

Procedures to Revoke (Cancel) a Representation Agreement

When would someone revoke a Representation Agreement?

If an adult wants to change the people named in the Agreement or the powers/authorities included, they need to revoke (cancel) their Agreement and then make a new one.

Making a new Agreement does NOT automatically revoke (cancel) an existing Agreement. This fact sheet explains the legal requirements for revoking. A sample of a Notice of Revocation form is included as page 3 of this fact sheet.

What if the changes are only for a phone number or address?

If the changes are only for contact information—such as phone, address, legal name change—for the adult or those named in the Agreement, there is no need to revoke (cancel) the Agreement.

NEVER make changes to contact information on the original Representation Agreement. If you alter the original it may create concerns and raise suspicions. If there is a legal name change, keep a copy of the paperwork (such as a marriage certificate) with the original. Never lose or give away the original as it proof of your authority. It is also not a good idea to keep it in a safe deposit box.

You can neatly print changes on future photocopies you make from the original Agreement.

You should also update (edit) the typed in contact information for appointees in the Personal Planning Registry. It is especially important to keep phone numbers for a representative and alternate up-to-date. The copy of the completed Agreement uploaded/stored in the Registry should match the unaltered original. See the bottom of page 2 for more about the Registry.

Who can revoke a Representation Agreement?

A Representation Agreement can only be revoked by the person it belongs to. This person is referred to as the 'adult' on the Revocation Notice form. If an adult needs help to revoke an Agreement, consider asking the monitor, if one is named. It is generally not a good idea for a current service provider or agency staff to help the adult as this may raise concerns about conflict of interest.

If a representative/alternate is no longer able or willing to act, they can resign. This may or may not avoid the need for a revocation. See the Nidus fact sheet at www.nidus.ca—click Information (blue menu bar) > Representation Agreement > More RA Resources > [Resigning as a Representative](#).

How do I revoke my Representation Agreement?

As mentioned above, only the adult who made the Representation Agreement can revoke it. An adult is considered capable of revoking if they are capable of making the document. This means:

- An adult who may make a Representation Agreement under section 7 (RA7), may revoke (cancel) an RA7. (An RA7 has a broader definition of capability than for other legal documents—an adult may make an RA7 even if they are considered not capable to make a contract.)
- If an adult meets the capability requirements to make an Agreement under section 9 (capable to understand the nature and effect of an RA9), the adult is considered capable to revoke an RA9.

The *Representation Agreement Act* and Regulation sets out the requirements for how to legally revoke a Representation Agreement. If you do not follow the procedures outlined in the law, your revocation may not be valid.

Check if the Representation Agreement lists any other requirements or steps related to revoking in addition to the requirements from the legislation as described in this fact sheet. To revoke (cancel) your Representation Agreement, you must put it in writing. This is called a 'Notice of Revocation.'

What does a Notice of Revocation look like?

We have included a form for a Notice of Revocation on page 3. You may adapt the form as needed.

A legal professional is NOT required. However, if the adult made the original Representation Agreement with a legal professional it may be helpful for the adult to contact a legal professional for the Notice of Revocation. The adult must instruct the legal professional directly about this.

Is a witness required?

Although the law does not require it, it may be helpful to ask someone to witness (watch) you sign and date the Notice of Revocation. After you sign, 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 appointed in the Representation Agreement you are revoking and who will not be appointed in a new Representation Agreement.

Who do I give the Notice of Revocation to?

In order for the revocation to be valid, the law says a signed and dated copy of the written Notice of Revocation must be given to each person appointed in the existing Representation Agreement:

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

How do I deliver the Notice of Revocation?

In order to be valid, the law says a copy of the Notice of Revocation must be sent to each person 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;
- 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.

When does the Revocation take effect?

The revocation takes effect when it is given to everyone required, in one of the ways listed above. You can also list a specific future date in the Notice when it will take effect.

Who else do I need to inform that my Representation Agreement is revoked?

If you gave the original Agreement to someone else, ask for it back. You can ask for copies back. If you gave copies to the bank or doctor, send them a copy of the Notice of Revocation and your new Agreement if you make one.

It is also a good idea to register a copy of the Notice of Revocation with the **Nidus Personal Planning Registry**. One of the challenges when revoking a legal document is communicating this to various third parties (hospitals, banks, government agencies, etc.) who may need to know about it. Registration helps you communicate this important information to others.

The Nidus Registry provides a centralized place to keep a record of your most current plans and wishes and have them available when needed. The Registry is online for secure storage with 24/7 access and self-management.

Do NOT send any paperwork to Nidus. Go to www.nidus.ca—click on **Registry** tab (blue menu bar). Select [Registry Instructions](#) and do one of the following:

1. If your previous Representation Agreement is registered, read the how-to-instructions for [Revocation for Existing Registration](#). You need to register a Revocation in order to cancel the registered Agreement and make sure it is not found on a search of the Registry. The Revocation Notice will alert anyone who searches that the registered Agreement is revoked (cancelled). Read the instructions to avoid mistakes and extra costs.
2. If your Notice of Revocation is your first registration, read the how-to instructions for [Create an Account](#) and register a document.

NOTICE OF REVOCATION OF REPRESENTATION AGREEMENT

Representation Agreement Act, Section 27 (1)

I hereby revoke the Representation Agreement (RA)

that I made on _____
(PRINT the date the RA being revoked was signed by adult)

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

_____ as _____
(TYPE/PRINT name as it appears on the RA) (SELECT from list or PRINT role)

_____ as _____
(TYPE/PRINT name as it appears on the RA) (SELECT from list or PRINT role)

_____ as _____
(TYPE/PRINT name as it appears on the RA) (SELECT from list or PRINT role)

_____ as _____
(TYPE/PRINT name as it appears on the RA) (SELECT from list or PRINT role)

_____ as _____
(TYPE/PRINT name as it appears on the RA) (SELECT from list or PRINT role)

This notice is signed below by me (the adult) on _____
(PRINT the current date)

(Signature of adult)

(TYPE/PRINT name of adult)

To be valid, the Representation Agreement Act section 27 says to send written notice to those named in the Agreement (as representative, alternate and monitor). The Representation Agreement Regulation says that a written notice must be given to each person 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;
- 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.