| | |
|--------------------|------------------------------|
| Signature of Adult | Date Signed (YYYY / MM / DD) |
| Print Name | |

WITNESSES TO ADULT'S SIGNATURE

(See Note 7 – information for witnesses)

WITNESS NO. 1

- Witness No. 1 must sign in the presence of the Adult and Witness No. 2.

| | |
|--|------------------------------|
| Signature of Witness No. 1 | Date Signed (YYYY / MM / DD) |
| Print Name | |
| Address | |
| If witness is a lawyer or member of the Society of Notaries Public of British Columbia, check relevant box below: | |
| <input type="checkbox"/> lawyer <input type="checkbox"/> member of the Society of Notaries Public of British Columbia | |

WITNESS NO. 2

- Not required if Witness No. 1 is a lawyer or member in good standing of the Society of Notaries Public of British Columbia.
- Witness No. 2 must sign in the presence of the Adult and Witness No. 1.

| | |
|----------------------------|------------------------------|
| Signature of Witness No. 2 | Date Signed (YYYY / MM / DD) |
| Print Name | |
| Address | |

REPRESENTATIVES' SIGNATURES

(See Note 8 - when a Representative may exercise authority under this Representation Agreement)

REPRESENTATIVE

| | |
|-----------------------------|------------------------------|
| Signature of Representative | Date Signed (YYYY / MM / DD) |
| Print Name | |

ALTERNATE REPRESENTATIVE*(Strike out if an Alternate Representative is not appointed.)*

| | |
|---------------------------------------|------------------------------|
| Signature of Alternate Representative | Date Signed (YYYY / MM / DD) |
| Print Name | |

**STATUTORY DECLARATION FOR EVIDENCE OF
AUTHORITY OF ALTERNATE REPRESENTATIVE**

This statutory declaration may be completed by the adult, the representative, or the alternate representative, as evidence of the authority of the alternate representative to act in place of the representative. This statutory declaration would be completed if one of the circumstances in which the alternate representative is authorized to act in place of the representative occurs to establish the authority of the alternate representative.

CANADA
PROVINCE OF BRITISH COLUMBIA

IN THE MATTER OF the *Representation Agreement Act* re: a Representation Agreement made by

_____ naming _____ as Representative
name of Adult name of Representative

TO WIT:

I, _____
Name

of _____
Full Address

SOLEMNLY DECLARE THAT:

- a. I am the (*strike out the descriptions that do not apply*):
 - adult who made the representation agreement
 - representative named under the representation agreement
 - alternate representative named under the representation agreement.
- b. One of the circumstances referenced in the Representation Agreement in which the alternate representative is authorized to act in place of the representative has occurred, specifically (*describe the specific circumstance resulting in the alternate representative having authority to act*):

AND I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED BEFORE ME AT

_____ location

_____ Declarant's Signature

on _____ date

Signature of Commissioner for taking Affidavits
for British Columbia

Commissioner for taking Affidavits for British Columbia
(Apply stamp, or type or legibly print name of commissioner)

NOTES RESPECTING THIS REPRESENTATION AGREEMENT MADE UNDER SECTION 9 OF THE REPRESENTATION AGREEMENT ACT

The notes provided below are for the purpose of providing information only, and do not constitute legal advice.

These notes are prepared for the purposes of this representation agreement form. They should not be considered a complete description of matters to be taken into account in making a representation agreement. A person making a representation agreement, or acting as a representative or alternate representative, should consult the *Representation Agreement Act* and the Representation Agreement Regulation to ensure that they understand their rights and duties.

NOTE 1: Actions that must be taken to revoke a previous Representation Agreement

To revoke a previous representation agreement, you must also give written notice of the revocation to each representative, each alternate representative, and any monitor named in that representation agreement. Revocation is effective when this notice is given, or on a later date stated in the notice.

NOTE 2: Effect of revocation on previous Representation Agreements

The revocation provision in this representation agreement will do all of the following:

- if you have previously made a section 7 representation agreement that is still effective, it will be revoked;
- if you have previously made a section 9 representation agreement that is still effective, it will be revoked.

NOTE 3: Who may be named as Representative

- (a) This form provides for the naming of one representative and one alternate representative. If you wish to name more than one representative to act at the same time, do not use this form.
- (b) The *Representation Agreement Act* sets out who may be named as a representative. If an individual is appointed, that individual must be 19 years of age or older, and must not be an individual who provides personal care or health care services to the adult for compensation, or who is an employee of a facility in which the adult resides and through which the adult receives personal care or health care services, unless the individual is a child, parent or spouse of the adult.

The information in this note also applies in respect of an alternate representative.

NOTE 4: Statutory declaration for evidence of authority of Alternate Representative

A statutory declaration that may be used is included with this form.

Additional evidence establishing the authority of the alternate representative to act in place of the representative may be required for some purposes.

NOTE 5: What a Representative may and may not do

The authority of a representative appointed under this representation agreement includes the power to give or refuse consent to health care necessary to preserve life.

A representative appointed under this representation agreement must not do any of the following:

- give or refuse consent on the adult's behalf to any type of health care prescribed under section 34 (2) (f) of the *Health Care (Consent) and Care Facility (Admission) Act*;
- make arrangements for the temporary care and education of the adult's minor children, or any other persons who are cared for or supported by the adult;
- interfere with the adult's religious practices.

(Please note this list may not be complete.)

If you want your representative to be authorized to do the things on the above list, you should obtain legal advice.

In addition, under the *Representation Agreement Act*, a representative:

- may not be authorized to refuse consent to those matters in relation to the *Mental Health Act* set out in section 11 of the *Representation Agreement Act*;
- must not consent to the provision of professional services, care or treatment to the adult for the purposes of sterilization for non-therapeutic purposes;
- must not make or change a will for the adult.

(Please note that this list may not be complete.)

NOTE 6: Consultation with a health care provider

If you choose to include instructions or wishes in your representation agreement about your health care, you may wish to discuss with a health care provider the options and the possible implications of your choices.

NOTE 7: Information for witnesses

- (a) The following persons may not be a witness:
 - i. A person named in the representation agreement as a representative or alternate representative;
 - ii. A spouse, child or parent of a person named in the representation agreement as a representative or alternate representative;
 - iii. An employee or agent of a person named in the representation agreement as a representative or alternate representative, unless the person named as a representative or alternate representative is a lawyer, a member in good standing of the Society of Notaries Public of British Columbia, or the Public Guardian and Trustee of British Columbia;
 - iv. A person who is under 19 years of age;
 - v. A person who does not understand the type of communication used by the adult unless the person receives interpretive assistance to understand that type of communication.
- (b) Only one witness is required if the witness is a lawyer or a member in good standing of the Society of Notaries Public of British Columbia.
- (c) Section 30 of the *Representation Agreement Act* provides for a number of reasons to object to the making and use of a representation agreement. If you believe that you have grounds to make an objection at this time, you should not witness the representation agreement and you may report your objection to the Public Guardian and Trustee of British Columbia.

NOTE 8: When a Representative may exercise authority under this Representation Agreement

Before a person may exercise the authority of a representative under a representation agreement, that person must sign the representation agreement.