

Preparing your Continuing Power of Attorney for Property

This tip sheet helps you gather the information you need to make a **Continuing Power of Attorney for Property**. This is a legal document that lets someone make decisions about your property. That person is called your **attorney**.

Unless you say something different in your Continuing Power of Attorney for Property, your attorney can manage your property while you are mentally capable. And they continue doing this if you become incapable.

You are **mentally capable** of managing your property when:

- you understand information that relates to making a decision about your property, and
- you know what is likely to happen if you make or do not make a decision and what that means.

Talk to a lawyer about any questions you have.

This tip sheet gets you started. You will need more information about powers of attorney.

Read more at stepstojustice.ca/POA-Property.

And there are different ways to make a power of attorney.

Check out CLEO's Guided Pathway for making a power of attorney at stepstojustice.ca/GP-POA.

Choose your attorney	Tips
<ul style="list-style-type: none"> <input type="checkbox"/> Choose a suitable person. Ask if they agree to be your attorney. <input type="checkbox"/> Decide if you want more than one attorney. If you do, say how they will make decisions. 	<p>Choose an adult you trust to manage your property. It is best if they live in Ontario.</p> <p>This might be a family member or close friend. Or you could choose a professional like a lawyer, accountant, or trust company.</p> <p>Your attorney must make sure that your finances are looked after. This includes financially supporting you and your dependants, paying your debts, and making any ongoing payments like a lease.</p>

Choose your attorney	Tips
<ul style="list-style-type: none"> <input type="checkbox"/> Decide if you want a substitute attorney. <input type="checkbox"/> Get the full legal name and contact information, including a mailing address, for all your attorneys. And get any other names they used in the past. 	<p>If you name more than one attorney, they must make all decisions together. You can change this in your power of attorney. For example, you could say that they can decide together or on their own.</p> <p>You can name a substitute attorney who will act for you if your other attorneys are not able or willing to.</p>

Say when your power of attorney starts working	Tips
<ul style="list-style-type: none"> <input type="checkbox"/> Decide when you want your power of attorney to start working. 	<p>Your Continuing Power of Attorney normally starts working when you and your witnesses sign it. This means that both you and your attorney can manage your property while you are mentally capable.</p> <p>If you become incapable, your attorney manages your property on their own. They do this on your behalf.</p> <p>For it to start working only if you become incapable, you must write this in your power of attorney. If you do, your attorney may need to show proof that you are incapable, such as a capacity assessment.</p>

Set any limits	Tips
<input type="checkbox"/> Decide if you want any limits on what your attorney can do. Make a list of what these are.	<p>You can put limits on what your attorney can do. And you can say how you want them to do certain things. For example, you could say that they must talk to a financial advisor before making certain decisions.</p> <p>If you do not do this, your attorney can do almost anything with your property that you can do when you are capable.</p> <p>This includes doing your banking, signing a loan or lease, selling real estate, filing your taxes, and buying things for you.</p> <p>They must act honestly, carefully, and for your benefit when they do this.</p> <p>Your attorney cannot make a will for you.</p> <p>Your attorney has the right to be paid with your money at a rate that the law sets out. This is true unless you say something else in your power of attorney.</p> <p>Your attorney also has the right to get money back if they pay for any of your expenses with their own money.</p>

This is general information for people in Ontario, Canada. It is not legal advice.

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Vous pourriez avoir droit à des services en français du gouvernement et des fournisseurs désignés. Visitez justicepasapas.ca/droits-linguistiques-francophones.

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