

Procedures to Revoke (Cancel) an Enduring Power of Attorney

Who can revoke the Enduring Power of Attorney (EPA)?

The Enduring Power of Attorney (EPA) can only be revoked by the person it belongs to. This person is referred to as the 'adult' on the Notice of Revocation form (see sample on page 3).

On the EPA document, the person might be referred to as the 'donor,' the 'adult,' or the 'maker.'

The BC Power of Attorney Act (PoA Act) says that if the adult meets the capability requirements to make a new EPA, they are considered capable to revoke their EPA. Information on the capability requirements are discussed in the basic information on the EPA. See heading where to find more resources on page 2.

What is the difference between revocation and resignation?

When an EPA is revoked—the entire EPA 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 attorney or an alternate attorney who can act, the EPA may stay in effect.

If an attorney is no longer able or willing to act, they can resign. The Nidus Resource Centre has information and sample form on *Resigning from EPA*. See where to find more resources on page 2.

How do I revoke my EPA?

Making a new EPA does NOT automatically revoke a previous one.

Legal professionals often put a statement in a new EPA that says "I revoke all previous EPAs..." Such a statement is usually not sufficient on its own for a legal revocation. It might meet the requirements of the legislation if you are naming the same people in the new EPA as in the previous one; or if one of the people you appointed in the previous EPA has died and you appoint everyone else, except the deceased, in the new EPA.

The BC PoA Act was amended as of September 1, 2011 and sets out the requirements for validly revoking your EPA. This information and sample form on page 3 are based on the requirements in the legislation.

Check if your EPA lists other steps required for revoking your EPA.

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

To revoke the EPA, 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 EPA?

No, the BC PoA Act does not require that you go to a lawyer or notary public to do the revocation, however it can be a good idea. Sometimes conflict among family members or others may lead to questions about your mental capability to revoke. If this might be the case, sometimes the involvement of a legal professional will guard against 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 their name and contact information.

If you use a witness, ask someone who is not appointed in the EPA you are revoking and who will not be appointed in a new EPA. 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?

In order for your revocation to be valid, you must give a signed and dated copy of the written Notice of Revocation to **each attorney appointed in your EPA**. It may also be wise to give a copy to each alternate attorney(s) appointed.

It is a good idea to keep proof that your Notice of Revocation was given to those required.

How do I deliver the Notice of Revocation?

The BC PoA Act does not state how to deliver your Notice of Revocation to those you are required to inform. It is probably a good idea to keep proof of how you gave/delivered the notice.

You may wish to give the Notice of Revocation by following the procedures outlined in section 6 of the Representation Agreement Regulation, but this is not binding for the EPA:

- 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.

When does the Revocation take effect?

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

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

If you gave the original EPA to someone else, ask for it back. Ask for copies back. If you gave copies to the bank or other financial service, send them a copy of the Notice of Revocation. If you filed your EPA with the Land Title Office, file your revocation notice with them.

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, banks, financial services and government agencies) about it. Registration helps you communicate this important information to others.

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

The 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 protect 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 Enduring Power of Attorney or other topic.

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

NOTICE OF REVOCATION OF ENDURING POWER OF ATTORNEY
In accordance with Section 28 of
the Power of Attorney Act, R.S.B.C. 1996, c. 370 as amended,

I hereby revoke the Enduring Power of Attorney (EPA)

that I made on _____
(TYPE or PRINT the date the EPA was signed by adult)

that appointed the following people: *(Cross out any extra lines not needed.)*

_____ as attorney _____
(TYPE/PRINT name as it appears on the EPA)

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

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

_____ as _____
(TYPE/PRINT name as it appears on the EPA) (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 EPA)

To be valid, the BC Power of Attorney Act section 28 says to give written notice of revocation to the persons appointed in the Enduring Power of Attorney as attorney.