Power of Attorney Handbook

Name	
Date	

SNAPSHOTS
FOCUSED ADVICE

Table of contents

Welcome

Planning for the unexpected is an important part of protecting your financial security and healthcare well-being. A Power of Attorney (POA) ensures that if a time comes when you can't make decisions on your own, someone you trust can step in and act on your behalf.

This guide walks you through the key concepts, choices, and steps involved in setting up a POA, whether for financial matters, personal care, or both. Inside, you'll find clear explanations of the different types of POAs, when they should be updated, and how to choose the right person to act for you. We've also included a practical checklist, common pitfalls to avoid, and simple tips to keep your plan current.

By taking these steps now, you're giving yourself—and the people who care about you—greater peace of mind, with a plan that helps ensure your wishes are understood and respected, no matter what life brings.

Acknowledgement: Thank you to Michael Kulbak, MBA, CPA, CMA, TEP, of Kulbak Trust Solutions, for his developmental editing, comprehensive review, and significant contributions to this work.

1. Welcome & Why POA Matters

This handbook is designed to help you prepare for important decisions about Power of Attorney (POA). A POA allows you to appoint someone you trust to act on your behalf if you become unable to make certain decisions or if you decide you want someone to manage your financial affairs and/or health care decisions on your behalf. While the specific rules differ by province or territory, the purpose remains the same: to ensure your finances and personal care continue smoothly if you are unable to manage them yourself or you would like assistance.

Why a POA matters to your financial plan

- Without a POA for Property, managing your finances can be delayed or even come to a halt.
- The POA helps to avoid delays paying bills, managing investment and bank accounts, and accessing benefits during illness, injury, or absence.
- It reduces stress for loved ones by making your wishes clear and designating a decision-maker.
- It works alongside your will: a POA applies while you are alive; your will applies after your death.

2. Key Concepts You Should Know

Term	Also Known As	Meaning
Attorney	Agent/Representative	The trusted person you appoint to act for you (does not need to be a lawyer).
POA for Property	Enduring/Continuing POA (many provinces)	Allows someone to manage your financial/ legal affairs (e.g., banking, investments, bills, real estate).
POA for Personal Care	Health Care Directive/ Representation Agreement in some countries known as a Living Will	Allows someone to make decisions about healthcare and treatment.
General POA	N/A	Effective only while you are capable; it ends if you become mentally incapable.
Continuing/Enduring POA	N/A	Remains in effect after you become mentally incapable.
Capacity	N/A	Your ability to understand information and make decisions independently.

3. Types of POA & When to Update

There are two main areas a POA can cover and two common activation styles. You can tailor scope and instructions to fit your needs.

POA areas

- **Property/Financial Matters –** paying bills, managing bank/investment accounts, filing taxes, transacting real estate.
- **Personal Care –** medical and care decisions, treatment, daily living and safety.

Activation styles

- **General POA –** ends upon mental incapacity.
- **Continuing/Enduring POA –** remains in effect if you become mentally incapable.

Who should have a POA

- Any adult capable of making their own decision should consider having a POA
- Business owners/partners
- People with dependents or caregiving responsibilities
- Homeowners or people with significant assets/debt
- People who travel often, live away from family, or have complex family dynamics
- Older adults and anyone with a chronic/serious health condition

When to create or update your POA

- Material financial and health changes
- Marriage, separation, divorce, or new common-law partnership
- Birth or adoption of a child; changes in dependents or caregiving needs
- Buying or selling a home or other significant assets; starting or selling a business, Partnerships, Trustee and or Beneficiary of an estate
- Moving between provinces/territories (local witnessing/validity rules differ)
- Health changes affecting your ability to make decisions
- Whenever a named attorney becomes unwilling or unable to act

4. How to Put a POA in Place?

Step 1: Create the document

Use a lawyer or a reputable platform that provides province-appropriate wording. Tailor the scope and add any limits or guidance deemed appropriate/necessary. Determine if a separate POA for Property should be established for specific assets.

Step 2: Sign and witness (and, where required, notarize)

Most provinces require two adult witnesses with restrictions on who qualifies. In some provinces, additional notarization may be required to transact real estate under an Enduring POA.

Step 3: Store securely and share access

Keep your POA with important papers and consider a digital vault or password manager for controlled sharing of copies and related information.

Step 4: Inform your circle

Tell your attorney(s), your advisor, and key family members that a POA exists and where to find it.

Step 5: Review regularly

Revisit after major life events or every 2-3 years so your POA continues to reflect your wishes.

5. Client Checklist

Your POA Team

Primary attorney (name)

Alternate attorney (name)

Why I chose them (values, skills, proximity, competency)

Qualities that matter to me (check any)	**Scope, I want to grant**
☐ Lives nearby or readily available	☐ Property/Financial – banking and bill payments
☐ Understands my values and priorities and fiduciary responsibilities	☐ Property/Financial – investments and taxes
☐ Organized and financially responsible and can prepare an accounting	☐ Property/Financial – real estate transactions
☐ Comfortable with healthcare decisions	☐ Personal Care – healthcare decisions
☐ Can communicate effectively with family and professionals	☐ Personal Care – daily living

Limits or special instructions (e.g., thresholds, second opinions dealing with specific assets)

Document logistics

Signing/witnessing plan

Notarization required? ☐ Yes ☐ No ☐ Unsure

Storage location(s)

☐ Shared with: Attorney(s) ☐ Shared with: Advisor ☐ Shared with: Family/Executor ☐ Shared with: Other (specify)

6. Common Questions

Does my attorney have to be a lawyer?

No. 'Attorney' here means the person you appoint to act on your behalf. They should be a responsible adult who understands your wishes.

Can I appoint more than one person?

Yes. You can appoint co-attorneys, but joint decision-making can cause delays. Many people prefer a primary plus a backup.

Can I have more than one POA for Property (i.e. for a specific asset – like my business)

Yes. People sometimes use separate POAs for Property (or one POA with clearly limited powers) to cover different situations – such as appointing someone to manage day to day finances, while appointing someone else to deal with a specific asset like a business.

Does a POA override my will?

No. A POA is only effective while you are alive. Your will governs after death.

Do I need a lawyer?

Not always, but legal advice helps ensure your POA is valid in your province and fits your situation.

What if I move to another province?

Rules vary. Review and update your POA to meet local requirements if you move.

How do I revoke my POA?

While capable, sign a revocation (or create a new POA that revokes prior versions) and notify your attorney(s) and key contacts.

Can an attorney be compensated?

In some provinces, compensation may be permitted unless you state otherwise. Decide and document your preference.

7. Common Mistakes to Avoid

- Leaving scope vague (unclear authority or limits).
- Choosing co-attorneys who frequently disagree.
- Forgetting to tell people where the POA is stored.
- Not updating after a move or major life change.
- Overlooking digital access to assets (e.g., passwords, legacy contacts, account inactivity settings).
- Not preparing for possible notarization/registration needs tied to real estate transactions in certain provinces.

8. Tips for a Better POA Experience

- Don’t wait for the ‘perfect’ time; get the basics in place and refine over time.
- Have a frank conversation with your chosen attorney about values, expectations, and practical steps.
- Use a digital vault or password manager to organize and share key information securely.
- Set a calendar reminder to review your POA every 2-3 years or after major life events.

9. POA Action Plan

Step	Action	Responsible Party	Target Date
Choose attorney(s)	Confirm the person's willingness and understanding of the role. Ensure they understand fiduciary responsibilities (for eg., they will have to provide an accounting) while they are acting as Attorney.	You	
Draft the POA	Create or update with limits/guidance as needed.	Lawyer/Platform	
Execute properly	Follow witnessing and notarization rules in your province.	You	
Communicate plan	Inform attorney(s), advisor, and key family; share copies.	You	
Organize & store	Secure storage (and digital vault if used).	You	
Review regularly	Revisit every 2-3 years or after life events.	You/Advisor	

10. Appendix: Power of Attorney Resources by Province & Territory

Tip:

Power of Attorney rules and forms differ across Canada. Use the official resources of your province or territory to ensure your documents meet local requirements.

Provincial & Territorial Government Authorities for Power of Attorney/Personal Directives:

- **Alberta:** Office of the Public Guardian and Trustee (OPGT), Government of Alberta lawcentralalberta.ca.
- **British Columbia:** Ministry of Health, Government of British Columbia www2.gov.bc.ca.
- **Manitoba:** Manitoba Health, Seniors and Long Term Care gov.mb.ca.
- **New Brunswick:** Department of Justice and Attorney General, Government of New Brunswick www2.gnb.ca.
- **Newfoundland & Labrador:** Department of Health and Community Services, Government of Newfoundland and Labrador www.advancecareplanning.ca.
- **Nova Scotia:** Department of Justice, Government of Nova Scotia novascotia.ca.
- **Ontario:** Ministry of the Attorney General, Government of Ontario ontario.ca.
- **Prince Edward Island:** Health PEI www.princeedwardisland.ca.
- **Quebec:** Gouvernement du Québec (Power of Attorney & Legal Protection pages) quebec.ca.
- **Saskatchewan:** Ministry of Justice, Government of Saskatchewan saskatchewan.ca.

11. Final Notes & Disclaimer

This guide is for general educational purposes and does not replace legal advice. Terminology and legal requirements vary across Canada. Consult a qualified legal professional about your specific situation, particularly for witnessing and any notarization or registration requirements if real estate may be transacted under your POA.

26DYN020_SN_POAHandbook_EN_V1_3_DOP0426

SNAPSHOTS
FOCUSED ADVICE