

## Procedures for Resigning as a Representative or Alternate Named in a Representation Agreement

### How does a monitor resign?

Please see the separate fact sheet about the procedures for resigning as a monitor. See page 2 for a link or instructions on finding the fact sheet on the Nidus website.

### How do I resign as a representative?

The *Representation Agreement Act* and Regulation sets out the requirements for resigning from a Representation Agreement as a representative or alternate. Check if the Representation Agreement you are named in lists other requirements. If you do not follow the procedures outlined in the law, your resignation may not be valid.

The representative or alternate must put the resignation in writing. This is called a **Notice of Resignation**. The law also requires that this Notice be given to certain people and it must be delivered in a particular way (see headings below on this page).

If you do not follow the procedures outlined in the law, the resignation may not be valid and the representative or alternate may be responsible for not acting when needed.

Do not cross names out on the original of the Representation Agreement. This may make the Agreement invalid and will raise suspicions. See page 2 for ways to let others know.

### What does a Notice of Resignation look like?

See the attached form on page 3 for an example of a Notice of Resignation.

### Who do I give the Notice of Resignation to?

In order for your resignation as a representative or alternate to be valid, you must give a signed and dated copy of the written Notice of Resignation to:

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

### How do I deliver the Notice of Resignation?

In order to be valid, you must send a copy of the Notice of Resignation to each person (listed above) in one of the required ways. Please note that using email to deliver notice is not acceptable. The law does not say you must get confirmation that the notice was received, but keep a record to prove that it was delivered 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 Resignation take effect?

The resignation takes effect on the current date when you sign it or you can put a date in the future when it will become effective. You must deliver it as noted above for it to be effective.

### Do I need to give a reason for resigning?

The law does not require you to state a reason for resigning. However, you may want to add 'for health reasons' or 'for personal reasons' on the Notice.

### Is a witness required?

Although it is not required by the law, it may be helpful to ask someone to witness (watch) you sign and date the Notice of Resignation. After you sign, the witness can sign the Notice and print his or her name and contact information.

### What is the effect of a resignation by a representative or alternate?

The effect of a resignation depends on the wording in the Agreement. Generally, if another representative or alternate is named in the Agreement, the Agreement may continue. However, the wording in the Agreement may prevent this.

Check the wording in the Representation Agreement. For example, if the Agreement lists two representatives and says they must act jointly (together) when exercising their authorities and one representative resigns, the Agreement may be terminated (ended) — unless an alternate is named in the same Agreement and the wording allows them to move up to replace a representative, and they are willing and able to do so.

Sometimes the wording in an Agreement under section 7 says that the two representatives may act independently except for the authority for routine management of financial affairs in which case they must act together (jointly). This means the remaining representative (if there is no alternate to move up and act together with the remaining representative) may continue with the Agreement but their authority is ended for any financial matters.

If an Agreement is ended due to a resignation, the adult would sign a Notice of Revocation (see below for a fact sheet on revocation) and make a new Agreement.

### How do I let others know about the resignation?

A copy of the Notice of Resignation should be attached to the original Representation Agreement and to any future photocopies.

It is a good idea to send a copy of the Notice to any third parties where the Representation Agreement was distributed – for example, the bank or Credit Union, health care provider, government agency.

It is also recommended to register a copy of the Notice with the Nidus Personal Planning Registry. One of the challenges when resigning from your role in a legal document is ensuring that third parties (banks, government agencies, etc.) know about it. Registering with the Nidus Registry helps you communicate this important information to others. There is a fee of \$10.00 to register a resignation. Do NOT send any paperwork to Nidus. Contact the Registry service at [registry@nidus.ca](mailto:registry@nidus.ca)

### Related information:

- See [Resigning as a Monitor](#) — click on link or find this fact sheet at [www.nidus.ca](http://www.nidus.ca) > click Information (top blue menu bar) > Representation Agreement — scroll down
- See [Making Changes to a Representation Agreement](#) — click on link or find this fact sheet at [www.nidus.ca](http://www.nidus.ca) > click Information (top blue menu bar) > Representation Agreement — scroll down
- See [Revoking \(cancelling\) a Representation Agreement](#) — Only an adult can revoke (cancel) their Representation Agreement. Click on link or find this fact sheet at [www.nidus.ca](http://www.nidus.ca) > click Information (top blue menu bar) > Representation Agreement — scroll down

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## NOTICE OF RESIGNATION BY REPRESENTATIVE OR ALTERNATE

***In accordance with section 19.1 of  
the Representation Agreement Act, R.S.B.C. 1996, c. 405 as amended,***

I, \_\_\_\_\_  
(TYPE or PRINT full name of representative or alternate as it appears in the Agreement)

of \_\_\_\_\_  
(TYPE OR PRINT current address)

phone \_\_\_\_\_  
(TYPE OR PRINT area code + number)

**hereby resign as the representative or alternate named in the Representation Agreement  
made by**

\_\_\_\_\_  
(TYPE or PRINT full name of adult, as it appears in the Agreement)

of \_\_\_\_\_  
(TYPE or PRINT adult's current address)

phone \_\_\_\_\_  
(TYPE OR PRINT adult's current phone number with area code)

Signed on \_\_\_\_\_  
(TYPE or PRINT Month, day, year, the adult signed the Agreement with witnesses)

**This notice is signed by me and takes effect on the current or future date given below:**

\_\_\_\_\_  
(Your signature)

\_\_\_\_\_  
(TYPE or PRINT your role - representative or alternate)

\_\_\_\_\_  
(TYPE or PRINT Month, day, year for date of resignation - current or future date)

To be valid, the written notice of resignation must be delivered to the adult and to each person named in the Agreement as representative(s), alternate(s) 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.