



Province of Alberta

ADULT GUARDIANSHIP AND TRUSTEESHIP ACT
PUBLIC TRUSTEE ACT

**TRANSITIONAL (APPLICATIONS MADE
IN CONFORMITY WITH THE DEPENDENT
ADULTS ACT; CERTIFICATES
OF INCAPACITY) REGULATION**

Alberta Regulation 218/2009

With amendments up to and including Alberta Regulation 233/2018
Current as of December 12, 2018

Office Consolidation

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

(Consolidated up to 233/2018)

ALBERTA REGULATION 218/2009

**Adult Guardianship and Trusteeship Act
Public Trustee Act**

**TRANSITIONAL (APPLICATIONS MADE IN CONFORMITY WITH
THE DEPENDENT ADULTS ACT; CERTIFICATES
OF INCAPACITY) REGULATION**

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1 to 3 Repealed AR 218/2009 s8.

**Certificates of Incapacity Continued
Under the Public Trustee Act**

Prescribed period and date

4(1) For the purposes of section 47(4)(b)(ii) of the *Public Trustee Act*, the prescribed period is one year after receiving the request.

(2) The date prescribed for the purposes of section 47(4)(c) of the *Public Trustee Act* is September 30, 2021.

Review of certificates of incapacity

5(1) Subject to subsection (2), Part 2 of the *Adult Guardianship and Trusteeship Regulation*, as it relates to applications for review of trusteeship orders, applies, with any necessary modifications, to applications to the Court respecting reviews of certificates of incapacity.

(2) On an application for review of a certificate of incapacity, the Public Trustee is not required to give notice of the application to

any relative of the adult with whom the Public Trustee has not had contact within the 6-year period immediately preceding the date on which the application is started.

Manner in which Public Trustee is to account

6(1) On an application for review of a certificate of incapacity under section 47(4) of the *Public Trustee Act* the Public Trustee may also apply for examination and approval of the Public Trustee's accounts respecting administration of the incapacitated person's property under the certificate of incapacity.

(2) If the Public Trustee's accounts respecting administration of the incapacitated person's property under the certificate of incapacity are not examined and approved by the Court when the certificate of incapacity is reviewed under section 47(4) of the *Public Trustee Act*, the Public Trustee may subsequently apply to the Court to have the Public Trustee's accounts examined and approved.

(3) The Public Trustee shall apply to have the Public Trustee's accounts respecting administration of the incapacitated person's property under the certificate of incapacity examined and approved if directed to do so by the Court under section 63(3), (4) or (6) of the *Adult Guardianship and Trusteeship Act*.

(4) Subject to subsection (5), Part 2 of the *Adult Guardianship and Trusteeship Regulation*, as it relates to applications for examination and approval of the Public Trustee's accounts as trustee under a trusteeship order, applies, with any necessary modifications, to an application to the Court to examine and approve the Public Trustee's accounts under a certificate of incapacity.

(5) On an application for examination and approval of the Public Trustee's accounts respecting administration of the incapacitated person's property under a certificate of incapacity,

- (a) the Public Trustee must submit the following accounting information:
 - (i) a current inventory of assets and liabilities, and
 - (ii) a statement of receipts and disbursements since the date of the Public Trustee's appointment,
- (b) the accounting documents to be served on or sent to any person who is required to be notified of the application are the documents referred to in clause (a), and
- (c) the Public Trustee is not required to give notice of the application to any relative of the adult with whom the

Public Trustee has not had contact within the 6-year period immediately preceding the date on which the application is started.

Application of Acts

7(1) Sections 74 and 75 of the former Act apply in respect of a certificate of incapacity and to the Public Trustee as trustee for the incapacitated person.

(2) Sections 57, 61, 62, 63(3) to (6) and (9), 67 to 69 and 70(1) of the *Adult Guardianship and Trusteeship Act* apply in respect of a certificate of incapacity and to the Public Trustee as trustee for the incapacitated person.

Repeal

8 In accordance with section 117(11) of the *Adult Guardianship and Trusteeship Act*, sections 1 to 3 are repealed on the earliest of

- (a) the coming into force of an amendment that adds the subject matter of sections 1 to 3 to the *Adult Guardianship and Trusteeship Act* or another Act,
- (b) the coming into force of a regulation that repeals sections 1 to 3, and
- (c) 3 years after sections 1 to 3 come into force.

AR 218/2009 s8;37/2010

Expiry

9 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on March 31, 2022.

AR 218/2009 s9;233/2018

Coming into force

10 This Regulation comes into force on the coming into force of the *Adult Guardianship and Trusteeship Act*.



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