

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.

Sometimes an Agreement will include a Revocation Statement “I revoke all previous...” **You need to be careful.** See page 2 for more about this.

This fact sheet explains the legal requirements for revoking and provides a **sample form** on page 3.

If the changes are only for 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. These type of changes do not affect validity of the document. Do NOT make changes on the original Representation Agreement.

Read more details in the Nidus fact sheet [Making Changes to a Representation Agreement](#) click link or go to www.nidus.ca—hover on Information (top menu bar) > Representation Agreement > scroll down

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.

The law says that if someone meets the capability requirements to make a new Representation Agreement, they are considered capable to revoke (cancel). The capability requirements are different for RA7 and RA9. If someone meets the capability requirements to make an 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 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 to help the adult as this may raise concerns about conflict of interest.

The procedures for revoking an Agreement reflect an important aspect of self-determination. As you will see by the legal requirements for delivering the Notice of Revocation, is not done ‘behind closed doors.’

If a representative or alternate or a monitor is no longer able or willing to act, they can resign. See the Nidus fact sheet [Resigning as a Representative or Alternate OR Resigning as a Monitor](#) click link or go to www.nidus.ca—hover on Information (top menu bar) > Representation Agreement > scroll down

What are the procedures for revoking a Representation Agreement?

The *Representation Agreement Act* (section 27) and Representation Agreement Regulation (section 6) sets out the requirements for how to legally revoke a Representation Agreement.

If you do not follow the procedures outlined in the law and any extra steps listed in the Agreement itself, your revocation may not be valid. To revoke (cancel) your Representation Agreement, it must be in writing—called a ‘Notice of Revocation.’

A legal professional is NOT required for revoking. However, if the adult made the original Agreement with a legal professional they may want to meet with a legal professional (can be a different one) for doing the Notice of Revocation. This might guard against a complaint the adult was not capable to make an RA9 or was forced to revoke.

What does a Notice of Revocation look like?

See page 3 for a sample of a Notice of Revocation. You may adapt as needed. Be careful about dates so you do not accidentally revoke (cancel) the new Agreement.

Is a witness required?

No a witness is not required. Although the law does not require it, it may be helpful to ask someone to witness (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.

Witness information continued....

If you use a witness, ask someone who is not named/appointed in the Representation Agreement you are revoking and who will not be named/appointed in a new Representation Agreement.

Who gets a copy of the Notice of Revocation?

To be valid, the law says a signed and dated copy of the written Notice of Revocation must be given to each person named/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 is a Notice of Revocation delivered?

To be valid, the law (Representation Agreement Regulation, section 6) says a copy of the Notice of Revocation must be sent to each person (see above heading) 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;
- 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 the adult signed or the Notice can list a date in the future. To be effective, it must also be given to everyone required, in one of the ways listed above.

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

If you gave the original existing 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 and the new Agreement.

It is also a good idea to register the Notice of Revocation and any new Agreement with the Nidus Registry. If the previous Agreement was registered, this is especially important. Contact registry@nidus.ca for how-to-instructions on registering a Notice of Revocation for an Existing registration.

SOME ADDITIONAL INFORMATION AND CAUTIONS

The law allows an Agreement to be revoked—this is an important right for all adults. Adding wording that an Agreement must never be revoked, goes against the law and people's rights.

Some legal professionals may be using different practices. For example, when drafting types of powers of attorney documents legal professionals have commonly included a **Revocation Statement** in the new document. However, this may not be sufficient to meet the requirements of the Representation Agreement Act or for an Enduring Power of Attorney under the Power of Attorney Act (as amended September 1, 2011).

There are also some concerns if people use the do-it-yourself forms included with the My Voice booklet. Some people make an RA7 and an RA9 at the same time and may accidentally revoke one or both. Do not make both.

It may be a good idea to avoid including Revocation Statements and follow the specific procedures for making a separate Notice of Revocation — it may make things more clear and avoid mistakes.

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NOTICE OF REVOCATION OF REPRESENTATION AGREEMENT

Representation Agreement Act, Section 27 (1)

I hereby revoke the Representation Agreement (RA)

that I made on _____

(TYPE or PRINT the date the RA that is being revoked was signed by adult)

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

_____ as _____
(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 is signed by me (the adult) below and takes effect on:

(TYPE or PRINT the current or future date - month, day, year)

(Signature of adult)

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

To be valid, the Representation Agreement Act section 27 says to send written notice of revocation to the persons named in the Agreement as representative, alternate and monitor. The Representation Agreement Regulation section 6 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.*