



**OFFICE OF THE PUBLIC
GUARDIAN AND TRUSTEE**

***WHEN THE
OFFICE OF THE PUBLIC GUARDIAN
AND TRUSTEE BECOMES YOUR
GUARDIAN OF PROPERTY***

0-7794-1846-8

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Questions and Answers for New Clients of the Office of the Public Guardian and Trustee

What is the Office of the Public Guardian and Trustee?

The Office of the Public Guardian and Trustee (OPGT) is an Ontario government office, and is part of the Ministry of the Attorney General. One of its jobs is to help people who are unable to manage their finances themselves by doing this for them. When the OPGT manages a person's finances it is called a "guardian of property".

How did the OPGT become my guardian?

Your doctor at the hospital, or a specially trained health professional called an "assessor", met with you to see whether you are able to manage your financial affairs on your own. The OPGT was appointed because your doctor or assessor believes you need the OPGT to help you in these matters.

Can the OPGT refuse to be my guardian?

No. The decision that you are unable to manage your property rests with the doctor or assessor. If he or she followed all the proper legal steps, the OPGT *must* accept the responsibility of acting as guardian of your property, although someone else, such as a family member, may take over the job from the OPGT.

What if I have already made a power of attorney?

The OPGT's appointment can be cancelled if you have already made a valid power of attorney for your finances. The person who has your power of attorney simply gives the OPGT a copy and confirms in writing that he or she will look after your finances as you have directed in the power of attorney.

Can someone else be appointed as my guardian of property instead of the OPGT?

Yes. A relative may come forward and ask to be your guardian of property. The OPGT will consult you and your caregivers if this request is made. If your relative has a reasonable plan for how your affairs will be handled and appears to have your best interests at heart, the OPGT will appoint him or her as your guardian of property. Special insurance, called a bond, may be arranged to make sure your money is protected.

Who will I deal with at the OPGT?

Your financial matters will be handled by a person called a *Client Representative*. He or she will be in contact with you and will make sure you know how to reach us.

What if I don't think I need a guardian?

You have the right to contest the doctor's or assessor's opinion that you are unable to manage your property. A special board - called the Consent and Capacity Board - will hold a hearing to review your case. You have the right to have a lawyer assist you. Your Client Representative can tell you more about the process and how to apply to this board.

What will the OPGT do as my guardian?

The OPGT's job is to protect your financial interests. We will manage your money so that you get the most benefit from it as possible.

Before we can do this we have to find out about your finances - such as where you bank, what you own and what expenses and debts you have. One of our staff may go to your home to make sure that it, and all your personal possessions, are secure.

Your income will start going into an account with the OPGT that is opened for you. Your bills will be sent to us to be checked and paid from your funds, if you have the money. The OPGT will make sure you have access to money for day-to-day expenses.

Money that you do not need for your day-to-day living expenses will be invested for you. The money is put into a mixed group of investments to protect it from risk and to get a good return, so that your savings grow.

If you want to buy goods or services, your Client Representative will help to arrange these purchases. Before buying any items on your behalf, your Client Representative will ensure that you can afford them and that they are a good value.

If you own things that you don't need anymore, the OPGT will, after consulting with you, sell the items for the best price possible. The money from the sale will be professionally invested on your behalf.

The OPGT will arrange to file your income tax returns, make applications for any benefits you should get and arrange legal help if necessary.

Does the OPGT need special permission to do each of these things?

No. Once the OPGT is your guardian, we can do things on your behalf such as sign documents, deposit money and sell items.

Do I have any say in how the OPGT manages my finances?

Your wishes are important. You have the right to take part in decisions that are made about your property, if you can. We encourage you to do so. But the OPGT must take final responsibility for making these decisions in your best interest.

Will my Client Representative meet with me?

Yes. He or she will meet with you to discuss your situation and any needs you have. Your Client Representative will also keep in touch with you and your caregivers by phone and mail.

Can I get information about my finances from the OPGT?

Yes. Your Client Representative will give you any information you request. You may also request a statement showing all your income and expenses.

Does my money and other property still belong to me?

Absolutely. The OPGT's job is to protect **your** money and make it available for **your** benefit. The OPGT keeps all your belongings and income in **your** name. If you should die, your property goes to your lawful heirs.

Do I earn interest on my money?

Yes. Money that is in your account at the OPGT earns interest. The OPGT ensures that your money is invested wisely.

Will the OPGT protect me from financial exploitation?

Yes. The OPGT is **your** guardian. Our decisions will not be influenced by anything except what is in **your** best interests. We will try to protect you even if our decisions are unpopular with others.

What do I pay for this service?

It depends on your financial situation.

If you have limited money, you will pay a very small fee. This will not amount to more than the value of the interest you get on your account with the OPGT.

If you can afford regular fees, you will pay the amount that the law permits any guardian to charge. The fee is 3% for any payment made or received on the client's behalf. For example, if a bill of \$100.00 is paid, \$3.00 goes for OPGT fees. If \$100.00 of income is received, \$3.00 is paid toward OPGT fees.

There is also a charge of 0.6% on the money that is invested. Fees for legal work, property management and tax filings are charged at standard rates.

What can I do if I am not happy with the guardianship services I am receiving?

Contact your Client Representative. He or she will try to resolve the problem. You can ask to speak to the Client Representative's manager if you still have concerns.

How can I get more information?

You can write or telephone your Client Representative for more information.

Regional Offices

Head Office (Toronto)

595 Bay Street, Suite 800, Toronto, ON M5G 2M6
Tel.: 416-314-2800
Toll-free: 1-800-366-0335

Hamilton Office

119 King Street West, 9th Floor, Hamilton, ON L8P 4Y7
Tel.: 905-546-8300
Toll-free: 1-800-891-0502

London Office

401 Clarence Street, 3rd Floor, London, ON N6A 3M6
Tel.: 519-660-3140
Toll-free: 1-800-891-0504

Ottawa Office

244 Rideau Street, 3rd Floor, Ottawa, ON K1N 5Y3
Tel.: 613-241-1202
Toll-free: 1-800-891-0506

Sudbury Office

199 Larch Street, Suite 602, Sudbury, ON P3E 5P9
Tel.: 705-564-3185
Toll-free: 1-800-891-0503

Sudbury Satellite - Thunder Bay

189 Red River Road, Suite 101, Thunder Bay, ON P7B 1A2
Tel.: 807-343-7230

This brochure summarizes the main points that a new client may want to know. It should not be used as a substitute for “*The Substitute Decisions Act*” and it is not a substitute for legal advice. The brochure avoids legal terminology wherever possible. Some of the technical detail, including qualifications and exceptions to some of the provisions in the legislation, has been omitted. Please consult the *Act* itself for more detailed information. A consolidated version of the *Act* and the Regulations made under the *Act* is available. It may be obtained from: Publications Ontario, 880 Bay Street, Toronto, ON M7A 1N8. Toll-free: 1-800-668-9938 or through the Ontario Government website: www.gov.on.ca

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