

Margot Bentley is in her 80's. She had a career as a nurse and worked with patients suffering from Alzheimer Disease. This experience informed the 'Statement of Wishes' she wrote in 1991 to express care she would and would not want if she became incapable. In 1999 she was diagnosed with Alzheimer Disease. She discussed her wishes with her husband and daughters, including her wish to refuse nourishment and liquids. Margot is currently a resident of Maplewood House care facility. She is considered to be in the advanced stages of dementia and is being spoon fed. Her husband, daughters and family physician believe this is against her wishes. Fraser Health, as a designated agency under the abuse and neglect provisions of the Adult Guardianship Act (Part 3), said that Maplewood House would be guilty of neglect if they discontinued feeding Margot. Margot Bentley's family sued Maplewood House, Fraser Health and the Province of BC for not complying with Margot's written wishes.

A BC Supreme Court hearing was held December 19–21, 2013.

In summary, Judge Greyell ruled (February 3, 2014) that:

1. Mrs. Bentley is capable of making the decision to accept oral nutrition and hydration and is providing her consent through her behavior when she accepts nourishment and liquids;
2. The assistance with feeding that she is currently receiving must continue;
3. The provision of oral nutrition and hydration by prompting with a glass or spoon is a form of personal care, not health care within the meaning of the Health Care Consent and Care Facility Admission Act;
4. Neither the 1991 Statement of Wishes nor the Second Statement of Wishes constitute a valid representation agreement or advance directive;
5. Even if Mrs. Bentley was found incapable of making the decision to accept oral nutrition and hydration, I am not satisfied that the British Columbia legislature intended to allow reference to previously expressed wishes or substitute decision makers to be relied on to refuse basic personal care that is necessary to preserve life.
6. Withdrawing oral nutrition and hydration for an adult that is not capable of making that decision would constitute neglect within the meaning of the Adult Guardianship Act.