

# PETER SI KUN LI\*

Barrister, Solicitor & Notary

李時勤律師

#110 - 4400 Hazelbridge Way,  
Richmond, B.C. Canada  
V6X 3R8  
Tel: (604) 273-6308  
Fax: (604) 273-6393  
E-mail: office@peterliandcompany.com

\* associated with **Chak Law Corporation**

Affiliated with: **Juriansz & Li**  
Barristers, Solicitors & Notaries  
Toronto, Ontario, Canada

## 授權書及代表人同意書

### (A) 授權書

- (一) 授權書的功用
- (二) 授權書的種類
  - (a) 無限制的授權書
  - (b) 有限制的授權書  
(例如：身體狀況，時間，工作範圍等)
  - (c) 財務機構（例如銀行）的授權書

### (B) 代表人同意書

- (一) 基本權力
- (二) 額外權力
- (三) 代表人的責任與保障

### (C) 兩者的比較

- (一) 代表人同意書與授權書重覆的範圍
- (二) 代表人同意書與授權書的不同之處

### (D) 監護與信託的官方代表

- (一) 代管
- (二) 監視
- (三) 調查
- (四) 決定

Areas to cover:	Legal tool to use:
FINANCIAL & LEGAL	Enduring Power of Attorney OR Representation Agreement (Depending on the circumstances, such as the institutions involved)
HEALTH & PERSONAL CARE	Representation Agreement -Includes living will

<p><b>Standard Power (Section 7)</b></p> <p>If your Agreement has only standard powers, legal consultation is not required. The law says everyone 19 years and older may make an Agreement with standard powers- even if they cannot manage their own affairs now.</p>	<p><b>+ Additional Powers (Section 9)</b></p> <p>If your Agreement includes any additional powers, you must consult with a lawyer. The lawyer will sign a Certificate stating that you appear to understand.</p> <p><b>Note:</b> an Agreement with additional powers will start with the standard power and then add relevant “additional” powers. For examples, give authority for minor and major health care, and then add the authority to refuse life support.</p>
<p><b>POWERS FOR FINANCIAL &amp; LEGAL MATTERS</b></p>	
<p><b>Routine management of my financial affairs</b></p> <p>Includes banking, applying for and dealing with benefits, insuring or selling motor vehicle, managing existing loans and insurance, re-directing mail, dealing with income tax, making investments or disposing of investments, managing personal effects etc.</p>	<p><b>+ Do, on my behalf, anything that can be done by an attorney acting under a general power of attorney</b></p> <p>This power includes dealing with real estate, running a business, which the standard power does not.</p> <p><b>Note:</b> An enduring Power of Attorney covers all financial and legal powers that a Representation Agreement covers. Most lawyers will suggest that clients who are capable of understanding what they are signing, should us an enduring Power of Attorney to cover financial and legal matters, and a Representation Agreement for health and personal care.</p>
<p><b>Obtaining legal services and instructing counsel to begin proceedings, except divorce, or to continue, compromise, defend or settle and legal proceedings on my behalf</b></p>	<p><b>+ Make arrangements for the temporary care, education and financial support of my minor children or others I care for or support</b></p>

## POWERS FOR HEALTH AND PERSONAL CARE MATTERS

### Minor & major health care

Minor health care includes examinations, immunizations, medications.

Major health care includes surgery, anything with general anesthetic, kidney dialysis, chemotherapy.

These power are defined in the Health Care Consent Act.

**Note:** you cannot authorize your Representative to refuse life support on your behalf in an Agreement with only standard powers. However, if your Representatives(s) has authority for minor and major health care, they will be included in life support decisions for you. Such decisions would be by majority agreement of the medical team (that it is medically appropriate), your Representative (who puts forward your wishes and preferences) and other family members who may know your wishes.

### + Refuse consent for specific kinds of health care, including life-supporting care or treatment

This authority would give your Representative(s) the final and sole say on refusing life support for you. They must do this according to your wishes.

### + Consent to the kinds of health care prescribed under section 34 (2) (f) of the Health Care Consent Act:

**Note:** There are listed in the Regulation and include:

- abortion;
- electro convulsive therapy (ECT);
- experimental health care where the risk is not outweighed by the benefit;
- participating in a health care or medical research program not approved by a committee that approves such in B.C.

### + Give consent, to specific kinds of health care, even if I am refusing to give consent at the time the health care is provided;

This power is for situations where an illness or condition affects your judgment or perception such that you will deny or refuse care or treatment that, when you are well, you know you want. This power lets your Representative(s) override your denial for help when ill, and consent to treatment you specified when you were well. Some examples of conditions where this might be usefull include a mood disorder, dementia, anorexia, addiction.

<p><b>Personal care</b></p> <p>Includes diet, exercise, where I live and with whom, spiritual or religious traditions and activities, arranging home support, caring for pets, etc.</p>	<p><b>+ Consent or refuse consent to physically restrain, move or manage me or have me physically restrained, moved or managed, when necessary and despite my objections</b></p> <p><b>+[Admission to any kind of care facility]</b></p> <p>The authority to consent or refuse consent to care facility admission, is described in the Representation Agreement Act. The Act differentiates between types of facilities covered in standard powers versus additional powers. However, these types make reference to a care facility proposal under the Care Facility Admission Act, which is not in effect. In the meantime, consenting or refusing consent to care facility admission is likely covered under personal care (where I live and with whom) in standard powers but should probably also be specified. And, if you are making an Agreement with additional powers, include it as an additional power.</p>
---	--

**Public Guardian and Trustee of British Columbia**  
**700-808 West Hastings Street**  
**Vancouver, British Columbia V6C 3L3**  
**Phone: 604-660-4444**  
**Fax: 604-660-0374**  
**Email: [mail@trustee.bc.ca](mailto:mail@trustee.bc.ca)**