

Procedures to Revoke (Cancel) a Representation Agreement

Who can revoke a Representation Agreement?

A Representation Agreement can only be revoked (cancelled) by the person it belongs to. This person is referred to as the 'adult' on the sample Notice of Revocation form (see page 3).

On the Representation Agreement, this person might be referred to as the 'adult,' or the 'maker,' or the 'grantor.' Regardless of the term used, the person the Agreement belongs to must be 19 years or older; the age of adulthood in BC is 19.

The BC Representation Agreement Act (RA Act) section 27 says that if the adult meets the capability requirements to make a Representation Agreement, they are considered capable to revoke.

The capability requirements are different for RA7 than for RA9. For example:

- If someone meets the capability requirements to make a RA7, they can revoke an existing RA7.
- If someone meets the capability requirements to make a new RA9, they can revoke an existing RA9 or an existing RA7.
- If someone has an existing RA9 but does not meet the capability requirements to make a new RA9, they cannot revoke the existing RA9. They could make a RA7 but the RA9 still exists unless everyone named in the RA9 as representative and/or alternate resigns.

If an adult needs help to revoke an Agreement, consider asking the monitor, if one is named. Help by a paid staff person may raise concerns of conflict of interest—staff will want to make sure there is process around the revocation such as how it came about, how it supports the adult.

What is the difference between revocation and resignation?

When a Representation Agreement is revoked—the entire Agreement is revoked (cancelled). Sometimes the intent is only to end the authority for a specific person. This is done by resignation. If there is another representative and/or alternate who will act, the RA may stay in effect.

If a representative or alternate or a monitor is no longer able or willing to act, they can resign. The Nidus Resource Centre has information and sample form. See where to find more resources on page 2.

What are the procedures for revoking a Representation Agreement?

Making a new Representation Agreement does NOT automatically revoke a previous one.

The requirements for how to legally revoke a Representation Agreement are set out in section 27 of the Representation Agreement Act and section 6 of the Representation Agreement Regulation. This information and the sample on page 3 are based on these requirements.

Check if the Representation Agreement lists other steps required for revoking the RA.

If you do not follow the procedures outlined in the legislation (and any additional ones outlined in the RA), the revocation may not be valid.

To revoke the RA, it must be communicated in writing (not as a verbal statement). This is called giving '**Notice.**'

Do I have to go to a legal professional to revoke my Representation Agreement?

No, the BC RA Act does not require going to a lawyer or notary public to do the revocation. However, if a legal professional wrote your Agreement you might want to have a legal professional write up the revocation.

Is a witness required?

No, a witness is not required. Although the law does not require it, a witness may be helpful to watch the adult sign the Notice of Revocation. After the adult signs (makes their own mark), the witness can sign the Notice and print his or her name and contact information.

If you use a witness, ask someone who is not named in the RA being revoked and who will not be named in the new RA. This can make the witness be perceived as independent.

What does a Notice of Revocation look like?

The sample on page 3 shows what a Notice of Revocation might look like. You may use or adapt the sample. See the next heading on who you must notify.

Who gets a copy of the Notice of Revocation?

To be valid, a signed and dated copy of the Notice of Revocation must be given to each person named in the existing Representation Agreement (see following list). It is a good idea to keep proof that your Notice of Revocation was given to those required.

1. Each representative named in the Agreement, and
2. Each alternate named in the Agreement, and
3. The monitor (if one is named).

How is a Notice of Revocation delivered?

To be valid, section 6 of the Representation Agreement Regulation says a copy of the Notice of Revocation must be given to those required (see previous heading). The Regulation says the Notice must be delivered in one of the following ways (please note that email is not one of the ways):

- By registered mail to the person's last known address; or
- By leaving it:
 - with the person, or
 - at the person's address, or
 - with an adult who appears to reside with the person; or
- If the person operates a business, at the business, with an employee of the person; or
- By transmitting it by fax to the person with the number they provided for notification purposes.

It is a good idea to keep proof of how the Notice was given/delivered.

When does the Revocation take effect?

The revocation takes effect on the date when Notice **is given** to everyone required. Or, you can put a future date in the Notice for when the revocation takes effect.

Who else do I need to inform about revoking a Representation Agreement?

If you gave the original of the Agreement to someone else, ask for it back. If you gave copies to a financial institution or doctor give them a copy of the Notice of Revocation.

Where can I register my Revocation?

It is a good idea to register a copy of the Notice of Revocation with the **Nidus Registry**. One of the challenges when revoking a legal document is notifying third parties (for example, hospitals, financial services or government agencies) about it. Registration helps you communicate this important information to others.

If the RA was registered, it is especially important to register the Notice of Revocation so it will replace (cover up) the previous (old) registered RA. This requires special procedures. Contact registry@nidus.ca for how-to-instructions on registering a Notice of Revocation for an 'Existing Registration.'

The online Nidus Registry provides a centralized place to keep a record of your most current plans and wishes and have them available when needed.

Many people are using the Nidus Registry for emergency preparedness in case of evacuation and to securely store important information and documents in the event of a wildfire or flood. For more information and a link to the online Nidus Registry, select the Registry tab at www.nidus.ca

Where to find more resources?

Go to www.nidus.ca > Information (top menu bar) > select Representation Agreement

Thanks from the Nidus Resource Centre to donors for funds to produce this and other education resources.

NOTICE OF REVOCATION OF REPRESENTATION AGREEMENT

Representation Agreement Act (RA Act), Section 27

I hereby revoke the Representation Agreement (RA)

that I made on _____

(TYPE or PRINT the date the RA being revoked was signed by the adult - Month, Day, Year)

that named the following people (in the role as representative, alternate, monitor):

_____ as _____ representative

(TYPE or PRINT name as it appears on the RA)

_____ as _____

(TYPE or PRINT name as it appears on the RA)

(SELECT from list or PRINT role)

_____ as _____

(TYPE or PRINT name as it appears on the RA)

(SELECT from list or PRINT role)

_____ as _____

(TYPE or PRINT name as it appears on the RA)

(SELECT from list or PRINT role)

_____ as _____

(TYPE or PRINT name as it appears on the RA)

(SELECT from list or PRINT role)

This revocation takes effect on: _____, 20____

(TYPE or PRINT current or future date - Month, Day, Year)

This revocation is signed by me: _____

(Adult's signature/mark)

(TYPE or PRINT name of adult as it appears on the RA)

To be valid, the Representation Agreement Act section 27 says to give written notice of revocation to the persons named in the Representation Agreement as representative, alternate and monitor. The Representation Agreement Regulation section 6 says that a written notice must be delivered to those required in one of these ways:

- By registered mail to the person's last known address; or
- By leaving it:
 - with the person, or
 - at the person's address, or
 - with an adult who appears to reside with the person; or
- If the person operates a business, at the business, with an employee of the person; or
- By transmitting it by fax to the person with the number they provided for notification purposes.