Nova Scotia Power of Attorney

Forms Booklet



LEGAL INFO NOVA SCOTIA

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Acknowledging the Land

The Legal Information Society of Nova Scotia recognizes that it is situated on Mi'kmaq'ki, the ancestral and unceded territory of the Mi'kmaq people. This territory is covered by the "Treaties of Peace and Friendship," which Mi'kmaq, Wolastoqyik, and Passamaquoddy signed with the British Crown in 1726. The Treaties recognized Mi'kmaq, Wolastoqyik, and Passamaquoddy title to the land and established rules for an ongoing relationship between nations. We are all treaty people.

Disclaimer

This publication explains the law in a general way as it applies in Nova Scotia, Canada. The information is not intended as legal advice and is not intended to replace professional, legal, or other advice. If you have a legal problem, contact a lawyer for advice about what steps you should take in your situation.

The Legal Information Society of Nova Scotia disclaims any liability arising from the use or application of any information in this publication. If you feel you have a legal problem, you should talk with a lawyer.

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Introduction

This booklet does two things.

- It gives you forms for five different tasks under Nova Scotia's *Powers of Attorney* law.
- It also uses a story and shows how the forms work in the story.

This booklet contains forms for:

- people who act under a power of attorney, called attorneys
- people who make a power of attorney, called donors

Four forms will help attorneys address the demands of record keeping, accounting and giving notice:

- **Form 1 – Giving notice when you begin to act as attorney**
- **Form 2 – Attorney's record keeping**
- **From 3 – Attorney's accounting**
- **Form 4 – Notice of attorney's resignation**
- **Form 5 – Notice of revoking a power of attorney can help a donor cancel their power of attorney. The donor must be able to understand what it means to do that and what might happen if they cancel (revoke) their power of attorney.**

The Legal Information Society of Nova Scotia developed these forms through community surveys and discussions. The forms were written and reviewed by lawyers and follow the rules under Nova Scotia's *Powers of Attorney* law. The forms are not court forms. As of March 2025, the courts and Nova Scotia's *Powers of Attorney* law give no forms for powers of attorney in Nova Scotia.

This booklet and the forms are for information purposes only and are not legal advice.

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How this forms booklet works

The booklet begins with a family story and uses the story to show how you can complete the forms. The story is not about real people.

For each form, we begin with the part of the story that relates to the form. After the story is a form filled out for the person in the story. Then we give you a blank form you can use. You can also download each form individually on our website. You may change any of the blank forms to fit your situation. If you make changes, make sure you still follow Nova Scotia's *Powers of Attorney* law.

Read **Being an attorney** and **Power of attorney** at **legalinfo.org** for more information, or contact the **Legal Information Society of Nova Scotia**. You can also read the **Powers of Attorney Act**. Talk with a lawyer if you need advice about what to do in your particular situation.

Harriet Mapper's Story

Harriet Mapper is retired person with disabilities. She has always handled her own personal finances but now wants to plan for her future needs. Harriet has been learning about wills, personal directives for health decision-making, and powers of attorney for financial and property decision-making.

Harriet has named her daughter, Sandra Jonson, as her attorney in her power of attorney. Sandra has spoken with her mother, Harriet, briefly about estate planning and understands that she may be asked to carry out certain responsibilities if her mother names her under a power of attorney.

Harriet has named her son, Paul Mapper, as her monitor in the power of attorney. Paul has a home nearby Harriet but travels most of the year for work.

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Form 1 - Giving notice when you begin to act as attorney

When you begin to act as an attorney under a Power of Attorney (POA) document, you must tell certain people. This is called **giving notice**. Read the POA to see if it tells you who to tell that you are acting as attorney and how you should give notice.

If the POA does not say who you provide the notice to, do one of the things below.

- Give notice to the donor and any monitor, if the POA names a monitor;
- If the POA doesn't name a monitor or other person, give notice to:
  - the donor
  - the donor's immediate family – *see note below*
  - the delegate in the donor's personal directive document, if the donor has one

Note: Immediate family members are the donor's spouse, registered domestic partner, common-law partner, adult children, adult siblings and parents.

The law says you may give notice in writing or by speaking to the person. You can do this by visiting them or on the phone. Because you must keep written records when you are an attorney, we recommend you give notice in writing.

Below is the part of Harriet's story where her attorney, Sandra, gives notice when she begins to act for Harriet under the power of attorney. It shows how Sandra uses the free Legal Information Society of Nova Scotia **Form 1 - Giving notice when you begin to act as attorney**.

You can learn more about giving notice in the **Powers of Attorney Act**, section 15.

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Sandra is using Harriet's power of attorney

Sandra has begun to use Harriet's POA. Harriet continues to give instructions to Sandra on when to use the POA. Harriet likes having Sandra help her when she's having a hard time getting around. Because Sandra is carrying out activities under the POA she must give notice to the donor, Harriet, and to Paul, the monitor. Sandra reads the POA and it lists no other people to give notice to.

SANDRA'S FORM 1 – Giving notice when you begin to act as attorney

NOTICE OF ATTORNEY ACTING

To: Harriet and Paul as monitor listed in the POA

Take notice that I, **Sandra Jonson**, am acting as attorney for **Harriet Mapper**, according to a power of attorney dated **March 1, 2023**.

You are receiving this notice because you are:

- the donor
- acting as a monitor

You can contact me at the following phone number or email with any questions:

Phone: 902-455-3135

Email: attorneysandra@fakeemailcontact.ca

Dated at **Bridgewater, Nova Scotia** on **March 31, 2024**.

Sandra Jonson

Signature

Attorney's name: Sandra Jonson

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FORM 1 – Giving notice when you begin to act as attorney

When you begin to carry out your attorney responsibilities and tasks under the POA, you must tell certain people. This is called giving notice. Read the POA to see who needs to know that you are acting as attorney. If there is not one listed to receive notice, you will give notice to the donor and the monitor. You may also have to give notice to other people. You can read the **Powers of Attorney Act**, section 15, or speak with a lawyer if you are unsure.

NOTICE OF ATTORNEY ACTING

To: Name of donor, any monitor, any person listed in the POA

OR

To: Name of donor, immediate family and delegate in Personal Directive.

Take notice that I, _____, am acting as attorney for _____ _____, according to a power of attorney dated _____.

You are receiving this notice because:

- ❑ you are the donor
- ❑ you are listed in the power of attorney
- ❑ you are named as a monitor
- ❑ you are a member of the donor's immediate family
- ❑ you are a delegate in the donor's personal directive.

You can contact me at the following phone number or email with any questions:

_____

Dated at _____ on _____.

_____
Signature

Attorney's name: _____

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Form 2 – Attorney's record keeping

When you agree to act as an attorney under a power of attorney (POA) document, you have a duty to preserve and keep records of all the finances and property that you handle as attorney. Depending on the complexity of the donor's assets and liabilities, you may need to hire a professional to help with this work. In modest estates, simple bookkeeping techniques will meet this duty to preserve and keep records.

As attorney you must keep the following records:

- All bank records, including account statements and withdrawals and deposit slips for all transactions
- Income Tax Information (Notices of Assessment, T4 and T5 slips, all supporting documents needed for doing yearly income tax returns)
- All correspondence (such as leases, notices from employers or pension plans, information from insurance companies)
- All documents received about the donor's assets and liabilities that the attorney controls
- Details on the activities you do on the donor's behalf
- All receipts (such as parking, taxis, rent payments, mortgage payments)
- All invoices that you received and invoices paid
- Details about your discussions or purchases made with the donor's money and sales of the donor's property

Deciding the value of a property can be complicated. Fair market value, appraised value, approximate value, and reasonably estimated value have all been used in Nova Scotia. Do your best to be as accurate as possible based on the information available to you.

You and the donor should decide together how to keep those records. Some attorneys keep hard copies of records in a file folder, binder, or cabinet. Other attorneys will keep records digitally. If you keep hard copy or digital records, you must still make sure that you can get the records at any time. You can scan and save the digital record, just make sure you can get it when you need it.

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Whatever method you choose for record keeping, use that method for each transaction.

You can learn more about keeping records in the **Powers of Attorney Act**, section 12.

The next section gives an example of Sandra carrying out responsibilities under a POA. It shows how she uses the free LISNS **Form 2- Attorney's record keeping**.

Sandra needs to keep records for Harriet

Harriet is having trouble getting around after surgery. Harriet was a little confused when she left the hospital but is feeling more like herself. Harriet wants Sandra to help her deal with banks and government services. Sandra knows a little about personal finances but is not sure how to keep records under a power of attorney. Sandra reads the **Being an Attorney** *section of the Legal Information Society of Nova Scotia's website at* **legalinfo.org** *and prints copies of* **Form 2 – Attorney's record keeping**. *Sandra and Harriet fill out information about Harriet's property in the columns below that Sandra will be helping Harriet look after.*

Harriet pays a mortgage on her house. She pays some bills for the house from time to time. Harriet also owes $2,300 on her credit card. Sandra picks up Harriet's mail and finds a bank statement and a refund letter with a cheque. Harriet asks Sandra to buy a hair dryer for her because hers had stopped working.

On the next page is the LISNS **Form 2 – Attorney's record keeping** that Sandra used. Sandra updates this form every time she acts under the POA. This way, she can keep track of all of Harriet's finances and property and can keep Harriet's records up to date. Sandra knows she may have to give these records and receipts if Harriet or Paul asks for them.

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SANDRA'S FORM 2 – Attorney's record keeping

Name of Donor: Harriet Mapper				
Statement of assets prepared on: March, 2024				
Assets (describe below)	**Value**	**Location**	**Insurance**	**Loans or financing payments**
House	*$375,000.00*	*2 Symons Street, Halifax, Nova Scotia*	*Property insurance with Amiva*	*$200,000 Mortgage with Lemon Bank Bi-weekly payments of $705.00*
Chequing account	*$5,000.00*	*Lemon Bank*	*n/a*	*n/a*
Total	*$380,000.00*			

Assets are anything worth money, e.g. property, bank accounts, cash on hand, investments, vehicles, jewellery, etc.

Name of Donor: Harriet Mapper				
Statement of liabilities prepared on: March, 2024				
Liabilities (describe below)	**Debt**	**Payments**	**Account number**	**Insurance**
Credit card	*$2,300.00*	*Monthly $500.00*	*555555555555555*	*Balance protector with bank*
Property taxes	*$2,400.00*	*Monthly $200.00*	*55555555*	*n/a*
Property insurance	*$1,200.00*	*Yearly*	*55555555555*	*Amiva insurance*
Lawn/snow removal	*$250*	*Yearly*	*55555555*	*n/a*
Total	*$6,150.00*			

Liabilities are anything the donor owes or has agreed to pay on someone else's behalf (usually called co-signing or personal guarantee).

Monthly Records and Receipts for March, 2024				
Date	**Record**	**Receipt**	**Copy/original attached**	**Scanned & saved**
March 12, 2024	*Lemon Bank statements February 1, 2024 to March 1, 2024*		*Original attached*	
March 13, 2024		*Hair dryer, Pennie's store*		*x*
March 17, 2024	*Refund letter and cheque sent by insurance company*		*Original attached*	
March 21, 2024	*Deposit slip for insurance refund*		*Original attached*	

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FORM 2 – Attorney's record keeping

You should update this blank form every time you act under the authority of the POA. This will help you keep track of the donor's finances and property you handle as attorney. It will also keep your records up to date. You can change this form to fit your situation as needed. Be ready to give these records and receipts when asked or required.

Name of Donor:					
Statement of assets prepared on:					
Asset (describe below)	**Value**	**Location**	**Insurance**	**Loans or financing payments**	**Bills**
Total					

Assets are anything worth money, e.g. property, bank accounts, cash on hand, investments, vehicles, jewellery, etc.

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Name of Donor:				
Statement of liabilities prepared on:				
Liabilities (describe below)	**Debt**	**Payments**	**Account number**	**Insurance**
Total				

Liabilities are anything the donor owes or has agreed to pay on someone else's behalf (usually called co-signing or personal guarantee).

Monthly Records and Receipts				
Date	**Record**	**Receipt**	**Copy/original attached**	**Scanned & saved**

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Form 3 – Attorney's accounting

When you agree to act as an attorney under a power of attorney (POA) document, you have a duty to give a financial accounting to the donor. This is a complete record of the work you have done for the donor. You must give the donor an accounting whenever they ask for it. You may also need to give an accounting to the monitor, if one is named in the POA. You may need to give a copy to the donor's immediate family members if the donor does not have the capacity to understand and appreciate their decisions with support. Immediate family members are the donor's spouse, registered domestic partner, common-law partner, adult children and adult siblings and parents of the donor.

Depending on the complexity of the donor's assets and liabilities, you may need to hire a professional to help with this work. In modest estates, simple bookkeeping techniques will meet this duty of accounting.

You and the donor should decide together how to keep accounting records. Some attorneys keep hard copies of records in a file folder, binder, or cabinet. Other attorneys will keep records digitally. If you keep hard copy or digital records, you must still make sure that you can get the records at any time. You can scan and save the digital records, just make sure you can get it when you need it.

Whatever method you choose for keeping records, use that method for each transaction.

You can learn more about giving an accounting in the **Powers of Attorney Act**, section 13.

The next section shows Sandra giving an accounting to Harriet and Paul under a POA. Is shows how an attorney can use the free LISNS **Form 3 – Attorney's accounting**.

Sandra gives an accounting to Harriet and Paul

Sandra has been her mother's power of attorney for a couple years. Harriet named her son, Paul Mapper, as monitor in her POA. Paul has asked Sandra to prepare an annual accounting and provide it to him and to Harriet because Harriet is having trouble remembering details about her finances and property and has asked for more help.

An example of how Sandra can provide this accounting is set out on the next page.

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SANDRA'S FORM 3 – Attorney's accounting

Closing Annual Summary in estate of Harriet Mapper

Name of Donor: Harriet Mapper	
Closing statement of assets for January 1, 2024 to December 31, 2024 prepared on: January 10, 2025	
Asset (describe below)	**Current Value (minus debts)**
House	*$375,000.00*
Chequing account	*$5,000.00*
Savings account	*$10,000.00*
Total	

Assets are anything worth money, e.g. property, bank accounts, cash on hand, investments, vehicles, jewellery, etc.

Name of Donor: Harriet Mapper		
Statement of liabilities for January 1, 2024 to December 31, 2024 prepared on: January 10, 2025		
Liabilities (describe below)	**Current Debt**	**Account number**
Credit card	*$2,300.00*	*555555555555555*
House mortgage	*$175,000.00*	*7y7t7s7f7*
Total		

Liabilities are anything the donor owes or has agreed to pay on someone else's behalf (usually called co-signing or personal guarantee).

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Records and Receipts				
Date	**Record**	**Receipt**	**Copy/original attached**	**Scanned & saved**
January to December 2024	*Lemon Bank chequing statements*			*x*
January to December 2024	*Lemon Bank mortgage statements*			*x*
January to December 2024	*Lemon Bank credit card statements*			*x*
March 13, 2024		*Hair dryer, Pennie's store*		*x*
March 17, 2024	*Refund letter and cheque sent by insurance company*			*x*
March 21, 2024	*Deposit slip for insurance refund*			*x*

Closing Annual Summary in the estate of Harriet Mapper

Period covering January 1, 2024 to December 31, 2024

Prepared by Sandra Jonson on January 10, 2025

SUMMARY

Asset total	***$390,000.00***
Liabilities total	***$177,300.00***
Final total for year	***$212,700.00***

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FORM 3 – Attorney's Accounting

You should prepare an accounting at least once each year. You can prepare a monthly accounting to keep up to date in case you have to prepare an accounting more often. You should always be prepared to give an accounting when asked or required. You can change this form to fit your situation as needed.

Accounting summary in the estate of _____

Name of Donor:	
Closing statement of assets for	
Assets (describe below)	**Current Value (minus debts)**
Total	

Assets are anything worth money, e.g. property, bank accounts, cash on hand, investments, vehicles, jewellery, etc.

Name of Donor:		
Statement of liabilities for		
Liabilities (describe below)	**Current Debt**	**Account number**
Total		

Liabilities are anything the donor owes or has agreed to pay on someone else's behalf (usually called co-signing or personal guarantee).

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Records and Receipts				
Date	**Record**	**Receipt**	**Copy/original attached**	**Scanned & saved**

Accounting summary in the estate of _____

Period covering _____

Prepared by _____ **on** _____

SUMMARY

Asset total	**$**
Liabilities total	**$**
Final total for year	**$**

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Form 4 – Notice of attorney's resignation

When you resign from acting as an attorney under a Power of Attorney (POA) document, you tell certain people. This is called **giving notice**. Read the POA to see if it tells you who to give notice that you want to resign as attorney and how you should give notice.

If the POA does not say who you provide the notice to, then do one of the things below.

- Give notice to the donor and to the monitor and any other attorneys named in the POA.
- If the donor does not have capacity and there is no monitor or additional person listed in the POA, give notice to:
  - the donor,
  - the donor's the immediate family members
  - the delegate in the donor's personal directive document, if the donor has one.

Note: Immediate family members are the donor's spouse, registered domestic partner, common-law partner, adult children, adult siblings and parents.

- If the donor has no immediate family members, give notice to the first available grandparent, grandchild, aunt or uncle, nieces or nephew, or other relative of the donor.
- If the donor has no relatives, give notice to the **Public Trustee**.

You may have to account for your activities as attorney under a POA. If you decide to voluntarily provide a final accounting to the donor and monitor when you resign, you may use LISNS **Form 2 – Attorney's record keeping** and **Form 3 – Attorney's accounting**. If the court orders you to give an accounting, you must follow the court's instructions on how to do that.

You can learn more about resigning as an attorney by reading the **Powers of Attorney Act**, section 10.

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Sandra resigns as attorney

Sandra is offered a job in another country and needs to resign as Harriet's attorney. However, Harriet has started having medical issues and cannot understand Sandra's resignation. She also cannot appreciate what Sandra's resignation could mean for her own future. Sandra needs to give notice to Paul, the monitor, and provide notice to Harriet too.

Because Sandra wishes to resign from acting as attorney, she must give notice to certain people. Harriet's POA says who to give notice to and how to give the notice.

SANDRA'S FORM 4 – Notice of attorney's resignation

NOTICE OF ATTORNEY RESIGNATION

To: Harriet and Paul as monitor listed in the POA

Take notice that I am resigning as attorney for Harriet Mapper. I was appointed under a power of attorney dated March 1, 2023.

You are receiving this notice because you are:

- listed in the Power of Attorney
- acting as a monitor

I have attached to this notice all records and accounting for the property covered by the power of attorney dated March 1, 2023, during the period I acted as attorney or I will provide them within 30 days of this notice.

Dated at Halifax, Nova Scotia on April 3, 2025.

Sandra Jonson

Signature

Attorney's name: Sandra Jonson

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FORM 4 – Notice of attorney's resignation

If you wish to resign from acting as an attorney under a power of attorney (POA) document, you must give notice to certain people. Read the POA to see if it says who to give notice to and how to give the notice. If no one is listed to receive notice, give notice to the donor, the monitor, and any backup attorney. There may be more people you need to give notice to. Read the **Powers of Attorney Act**, section 10, or speak with a lawyer if you are unsure.

NOTICE OF ATTORNEY RESIGNATION

To: Name of donor, any monitor, any person listed in the POA, and any other attorneys in the POA

OR

To: Name of donor, immediate family, personal delegate appointed under a Personal Directive

OR

To: Public Trustee

Take notice that I am resigning as attorney for _____. I was appointed under a power of attorney dated _____.

You are receiving this notice because you are:

- ❑ named in the power of attorney
- ❑ acting as a monitor
- ❑ a member of the donor's immediate family
- ❑ delegate in the donor's personal directive
- ❑ other relative listed in the *Powers of Attorney Act*
- ❑ Public Trustee

I have attached to this notice all records and accounting for the property covered by power of attorney dated _____, during the period I acted as power of attorney or I will provide them within 30 days of this notice.

Dated at _____ on _____.

_____

Signature

Attorney's name:

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Form 5 – Notice of revoking a power of attorney

When you are the maker of a power of attorney (the donor) and want to cancel your power of attorney (POA) document, you must give written notice to certain people. Cancelling is called **revoking**. Read your POA to see if it tells you who to give notice in writing. If your POA does not say who you give the notice to, give notice to the attorney and a copy of this notice to any backup attorneys named in the POA.

You can use **Form 5 – Notice of revoking a power of attorney** to cancel your power of attorney, as long as you (the donor) are capable of understanding what it means to do that and the effects of cancelling it.

An attorney may have to account for their activities when acting as attorney under a POA. If the attorney voluntarily provides a final accounting to you (the donor) and your monitor when they resign, the attorney may use LISNS **Form 2 – Attorney's record keeping** and **Form 3 – Attorney's accounting**. If the court orders an accounting, your attorney must follow the court's instructions.

You can learn more about resigning as an attorney by reading the **Powers of Attorney Act**, section 17.

Harriet recovers and decides to cancel her POA

Harriet has thought more about her estate plan, her financial decision-making and her supporters. Harriet has recovered from her surgery and decided to cancel her POA naming her daughter, Sandra Jonson. Harriet needs to give notice to Sandra that Sandra is no longer her attorney.

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FORM 5 – Notice of revoking a power of attorney

NOTICE - REVOKING POWER OF ATTORNEY

To: Sandra Jonson

Take notice that I am cancelling my power of attorney dated March 1, 2023.

You were appointed as my attorney under my power of attorney dated

_____.

You are receiving this notice because I am cancelling my power of attorney and you are no longer authorized to act.

I ask that you give me all records and accounting that you kept while you acted as my attorney. Please do this within 30 days of this notice.

Dated at Halifax, Nova Scotia on April 30, 2025.

Harriet Mapper_____

Signature

Donor's name: Harriet Mapper

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FORM 5 – Notice of revoking a power of attorney

When you are the maker of a power of attorney (the donor) and want to cancel your power of attorney (POA) document, you must give written notice to certain people. Cancelling is called **revoking**. Read your POA to see if it tells you who to give notice in writing. If your POA does not say who you give the notice to, give notice to the attorney and any other backup attorneys named in the POA.

NOTICE - REVOKING POWER OF ATTORNEY

To: _____

Take notice that I am revoking my power of attorney dated _

_____.

You were appointed as my attorney under my power of attorney dated

_____.

You are receiving this notice because I am cancelling my power of attorney and you are no longer authorized to act.

I ask that you give me all records and accounting that you kept while you acted as my attorney. Please do this within 30 days of this notice.

Dated at Halifax, Nova Scotia on _____.

_____

Signature

Donor's name:

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Words you need to know

Accounting: Your attorney must keep current, detailed and accurate records of what they do for you as an attorney. In some situations, your attorney must provide a complete record of all transactions they made for you, including a statement of the things you own and what they are worth (assets) and what you owe (liabilities), and how that financial picture may have changed over the period they are reporting on. This is called giving an accounting.

Attorney: The person you give the power to take care of your financial and property matters is called the attorney, even if they aren't a lawyer. You can name one attorney or more than one attorney. The POA app allows you to name one attorney and one back up attorney. The backup attorney would only act if your first attorney cannot or will not act.

Donor: When you name one attorney or more than one attorney in a power of attorney to take care of your financial and property matters, you are called the donor. You do not donate your money or property when you make a POA, but donor is the legal term.

Immediate family member: Immediate family members include your spouse, registered domestic partner, common-law partner, adult child, adult sibling or parent. Immediate family members may be entitled to information about your attorney's activities.



Interested person: Interested person is a large category of people that are entitled to apply to court if they are concerned about the activities of your attorney.

Monitor: You can name a monitor to review and watch over your attorney's activities and decision-making. This person can help protect your well-being and finances if your attorney misuses their authority.

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Power of attorney: A power of attorney is a legal document that lets you give someone you trust power to look after your finances and property for you based on your instructions. This could include the power to manage your land, house, bank accounts, investments, vehicles and anything else you own, paying your bills, filing your tax returns, cashing your cheques, and making other legal or financial decisions. A power of attorney does not deal with health or personal care decisions.

Giving someone power of attorney doesn't limit you from making your own decisions — you still have control of your financial affairs and are free to deal with your property, money and investments, as long as you have capacity to understand and appreciate the consequences of making those decisions.

Supporter: Supporters is a general term used in the POA App to include spouses, parents and other family members, friends, disability support workers, social workers. You can name a supporter to receive notice from your attorney when they begin to act under the power of attorney.

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