

Legal Duties of Attorneys for Property in Ontario

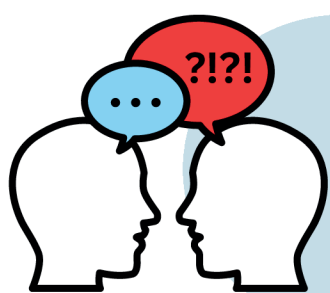
Attorney: person named in power of attorney (POA) papers to manage grantor's property

Grantor: person who signs POA papers to name someone to manage their property

Property: grantor's money and anything they own, such as furniture

Attorney's Powers

Attorneys may only make the types of decisions **allowed by POA papers**. POA papers will say if attorney can help grantor anytime or can only help if grantor is not mentally able to handle own property.

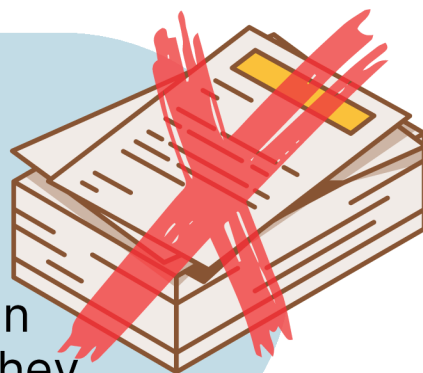


Testing Grantor's Mental Ability

Attorney **cannot force** grantor to have a test of their mental ability to handle their property unless attorney gets **court order** for a test.

What If POA Names More Than One Person?

If POA papers list more than one attorney, **all attorneys** must sign all papers and make all decisions **unless** POA says attorneys can act **severally or separately**. Each attorney can sign papers and make decisions alone if POA says they can act severally or separately.



Back Up Attorneys

Attorneys **cannot** arrange for someone else to do their attorney work if they take a vacation unless that person is listed as a back up attorney in the POA papers.

Ending Attorney's Powers

Attorney can be **removed by court, sued, or charged** with a crime if they do not follow their **legal duties**. Attorneys **may resign** if they do not want the responsibility of being an attorney. Grantor can **cancel or change** POA papers at any time if they are able to understand the POA papers.



Elder Law Project



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Focus on Grantor's Comfort

- Manage the property for the grantor's benefit considering their comfort, well-being, and usual standard of living
- Deny requests for money for personal care for the grantor **only if** harm to grantor's property will greatly outweigh benefits to grantor's well-being of spending the money

Consult Grantor and Others

- Involve grantor in decisions about their property
- Help grantor's supportive family and friends to contact the grantor
- Ask opinions from grantor's supportive family, friends, and caregivers about the grantor's property regularly

Keep Records

- Record the grantor's debts and assets on the date the attorney begins managing grantor's finances
- Keep records of all actions taken with the grantor's property
- Give a copy of the records to the grantor and the grantor's attorney for personal care if asked

Handle Items and Gifts Carefully

- Manage property so that grantor's things left to someone in **grantor's will** can be given out as written in the will when grantor dies unless things must be sold to pay for grantor's needs while grantor is alive
- Give money to charity, family, and friends **only if** there is enough money left to meet the grantor's usual standard of living **and** the grantor would have made those gifts when they were mentally able to manage their own property
- Grantor's money given to charity each year must be less than 20% of grantor's income unless power of attorney papers allow higher donations

More Information :

This sheet was written by Grey-Bruce Community Legal Clinic in June 2025 to give general legal information.

Talk to a lawyer about what the law means for you. You may contact Grey-Bruce Community Legal Clinic if you need help to find a lawyer.



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www.gblegalclinic.com/elder-law-project/